
4.9 - Land Use and Planning

4.9.1 - Introduction

This section describes the existing setting for land use and planning and potential effects from project implementation on the sites and their surrounding areas. It also considers impacts likely to be incurred in the future if additional sites are proposed or if existing sites are modified.

4.9.2 - Existing Conditions

General Plan

The County of Riverside encompasses approximately 7,300 square miles of land area. Within that area lie approximately 25 incorporated cities and scores of unincorporated communities. Unless covered under some other arrangement, areas that are not a part of an incorporated city are typically under County jurisdiction and thus subject to the provisions of the County's General Plan and/or Area Plans. Areas within incorporated cities typically operate under their own General Plans. The County, however, enjoys primacy and sovereign immunity over these local plans, to the extent allowed by State laws governing the relationships between the State, counties, and local jurisdictions.

The County's General Plan is intended to provide overall guidance in regards to future development and growth within the County. It establishes goals and policies that serve to direct decisions related to land use and planning. Various General Plan policies provide direction in regards to public safety functions and the infrastructure that supports those functions. As a rule, those policies place public safety as a priority for governmental decisions and actions within the County. The Safety Element of the General Plan defines communication facilities as "Critical Facilities" and "Lifeline Facilities", meaning that these services are critical to public safety and health, especially in times of emergency.

Habitat Conservation Plans and other Regional Plans

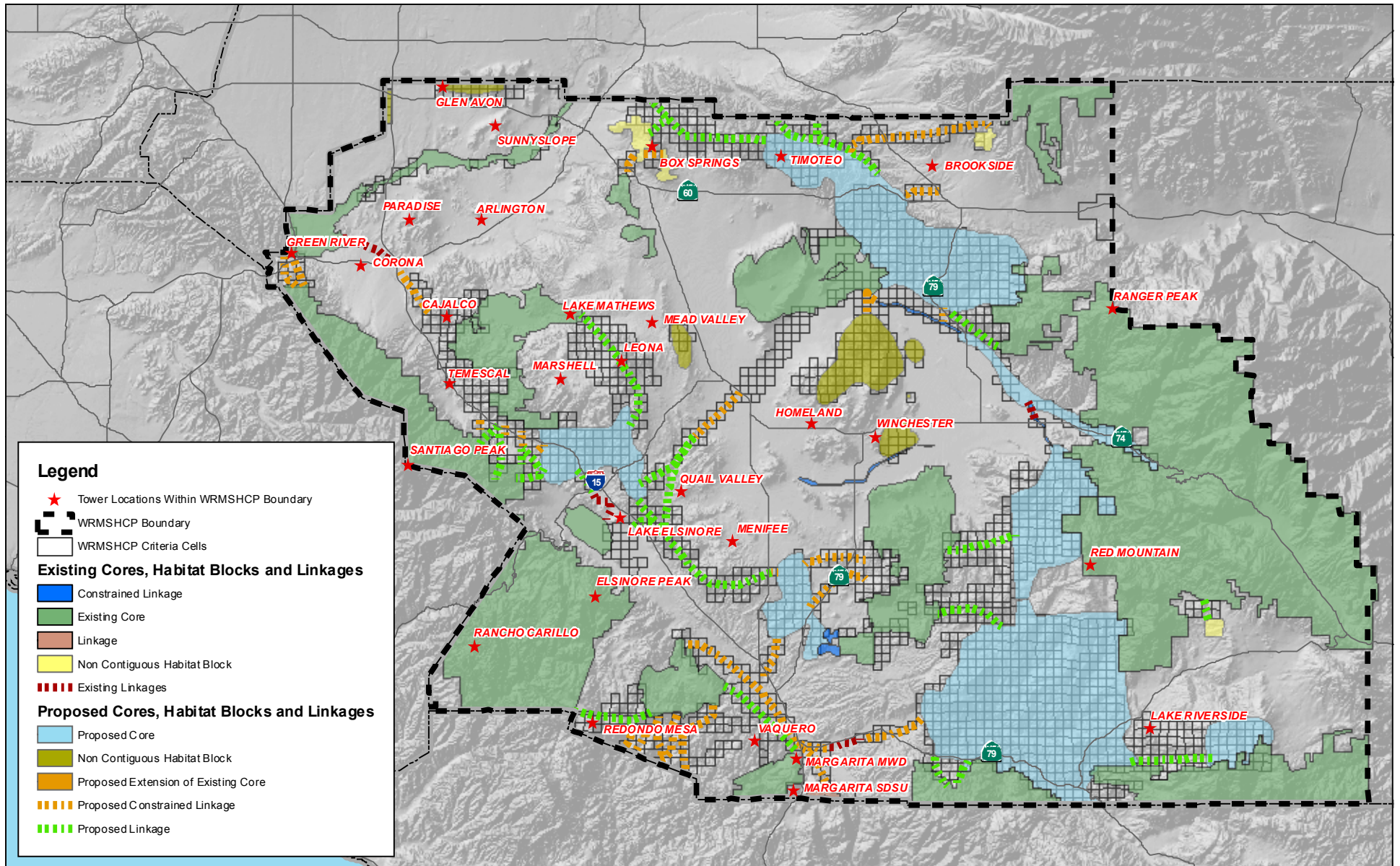
The proposed tower locations and associated study areas are dispersed across a vast area and are subject to compliance with an array of resource management plans. Table 4.9-1 lists each of these plans and shows the number of proposed sites within each planning area. Following Table 4.9-1, a brief description of the various plans is provided. For more detailed information on these plans and their requirements, see Section 4.4, *Biological Resources*, of this DEIR. Even more detailed information is provided in the project Biological Resources Assessment, provided as Appendix B of this DEIR.

Table 4.9-1: Proposed Locations within Regional Resource Management Plans

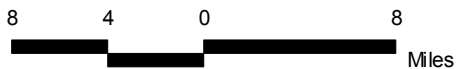
Plan Name	Number of Sites*
Western Riverside County Multiple Species Habitat Conservation Plan (WRMSHCP)	25
Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)	5
Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP)	15
Bureau of Land Management (BLM) Coachella Valley Plan Amendment to the California Desert Conservation Area Plan	1
Bureau of Land Management (BLM) Northern and Eastern Colorado Desert Plan Amendment	7
Bureau of Land Management (BLM) South Coast Resource Management Plan	3
Bureau of Land Management (BLM) Yuma Resource Management Plan	1
U.S. Forest Service (USFS) San Bernardino National Forest Management Plan	2
U.S. Forest Service (USFS) Cleveland National Forest Management Plan	4
U.S. Fish and Wildlife Service (USFWS) Designated Critical Habitat	8
Sites not within a regional plan area or designated critical habitat area	4
*Some sites may be included in more than one plan area	

Multiple Species Habitat Conservation Plans (MSHCPs)

Portions of the County are subject to the regulations of Multiple Species Habitat Conservation Plans (MSHCPs). In western Riverside County eastward, up to and including the City of Banning, the Western Riverside County Multiple Species Habitat Conservation Plan (WRMSHCP) is the governing plan. From the easterly boundary of the City of Banning to the community of Desert Center east of the Coachella Valley, the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) is the governing plan. Section 4.4, *Biological Resources*, of this DEIR provides detailed information on the provisions of the plans and the sites to which they apply. These plans were established to direct the course of developmental actions that could impact sensitive species and habitats. The principal intention of the plans is to oversee compliance with both federal and state laws that govern endangered species. Signatories to the plans, of which the County is one, are required to abide by the terms and conditions of the plan whenever they propose a project that is covered by the plans. The PSEC radio tower project is a covered activity, and the County will be required to abide by the plan's requirements, including project review by the Riverside Conservation Authority and the payment of applicable fees. Maps of the WRMSHCP and CVMSHCP are provided as Exhibit 4.9-1 and Exhibit 4.9-2, respectively.



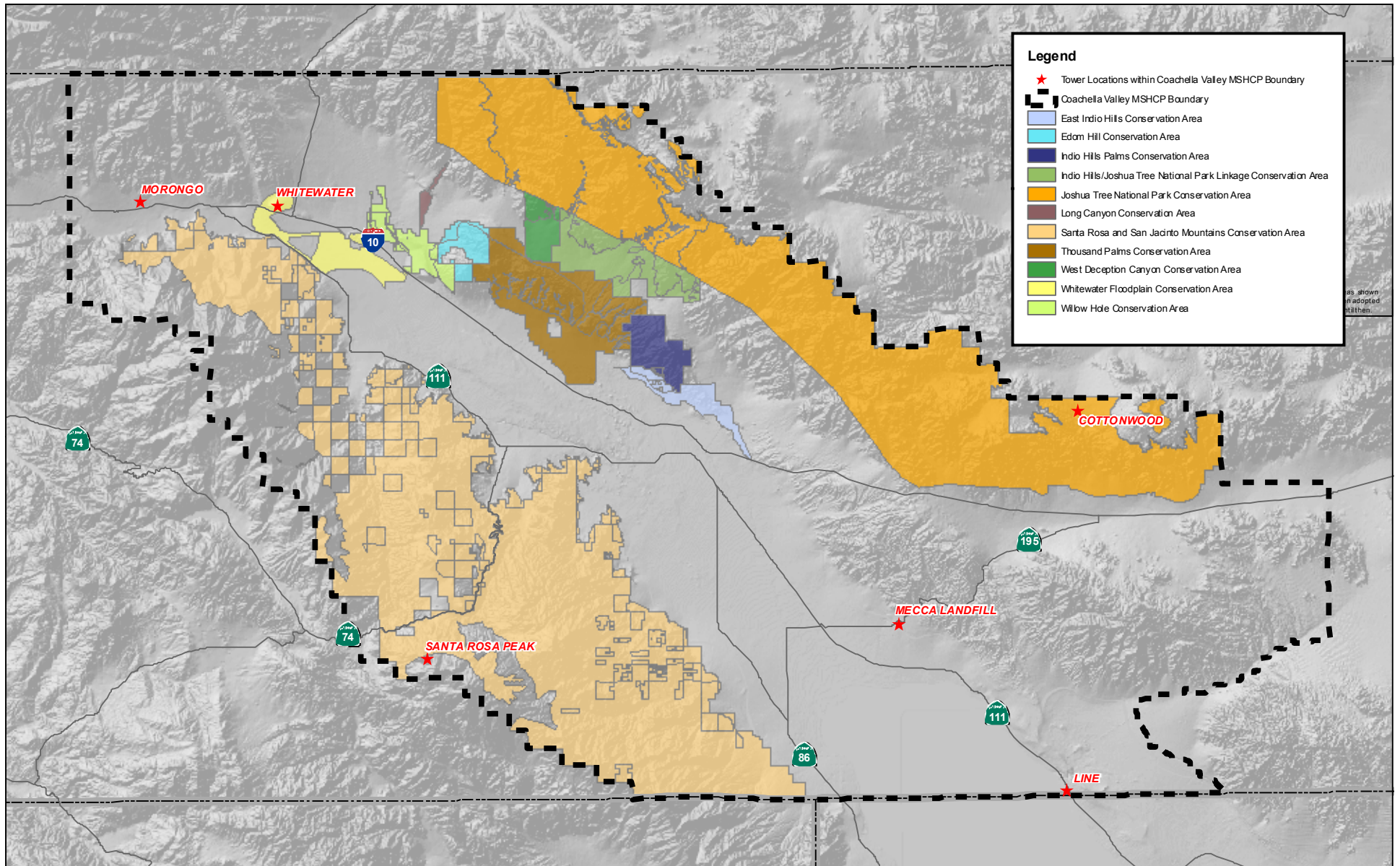
Source: USGS NED, Riverside County MSHCP, Census 2000 data.



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Exhibit 4.9-1
 Western Riverside County
 Multiple Species Habitat Conservation Plan Map

COUNTY OF RIVERSIDE • PSEC PROJECT



Legend

- ★ Tower Locations within Coachella Valley MSHCP Boundary
- ▬ Coachella Valley MSHCP Boundary
- East Indio Hills Conservation Area
- Edom Hill Conservation Area
- Indio Hills Palms Conservation Area
- Indio Hills/Joshua Tree National Park Linkage Conservation Area
- Joshua Tree National Park Conservation Area
- Long Canyon Conservation Area
- Santa Rosa and San Jacinto Mountains Conservation Area
- Thousand Palms Conservation Area
- West Deception Canyon Conservation Area
- Whitewater Floodplain Conservation Area
- Willow Hole Conservation Area

as shown
in adopted
plan.

Source: CVAG.

Exhibit 4.9-2
Coachella Valley Multiple Species Habitat
Conservation Plan Map

Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP)

The SKRHCP was adopted in 1996 to protect lands in the western portion of the County occupied by the Stephens' kangaroo rat (SKR). The plan authorized the incidental take of half of the occupied habitat remaining in the plan area, while using development fees to implement the plan, purchase private property, and create a reserve system. This reserve system sought to protect the largest contiguous fragments of remaining habitat on public and private land. Initially, the SKR reserves encompassed 41,000 acres, 12,460 acres of which contained occupied habitat. The plan also requires that the reserve system be expanded over time, until 15,000 acres of occupied habitat are conserved. A map of the SKRHCP plan area is provided as Exhibit 4.9-3.

Designated Critical Habitat Areas

Critical Habitat is designated by the U.S. Fish and Wildlife Service (USFWS) in response to a species' listing under the Federal Endangered Species Act (FESA). Critical habitat designations that impact the proposed project include designations for the Quino checkerspot butterfly, Coastal California gnatcatcher, desert tortoise, and Munz's onion. A map of designated critical habitat areas is provided as Exhibit 4.9-4.

Federal Agency Management Plans

Management plans adopted by the various federal agencies for federally owned lands in the County also contain their own habitat conservation requirements. These agencies include the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS). Future sites could include plans administered by the National Park Service (NPS). Any sites located on lands under the jurisdiction of these agencies will be required to comply with agency requirements as dictated by the applicable management plan. Sites on federal lands will also be required to undergo review under the terms of NEPA. A map of federally managed land plan areas is provided as Exhibit 4.9-5.

4.9.3 - Thresholds of Significance

According to the CEQA Guidelines' Appendix G, Environmental Checklist, to determine whether hazards and hazardous materials are significant environmental effects, the following questions are analyzed and evaluated:

- a) Physically divide an established community?
- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?
- c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?

4.9.4 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Divide Established Community

Impact LUP-1	Physically divide an established community? [CEQA Land Use and Planning 9(a)]
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Impact Analysis

As described in Section 3, *Project Description*, each tower site will be relatively small and will consist of an approximately 65-foot-by-65-foot area, or 4,225 square feet. This area roughly equates to half the size of a small subdivision residential building lot. The project areas are not linear in nature, nor do they possess the physical characteristics (size, shape or function) that could physically divide an established community. Therefore, the potential impact of any project site in regards to dividing an established community is less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

Less than significant impact.

Conflict with Applicable Plans, Policies, or Regulations

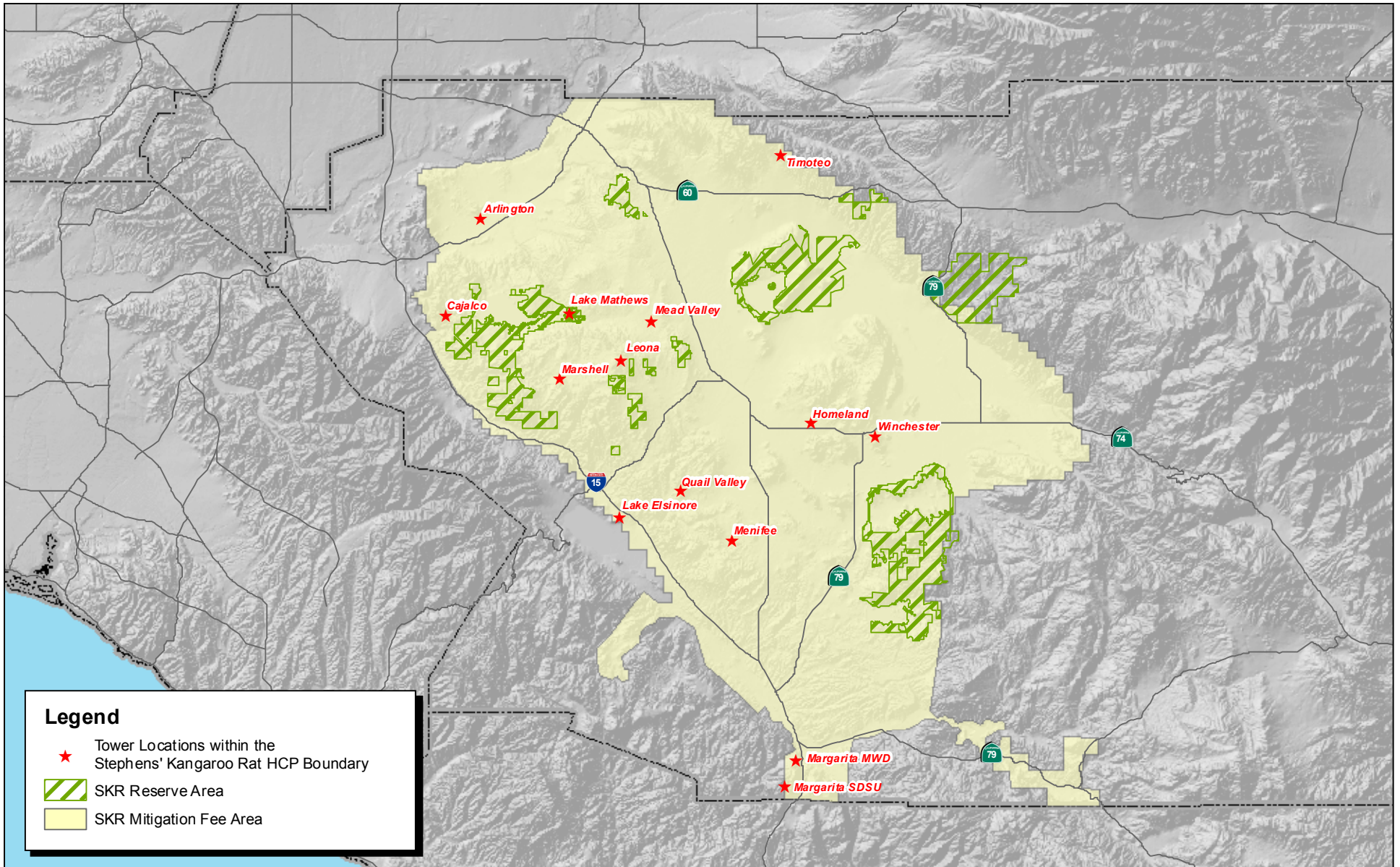
Impact LUP-2	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? [CEQA Land Use and Planning 9(b)]
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Impact Analysis

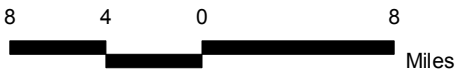
Through its General Plan and other enabling documents, the County is authorized to undertake actions that provide for the general protection and welfare of the citizens of the County. The provision of a reliable emergency services communication network is an action that is consistent with this function. Many of the County's cities contract with the County Sheriff and Fire Departments for protective services, and will thus indirectly use the facilities themselves.

In situations where the proposed action could conflict with adopted local ordinances, codes, or other regulations, the County enjoys primacy and sovereign immunity over these restrictions, so long as the purpose of the project is for direct county public use for the greater good of the community.

Therefore, the proposed project does not conflict with applicable plans, policies, or regulations, and the impact in this regard is less than significant.



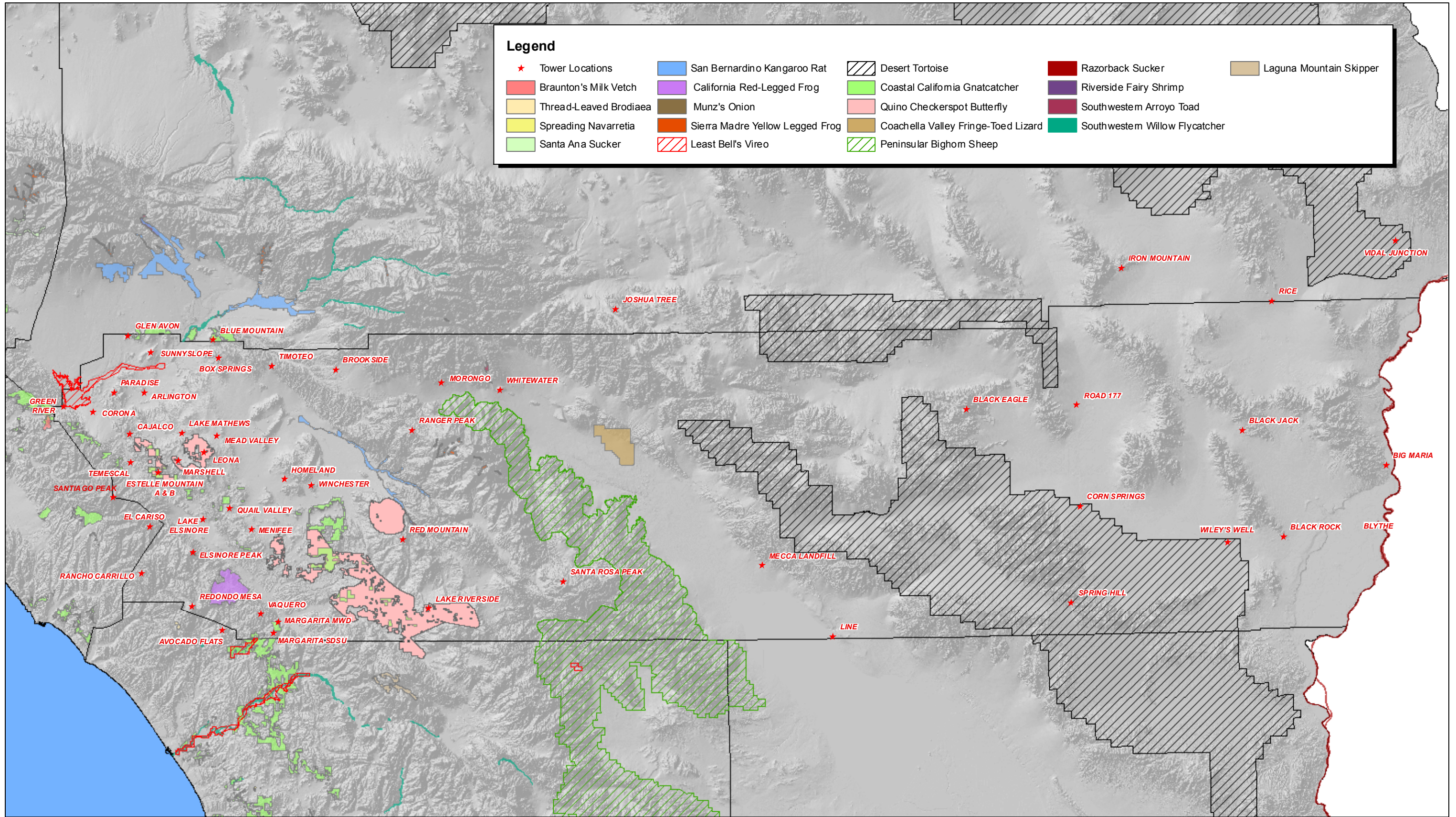
Source: USGS NED, Riverside County MSHCP, Census 2000 data.



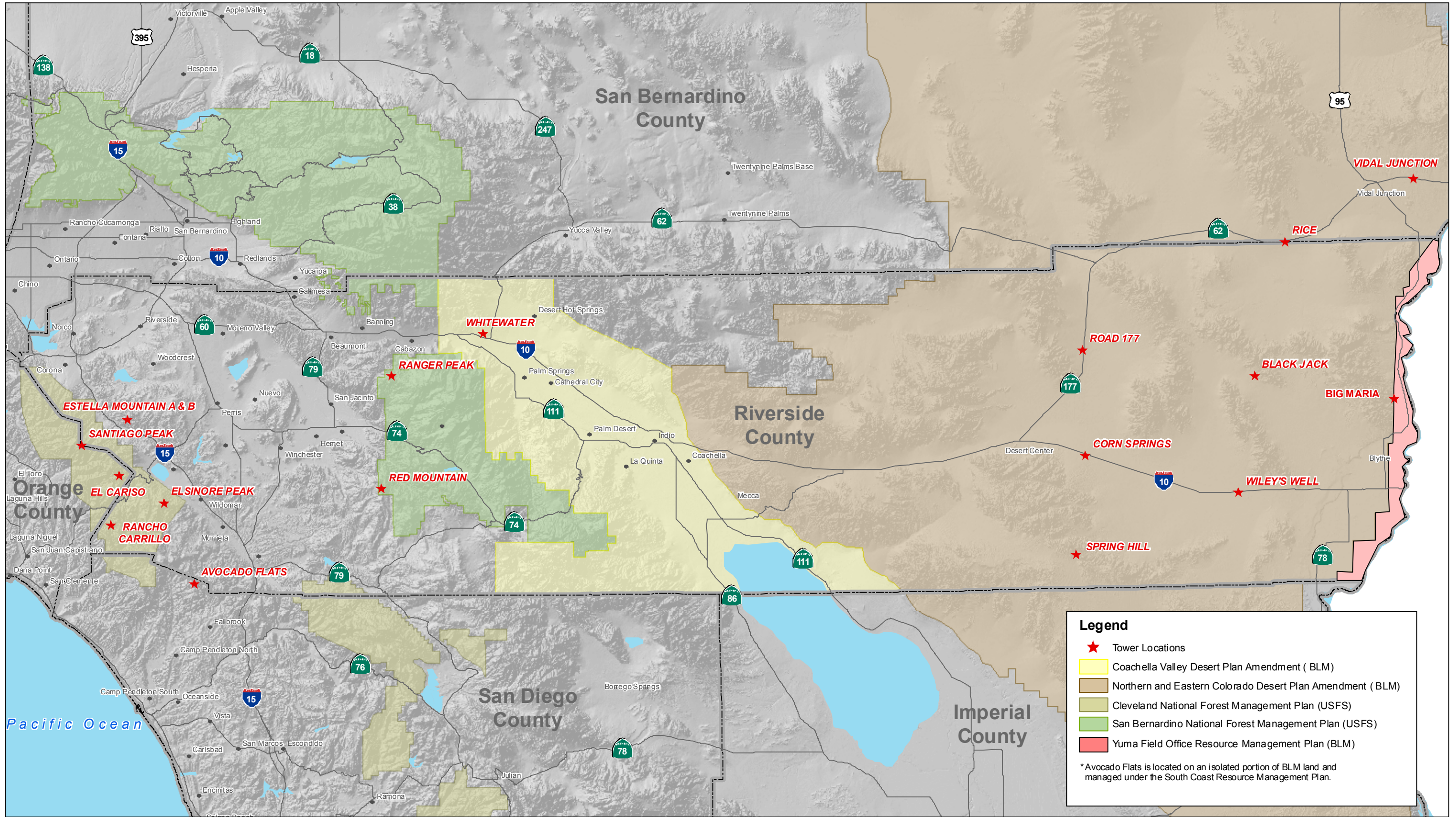
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Exhibit 4.9-3
 Stephens' Kangaroo Rat
 Habitat Conservation Plan Map

COUNTY OF RIVERSIDE • PSEC PROJECT



Source: US Census data and Riverside County.



Source: US Census data and Riverside County.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

Less than significant impact.

Conflict with Conservation Plans

Impact LUP-3	Conflict with any applicable habitat conservation plan or natural communities conservation plan?
	[CEQA Land Use and Planning 9(c)]

Impact Analysis

The proposed tower locations and associated study areas are dispersed across a vast area and are subject to compliance with an array of resource management plans. See Table 4.9-1 for a list of these plans and the number of proposed sites within each planning area.

Some of the project sites are within the boundaries of a MSHCP. See Section 4.4, *Biological Resources*, for an overview of the MSHCP concept and its requirements. As a signatory to both the WRMSHCP and the CVMSHCP, any County action that falls under the requirements or within the confines of either MSHCP planning area requires compliance with the applicable plan. As such, the County and the proposed project will be required to abide by the conditions outlined in the plans. Where applicable, compliance with the MSHCP, including the payment of fees or purchase of mitigation land to replace lost habitat, will be undertaken as part of this project. Specific mitigation is included in this DEIR that will require the project to abide by these agreements before development in these areas can commence. See Section 4.4 for detailed information on specific requirements. Compliance with these requirements will result in an impact of less than significant.

Other sites are proposed in areas under the jurisdiction and ownership of federal land management agencies (BLM, USFS) or are in areas included within the SKRHCP or areas designated by the USFWS as Critical Habitat. Sites located within any of these areas will be required to comply with the conditions prescribed in these agency's land use plans. These conditions may include, among other requirements, development review by the applicable agency to ensure plan compliance, project review under NEPA, payment of fees, and consultation with the USFWS under the terms of the FESA. As required by existing laws and regulations, full compliance with these conditions will be required before any site under the jurisdiction of these plans can be developed. Compliance with these requirements will assure consistency with applicable conservation plans. Therefore, the project's impacts in this regard will be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is required.

Level of Significance After Mitigation

Less than significant impact.