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August 10, 2026

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File No: 10658-129399

Comments on the Galway Downs Project (CUP02303R1, CZ2000010, NE0009) and Draft Environmental Impact Report (SCH No. 2025010280)

Delivered via Messenger

Planning Department
Attn.: Russell Brady, Project Planner
4080 Lemon Street, 12th Floor, Riverside, CA 92502

Submitted on behalf of:
Save Ted -Temecula Equestrian District, Inc.
a California nonprofit corporation

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VIA MESSENGER

Riverside County Planning Department
Attn.: Russell Brady, Project Planner
4080 Lemon Street, 12th Floor
Riverside, CA 92502

RE: SAVE TED's COMMENTS ON THE GALWAY DOWNS PROJECT (CUP02303R1, CZ2000010, NE0009) & DRAFT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2025010280)

I. INTRODUCTION AND SUMMARY

We represent Save Ted - Temecula Equestrian District, Inc. ("Save TED"), a California nonprofit corporation specifically formed "[t]o promote and preserve the unique wine and equestrian culture of Temecula, California, by supporting local viticulture, equine activities, and related educational, historical, and cultural initiatives." Save TED supporters include equestrian landowners in the rural Equestrian District of the Temecula Valley Wine Country Community Plan ("WCCP") and are individuals directly affected by the Galway Downs Project ("Project").[1] Save TED appreciates the opportunity to comment on the Project and Draft Environmental Impact Report (SCH No. 2025010280, "DEIR"). Please include this written comment and the referenced Attachments/Exhibits 1–33 in the administrative record for the Project.

Attached as Exhibit 1 to this letter are specific questions and comments from Save TED supporters for the County of Riverside ("County") to address in considering the Project approvals and associated DEIR.

In sum, the Project as proposed conflicts with the current General Plan land use designation, obstructs the WCCP policies and requires a General Plan Amendment. The General Plan provisions as further detailed herein are binding on the County's ability to approve the Project as proposed. The unpermitted activities at Galway Downs, to date, have long-been the subject of the County Code Enforcement Department, issuing numerous cease and desists, recorded notices, lawsuits, and $220,000 in apparently outstanding civil fines and penalties for the direct costs of said County Code Enforcement actions. (See Exs. 9–10 & 12, Ltrs. From Riv.

[1] The Project is generally located on two parcels designated Rural Residential within the WCCP plan area (see App. Q to General Plan) within the Wine Country – Equestrian ("WC-E") designation and zone, identified by Assessor's Parcel Nos. 927-160-001 and 927-160-002 as listed at DEIR, App. C, Ntc. of Compl. & Envtl, Doc. Trans., DEIR SCH No. 2025010280, at p. 1 of 2.

Co. Code Enf. Dept. to Galway Downs re: Ntc. of Violation (May, June & Dec. 2018); and Ex. 11, Galway Downs Ltr. to Riv. Co. re: Promise to Rectify Not Honored (June 2018).) The DEIR does not disclose that the application for the current Project proposal was filed in 2015. (Ex. 8, PLUS Info re Progress CUP2303R1 & Galway Downs Appl. (July 9, 2015).) In direct contrast, the DEIR disregards this history and seeks to legalize a significant intensification of land uses that are far broader in effect and proposed in a manner that is directly incompatible with the vision and purpose expressed of numerous County documents detailed therein as well as in the County's own enforcement statements, which hold legal evidentiary value depending on the form of the document issuing said formal County statement.

As discussed in greater depth below, the DEIR fails as an informational document and *must* undergo substantial revision to correct errors and fully disclose, analyze, and mitigate Project impacts based on an accurate baseline and a complete, accurate, and stable Project Description. In accordance with section 15088.5 of the CEQA Guidelines (14 Cal. Code Regs. § 15000, et seq.), a substantially revised DEIR will need to be recirculated to resolve these issues and to provide the public with a meaningful opportunity to comment, among other issues detailed in part in summary fashion, below.

1. The DEIR's Project Description is legally deficient. It is incomplete, inaccurate, unstable, and fails to provide enough detail about the Project to enable informed decision-making and meaningful public participation and environmental review.

    a. The DEIR fails to disclose that a primary Project Objective is to resolve multiple outstanding code enforcement cases initiated by the County in 2018 in an attempt to compel Galway Downs to discontinue soccer tournaments/athletic/sporting events and other illegal activities at Galway Downs. (Exs. 9–10 & 12; and Ex. 11).) The DEIR does not disclose that the application for the current Project proposal was filed in 2015 (Ex. 8) and that Galway Downs proceeded with the activities and caused the adverse impacts to the environment and public infrastructure without first processing the application and undertaking mitigation.

    b. The DEIR also fails to disclose that the Project implements the TLMA Director's recent Settlement Agreement with Galway Downs that purports to conditionally allow the illegal uses to continue at Galway Downs while the Project application is being processed.[2] (Exs. 14 & 15, Settlement Agmt. (July 17, 2025) & First Am. (Dec. 19, 2025).) The County is no longer pursuing any enforcement action to remedy the adverse impacts to the environment and public infrastructure caused by Galway Downs' illegal activities, and is shifting the mitigation obligations, including without limitation the significant costs of upsizing rural-serving public roads and infrastructure, from Galway Downs and onto the public in a manner that is beyond unfair and dangerous to the public health, safety, and ability to evacuate in the event of a wildfire and in an area largely designated as a

[2] The TLMA Director approved the Settlement Agreement without any public process and without delegated authority for the TLMA Director to enter into such an agreement on behalf of the County.

Very High Fire Hazard Severity Zone, meaning it is an area that has been designated by the State Fire Marshal as having *the highest potential for wildfire hazard*.

c. The DEIR does not depict or describe the boundary of the area subject to the Project's zone change described at DEIR pages S-3–S-4 (Project Objectives I and J), 3-31, 3-33 & 3-34. The omission of an accurate "Project Site" description area and acreage subject to the proposed zone change prevents the decision makers and affected public from evaluating the scope of the expanded land use changes throughout the WC-E Zone, including private parcels owned by Save TED supporters, and the potential cumulative adverse impacts of those land use changes.

d. Unlike other private applicant zone change projects, the Project's zone change applies to all properties within the entire WC-E Zone, not only the Galway Downs property. The DEIR repeatedly describes and depicts the "Project Site" as comprising only the Galway Downs 241.6 acres. (See, for example, DEIR, pp. S-2, 2-2, 2-3.) The DEIR omits any figure showing the geographic area of the WC-E Zone that will be subject to the zone change and fails to disclose the total acreage subject to the zone change. The DEIR must be revised to accurately show and clearly describe the actual "Project site" area and acreage subject to the proposed zone change so that the decision makers and affected public can evaluate the potential cumulative adverse impacts of those land use changes.

e. Additionally, the Land Use Allocation Plan, Figure 3-7, at DEIR p. 3-7 confusingly labels different areas of the Galway Downs property as "*Zone 3*: Wine Country Equestrian Park Model Lodging", and "*Zone 5*: Equestrian Recreational Vehicle Park", giving the incorrect impression that these are the only areas subject to the proposed new "zone" change designations. This misleading information must be clarified by clearly depicting and describing the entire WC-E Zone as the Project area that is subject to the proposed zone change.

f. The zone change uses an undefined term, minimum "*operational* parcel" of 200 gross acres for the proposed expanded land uses. All other conditionally permitted land uses throughout Wine Country are tied to *minimum parcel* size. Both of the Galway Downs' parcels are under 200 acres. The Project's Notice of Preparation (DEIR App'x A, p. 1-9) discussed merger of the Galway Downs parcels as part of the Project, but the Project Description in the DEIR omits the merger. The zone change also does not define a minimum "operational" parcel to mean smaller parcels under common ownership or even adjacent parcels. Without any "operational parcel" definition, the zone change would allow other assemblages of smaller parcels throughout the Wine Country Equestrian (WC-E) Zone to qualify for the expanded uses. The cumulative impacts of this change must be disclosed and evaluated.

g. The zone change proposes to allow short term rentals (both overnight rental units and trailer parks), multi-use sports fields, and any other use that the Planning Director finds is substantially the same in character and intensity of those uses, throughout the WC-E Zone. It also dispenses with the 75% project area set-aside requirement that was established to keep the primary equine land use dominant, by changing the set-aside standards. The zone change would allow the soccer/sports fields, trailer parks and other non-equine activities (except permanent structures) on 100% of WC-E parcel assemblages established as "operational parcels". (DEIR, pp. 3-31, 3-33, 3-34.) The cumulative impacts of this change must be disclosed and evaluated.

h. The DEIR fails to include a full copy of the proposed revisions to Ordinance No. 348 as a technical appendix to the DEIR, as the County committed in the Project's Initial Study. (DEIR, App'x A, pp. 1-5, 1-8.) The full copy of the Project's proposed zone change revisions to Article XIVd (Wine Country Zones) in "clean" and "redlined" formats must be provided for the decision makers and affected public to view the changes in context and consider their potential adverse environmental impacts. The selected excerpts in Section DEIR 3.6.3 are not a substitute for the complete clean and redlined ordinance, particularly because they do not reflect the broader land use changes included in the Initial Study described in the Initial Study at Appendix A, including hotels, resorts, wineries, lodging facilities and campgrounds that are not mentioned in the DEIR.

i. The zone change proposes to add a new Section 14.96(D) allowing for any use throughout the WC-E zone that is "substantially the same in character and intensity" as the other allowable uses. This undefined land use category greatly expands the potential land uses allowable in the WC-E zone, and could explain why Appendix A lists hotels, resorts, wineries, lodging facilities and campgrounds that are not mentioned in the body of the DEIR. It does not "clarify and refine the list of definitions, list of conditionally permitted uses, and development standards" for the WC-E zone. (DEIR, p. S-4.) The Project Description must be revised to clarify that hotels, resorts, wineries, lodging facilities and campgrounds are not substantially the same in character and intensity as other allowable uses in the WC-E Zone and would require a General Plan Amendment. Otherwise, the cumulative impacts of this change must be disclosed and evaluated.

2. The DEIR improperly relies on Galway Downs' own, unauthorized and illegal uses to establish an inflated baseline to minimize impacts in comparison, e.g., traffic levels include peak travel from Galway Downs' current, unlawful operation of large-scale commercial uses onsite. The DEIR's description of environmental setting is legally deficient. Information about the Project history, including the County's approval of the 2011 Mitigated Negative Declaration, illegal activities at Galway Downs since that time, and the TLMA Director's Settlement Agreement with Galway, is necessary for decision makers and the affected public to evaluate and comment on the appropriateness of the

"baseline" against which the Project impacts and mitigation are measured. The DEIR cites court cases to justify its use of a baseline that includes the ongoing illegal uses at Galway Downs. But those cases all involve situations where the illegal uses had either been discontinued or would be remedied by a separate enforcement action. The adverse impacts to the environment and public infrastructure caused by Galway Downs' illegal uses are no longer being pursued by any enforcement action, are not being accounted for in the DEIR, and the costs of upsizing public roads and infrastructure to mitigate those impacts are being unfairly shifted from Galway Downs to the public.

3. The Project's proposed zone change and noise exception are overbroad and under-analyzed in the DEIR, as well as inconsistent and obstructive to established General Plan and WCCP policies. The DEIR further fails to disclose the Project's inconsistencies with the General Plan and WCCP, including the following:

    a. Inconsistencies with the Rural Residential and WCCP designations and associated requirements, including allowable uses, compatibility with the area, and roadway adjacency requirements;

    b. Inconsistencies with requirements to avoid land use conflicts and to ensure that development does not adversely impact the open space and rural character of the surrounding area;

    c. Inconsistencies with the requirement to ensure that future growth is balanced and coordinated with appropriate public services, infrastructure and other basic necessities and to ensure that adequate and available circulation facilities, water resources, sewer facilities and/or septic capacity exist to meet the demands of the proposed land use;

    d. Inconsistencies with various General Plan Safety Element fire related policies including requiring proposed development in High or Very High Fire Hazard Severity Zones be located where fire and emergency services are available or will be constructed as part of the proposed development activities; and,

    e. Inconsistencies with fundamental General Plan policies on developing and implementing an integrated trail network including requiring that all development proposals located along a planned trail provide access to and construct their fair share portion of the trails system, provide buffers between streets and trails, and provide improvements.

4. The DEIR's list of Project approvals must be corrected to include:

    a. a General Plan Amendment to revise the WCCP to address the conflicts (discussed above and below);

b. a parcel merger as discussed in the Initial Study to conform the Project site to the 200-acre parcel size required for the Project uses proposed, or else a clear definition of the term, "operational parcel" (discussed above); and

c. a release of the notices of violation recorded against the Project site as necessary to approve the Conditional Use Permit ("CUP") revision. The County Code provides that the County will not approve a CUP "unless [Galway Downs] demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community." (County Code, § 17.200.050.) In recording notices of violation against the Project site, the County concluded that the Project's land uses are "a public nuisance which adversely impacts the surrounding community and the public." (Ex. 10, Riv. Co. Code Enf. Ltr. to Galway Downs re Ntc. of Violation (June 5, 2018), p. 1.) Thus, the County cannot approve the Project without rescinding its previous finding and releasing the notices of violation.

d. Additionally, no mention is made of the outstanding abatement costs that the County imposed on the Project to reimburse the County's investigation costs, attorneys' fees and administrative fines since the inception of the May 2018 code enforcement case, amounting to $220,000.00 as of December 2018 (see Ex. 12, p. 2). The Project description should include payment of these costs, or else the Project approvals should include any release of the outstanding abatement costs, and the Project should be classified and tracked as a "public work" on account of the public subsidy.

5. The DEIR inappropriately modifies and removes approved mitigation measures from an earlier approved mitigated negative declaration. DEIR Table S-1 should be revised to list the mitigation measures in the February 2011 Mitigated Negative Declaration ("MND") approved by the County in February 2011 (Director's Hearing) and June 2011 (Planning Commission) for Galway Downs' then-proposed plot plan to permit many of the same sporting events and other land uses included in the current Project proposal. (See Ex. 2, Planning Comm. Approval Pkg. Staff Rept. for Plot Plan No. 24752 [summarizing Planning Commission approval provided in response to public record requests].) The County did not rescind its approval of the plot plan MND when Galway Downs withdrew its plot plan application at that time, and the approved mitigation measures remain in effect. The DEIR's proposed changes to those County-approved mitigation measures must be disclosed and evaluated.

6. The 2011 MND states, "The Transportation Department and California Department of Transportation required a traffic control plan and a left turn lane to be constructed on Los Caballos Road to address traffic generated by the project." (Ex. 4, MND, p. 33; and Ex. 2, Staff Rept., p. 157.) Galway Downs never installed the required mitigation improvements and now seeks to have a portion of the costs attributable to its own land use activities paid for by public funds. The Project's "fair share" contribution must be

recalculated, or the Project must be classified and tracked as a "public work" on account of the public subsidies.

7. The DEIR must be revised to disclose, analyze and mitigate the following potential adverse impacts:

    a. Land use conflicts

        i. Conflicts with the existing General Plan, Southwest Area Plan and WCCP;

        ii. Conflicts with existing equestrian uses and residential uses surrounding the Galway Downs Project site; and

        iii. Conflicts with use of designated equestrian trails and failure to provide required safety buffers and improvements for equestrian trail users.

    b. Emergency evacuation times

        i. Conflicts with the existing General Plan, Southwest Area Plan and WCCP safety policies;

        ii. Modeling and analysis of evacuation scenarios, timing and capacity; and

        iii. Evaluation of an evacuation plan and evacuation routes, including regional egress routes.

The DEIR's failures result in a flawed environmental analysis and process that lacks meaningful public review and informed decision making, both of which go to the very heart of CEQA:

> When reviewing whether a discussion is sufficient to satisfy CEQA, a court must be satisfied that the [CEQA document] ... includes sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises... .

(*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510.)

To correct the procedural and substantive deficiencies, Save TED asks the County to:

- Provide public notice of all public hearings on the Project to all landowners within the WC-E Zone in the manner required by County Code sections 17.280.030 and 17.280.040, and Jeffries/Washington expanded notice requirements approved by the Board of Supervisors on April 28, 2015, attached as Exhibit 7;
- Correct the deficiencies in the Project Description and ensure that it is stable, accurate, and finite throughout the DEIR and all associated appendices and modeling inputs;

- Revise the DEIR to address the additional deficiencies discussed in this comment letter;
- Disclose the Project's inconsistency with the General Plan policies established to promote and preserve the distinctive equestrian character of the Temecula Valley WCCP's Equestrian District, which were derived from citizen involvement over a period of many years and require Project revisions either to conform to the General Plan or process a General Plan Amendment;
- Correct the environmental baseline and Project fair share calculation to disclose, analyze and mitigate the adverse impacts to the environment and public infrastructure caused by the unpermitted activities at Galway Downs since the County approved the 2011 MND, including, without limitation, by analyzing the increase in vehicle trip counts and intersection delays, and to impose mitigation obligations on the Project, rather than rely on use of public funds; and,
- Recirculate the DEIR for *meaningful* public review and comment.

II. REQUEST FOR NOTICE (PUB. RESOURCES CODE, §§ 21092 & 21167; GOV. CODE, § 65092)

Please note that we request notices of CEQA actions and notices of any public meetings, hearings and opportunities for comment. This request is made pursuant to Public Resources Code sections 21092.2 and 21167, subdivision (f), and Government Code section 65092, which require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body. Please send notices by U.S. mail and electronic mail to:

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III. RELEVANT PROJECT BACKGROUND AND HISTORY OF CODE ENFORCEMENT, CIVIL FINES, AND PENALTIES.

A. The County Already Concluded That the Project's Uses Are Unauthorized, Illegal, and a "Public Nuisance Which Adversely Impacts The Surrounding Community and the Public".

Galway Downs' property is generally located at 38801 Los Corralitos Road in unincorporated Riverside County, north of Highway 79, east of Los Corralitos Road, south of Los Caballos Road and west of Pauba Road (the "Property"). For more than a decade, the Property owner has hosted unauthorized and unpermitted uses that are far more intensive than rural equestrian uses, including regional soccer tournaments/athletic events and other large events and short-term rentals.

Instead of discontinuing the illegal uses, the Project proposes to change the County Code to legalize them based on an environmental review that compares to an inflated baseline. Exhibit 10 includes a Schedule of Events from October 2025 that is demonstrative of the sheer number of large-scale tournaments/events happening onsite prior to any approvals. Moreover, Galway Downs' Event Management Plans (Exs. 14-15, Agmt. & First. Am..; with Exs. 16–21, Galway Downs Event Mgt. Plans & Sched.) show that those uses have supplanted, rather than promoted, Galway Downs' present designations and zoning intended to preserve the rural, equestrian activities along with the existing utilities and infrastructure designed to suit that lesser intensity of use. For example, the Property's primary use is now large-scale regional soccer events, which are ***not*** permitted in the WC-E zone. Onsite parking generates income for Galway Downs, but years of parking cars within the "race track" area for these events have compacted the "race track," making it unusable for horse racing use. Weekend traffic renders the existing roadside equestrian trails unusable and unsafe for the community's riders and horses. Amplified noise and high-pitched whistles spook horses at neighboring properties. Traffic noise, trash, dust, and other pollutants result from the sheer volume of vehicles and people using the Galway Downs Property for regional soccer in a rural area without adequate roads and sewer infrastructure.

These activities at Galway Downs, which the Project now seeks to legalize, have turned this rural, equestrian community with single-lane roads into a chaotic, noise-filled traffic jammed nightmare every weekend, impairing residents' access to and from their homes, preventing them from safely riding their horses on the area's roadside equestrian trails, creating safety hazards by obstructing line of sight at intersections and driveways, and increasing fire and safety vehicle response times in a Very High Fire Hazard Severity Zone and designated evacuation route. The present infrastructure is intended to support the present designation and zoning, but the levels of traffic, noise, dust, and trash generated by the unpermitted activities at the Project site is demonstrative of an incompatible intensity of use at Galway Downs.[3]

[3] Such uses are so obstructive to the use and enjoyment of surrounding owners' property that they have alleged and are actively litigating claims for nuisance and related issues inconsistent with the community's rural residential life and equestrian uses, which are also presently controlling designations and zoning covering the offending Property.

For example, the picture below shows traffic extending into the distance and out of the frame of the picture along Los Caballos Road, a road with only one lane in each direction. This was on a weekend in February 2025 when Galway Downs hosted the SoCal State Cup Youngers Tournament.

The image below shows long line of headlights disappearing into the horizon after an event at Galway Downs, showing strain on road and infrastructure at Pauba and Anza Roads.

The image below shows the racetrack being used as a parking lot without protective seal or asphalt. Years of high volume passenger vehicle and heavy-duty trucks for vendors/buses for sports teams is an issue that should be independently evaluated for potential impacts.[4]

The Project Applicant purchased the Property with the original CUP No. 2303 allowing certain equestrian and compatible uses. The Applicant consistently violated the CUP and other County requirements and approvals for well over a decade, and the County has recorded notices of violation against the Property and taken code enforcement action with significant abatement fines. The DEIR fails to disclose the actual, existing condition of the Property, and instead says "the full range of activities occurring at the facility under baseline conditions has coexisted continuously with the surrounding RR, WC- E, A-1-10, and R-A-10 designated and zoned lands since 1968." This is inaccurate, false, and directly contradicts the County's previous determination that these unpermitted uses constitute "a public nuisance which adversely impacts the surrounding community and the public." (Ex. 10, p. 1.)

The Project history, which is currently omitted from the DEIR *must* be included in the DEIR for decision-makers and the affected public to be able to meaningfully evaluate and comment on the appropriateness of the "baseline" against which the Project's potential adverse impacts and mitigation are measured. CEQA does not countenance a property owner openly violating existing General Plan designations and zoning with known adverse environmental impacts and ignoring previously approved mitigation measures, particularly in a manner so wanton in its threat to public health, safety and welfare, and the County using that history as an artificial measure to minimize the proposed Project. In fact, right after purchasing Galway Downs, Galway Downs submitted an application for a plot plan in 2011 for the same type of uses

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[4] Soils in and around the race track should be tested for contaminants and other impacts as a result of this longstanding unauthorized/illegal use and the DEIR revised to analyze and address impacts and mitigation for the same.

currently applied for. (Exs. 2-4, Staff Rept., 2010-2011 Traffic Study & MND w Conditions of Approval.) In effect, this establishes that—from the very start—Galway Downs has always known that what they planned to do was illegal without the requisite approvals and they just did it anyway.

Notably and in conjunction with this 2011 application, the California Department of Transportation ("Caltrans") reviewed a traffic assessment commissioned by Galway Downs and made the following insightful comments, among others:

- Intersections along State Route ("SR") 79 that would be potentially impacted included Butterfield Stage Road and Temecula Parkway; Anza Road and SR-79; Los Caballos Road and SR-79; and Pauba Road and SR-79;
- The level of service for the intersection of Los Caballos Road and SR-79 would be LOS F, such that the Project must improve this intersection by the addition of a left turn lane on eastbound SR-79 going north to Los Caballos Road; and,
- The additional traffic generated by the proposed project may increase the probability of accidents and state liability on SR-79 if no improvements are implemented as part of the project.

(See Ex. 29, Dept. of Trans. Ltr. to Riv. Co. re Traffic Assessment for Galway Downs.)

This 2011 application included a plot plan, for which, the County approved a mitigated negative declaration, the MND as defined above, that, among other things, imposed infrastructure conditions and mitigation measures to address the Project's impacts. The Plot Plan and Plot Plan MND were approved by the Planning Commission. (Ex. 2, p. 157.) In January 2012, before an appeal of the Planning Commission's Plot Plan approval was heard by the Board of Supervisors, Galway Downs withdrew its application but the County did not rescind its approval of the Plot Plan MND. (See Ex. 30 Ltr. from R. Johnson J&S to Riv. Co. re Appeal (Feb. 15, 2011).) Accordingly, it follows that the approved mitigation measures remain in effect.

Galway Downs later applied for and then withdrew a substantial conformance application seeking approval of the soccer/athletic/sporting events.

The current Project application was filed in 2015 and a series of escalating code enforcement actions and abatement fines ensued. (Ex. 8, PLUS Info re Progress CUP2303R1 & Galway Downs Appl. (July 9, 2015).)

In April 2017, the County's Office of County Counsel explained that only the uses allowed under the original CUP No. 2303 may take place on the Property. In December 2017, the County's then-Assistant TLMA Director, Clarissa Leach, sent a memorandum to Galway Downs reiterating that athletic/sporting events are not permitted in the Property's WC-E Zone (the "2017 County Memorandum", attached as Ex. 26.) The 2017 County Memorandum further detailed the allowable uses and addressed the other uses that Galway Downs wished to accommodate as separated into proposed use categories A, B, C and D:

> Group A represented "uses that may continue to operate under Conditional Use Permit 2303" including horse events, training and boarding;
>
> Group B proposed new uses that Galway Downs may propose and that such uses are

currently permitted under the Wine Country-Equestrian Zone including farmers markets, and home and garden expositions;

Group C uses were those uses "not permitted under the WC-E Zone and would require a text amendment to Ordinance No. 348" including athletic/sporting events defined as "Lawn games (lawn bowling, field hockey, football, soccer and crocket) including games, tournaments and training" and camping/glamping.

Residential uses are listed in Group D.

Notwithstanding the 2017 County Memorandum, Galway Downs leased out the Property for the unpermitted soccer tournaments and other illegal land uses, prompting a code enforcement case against Galway Downs in May 2018. (Ex. 9.) The County Code Enforcement Department sent a Notice of Violation to Galway Downs for unpermitted land use activities including "soccer tournaments/Athletic Events/Sporting Events." The Notice of Violation required compliance with the County's Zoning Code (Ordinance No. 348) and that Galway Downs discontinue its illegal uses. Galway Downs did not do so.

County Counsel then sent notice to Galway Downs to discontinue its illegal soccer and sporting event uses, explaining that those uses are "a public nuisance which adversely impacts the surrounding community and the public. (Ex. 10, p. 1].) Faced with fines, penalties, and potential legal proceedings detailed in the June 2018 County Counsel Letter, Galway Downs begged the County to allow it to process entitlements for the illegal uses and promised not to contract for any further illegal uses until receiving the entitlements. (Ex. 11, p. 2.) Unsurprisingly, Galway Downs did *not* honor that promise and, instead, contracted for even more illegal uses and conducted unpermitted activities on the Property without mitigating the demand on County infrastructure or the adverse impacts to the surrounding community. County Counsel then issued a second cease and desist letter, informing Galway Downs that its "violations at the Property have already resulted in abatement costs, including investigation costs, attorneys' fees and administrative fines" totaling $220,000 in civil penalties as of December 20, 2018. (Ex. 12.)

Galway Downs continued its illegal activities on the Property, prompting additional code enforcement action. In September 2022, as a follow up to a prior notice of violation and in conjunction with additional code enforcement cases against Galway Downs, the County Code Enforcement Department recorded three (3) notices of pendency of administrative proceedings for the continuation of unlawful uses on the Property. (Ex. 27, Riv. Co. Ntcs. of Pend. of Admin. Proceedings, Doc. Nos. 2022-0397259, 2022-0397260, 2022-0397261 (as recorded Sept. 16, 2022).) These recorded Notices of Pendency of Administrative Proceedings state the County's determination that the unpermitted activities, which the Project now seeks to legalize, are a public nuisance in violation of the County Code. Even then, Galway Downs' illegal uses continued.

On January 3, 2023, the County Code Enforcement Department issued a cease and desist order by letter to Galway Downs for all unpermitted and unlawful land uses and activities including athletic/sporting events as being in violation of Riverside County ordinance No. 348 (Ex. 13, Riv. Co. Code Enf. Dept. Ltr. to Galway Downs re: Cease & Desist (Jan. 3, 2023).) The 2023 Cease & Desist *again* told Galway Downs that athletic/sporting events "are unlawful in the

WC-E zone without a valid land use permit issued by the County" and ordered Galway Downs to immediately cease and desist all uses and activities related to unpermitted events at the Property. Following issuance of the 2023 Cease & Desist, Galway Downs requested, and the County granted, an extension to July 2024 for Galway Downs to bring the Property into full compliance. Galway Downs did not bring the Property into full compliance in that time period, and the County provided no further extensions.

In July 2025, in a shocking turn of events that was not subject to public review or analysis under CEQA, Galway Downs entered into a "Settlement Agreement" with the TLMA Director intended to authorize the Galway Downs' ongoing, illegal use of the Property while it processes the current Project proposal. (Ex. 14.) The "Settlement Agreement" admits that the County determined the "use of the Property violates Riverside County Ordinance Nos. 348 and 457," and that the Property has been the subject of County-issued notices of violation and cease and desist letters for years.

The repeated violations and history show that the soccer/sporting events impair, rather than protect and promote the Wine Country Equestrian District's equestrian and rural residential uses, including that roadside equestrian trails are not built to be in proximity to the heavy traffic demand that the proposed Project generates. The Settlement Agreement is demonstrative of the fact that the County is no longer seeking to have Galway Downs remedy the adverse impacts to public infrastructure and the surrounding community caused by its illegal activities by way of enforcement proceedings. The DEIR's use of a 2023 baseline shows that the County is not seeking to have the Galway Downs mitigate the adverse impacts to public infrastructure and the surrounding community by way of CEQA mitigation measures or Project conditions of approval. Instead, the adverse impacts caused by the Galway Downs' illegal uses up to 2023 are proposed to be paid for by public funds as shown in the DEIR's "fair share" calculations for the Project.

The DEIR does not disclose that this is a change to the 2011 Plot Plan MND mitigation measures. The 2011 Plot Plan MND imposed mitigation measures on the Galway Downs that were required for the sporting/athletic events at the Property, including improvements at Los Caballos Road and SR-79 and dedication and improvement of recreational trails. Even though Galway Downs proceeded with the sporting/athletic events, these mitigation measures were ignored for the past 15 years, and the improvements were never installed. Now, 15 years later, Galway Downs proposes to perform the traffic related improvements with its contribution limited to only the "delta" between the impacts existing as of 2023 and the current Project proposal, with public funding responsible for mitigating the adverse impacts the Galway Downs caused during the past 15 years. Furthermore, the 2017 County Memorandum identifies that the uses were to be "analyzed accordingly." But instead, and despite these past assurances and what is typically required by the County, the DEIR confirms that the Galway Downs' past illegal uses will not be "analyzed accordingly," and will instead be used to serve as a baseline for environmental review. The impacted community is getting a "bait and switch", and Galway Downs is getting a windfall by the County using the Galway Downs' history of violations to shirk its duty to address and mitigate environmental impacts to public infrastructure and the surrounding community caused by its own demands.

None of the court cases cited in the DEIR permit the use of a baseline that would result in such an outcome. Those cases involved projects where the illegal uses had already been discontinued or the impacts were to be resolved by separate enforcement actions.

The County's unjustified legal position is further undermined by a recent Civil Grand Jury report on County Code Enforcement, dated June 8, 2026. (Ex. 28, 2025-2026 Riv. Co. Civil Grand Jury Rept. (June 8, 2026).) The Grand Jury Report discusses the County's improper, selective enforcement practices in some of the most tourist driven designations in Riverside County, including situations where Code enforcement officers were told to "stand down" and "tread lightly" because of the political nature of the areas. (*Id.*, pp. 9-10.) According to the report, "stand down" orders were given in association with holding continuous unpermitted events or given repeated extensions for compliance. (See *ibid.*) Save TED is concerned that Galway Downs is one of the situations where there was preferential enforcement treatment and that this treatment is now taking the form of preferential CEQA review that will not require the Galway Downs to mitigate adverse environmental impacts caused by its past illegal uses; preferential zone change review that is allowing one private developer to change allowable land uses throughout the WC-E Zone without the kind of community involvement that went into establishing the permitted uses as part of the WCCP; and preferential development review that will allow intensified land uses that are plainly inconsistent with equestrian uses throughout the Equestrian District to displace the rural, equestrian lifestyle that the WC-E Zone was intended to preserve and promote.

IV. THE PROJECT CONFLICTS WITH THE GENERAL PLAN, AND THESE CONFLICTS REQUIRE PROJECT DENIAL, FURTHER ANALYSIS, AND/OR A GENERAL PLAN AMENDMENT.

The General Plan designates the Property as "Rural Residential." The Property is located within the General Plan's Southwest Area Plan ("SWAP"), and within the Equestrian District of the General Plan's Wine Country Community Plan ("WCCP"), and is zoned Wine Country Equestrian ("WC-E"). (See Ex. 6 Riv. Co. Planning Dept. Staff Rept. re Agenda Item No. 4.3 Change of Zone No. 7860 (April 15, 2015).) The Riverside County Board of Supervisors ("BOS") initiated the WCCP to ensure that the region developed in an orderly manner and to preserve and enhance its viticulture potential, rural lifestyle, and equestrian activities. (Ex. 5, Riv. Co. Bd. of Supers. Approval Pkg. w/ Att. A, Resolution No. 2014-040 Amending the Riverside County General Plan to adopt the WCCP (approved Mar. 11, 2014; *hereafter* the "2014 Resolution").) After numerous public meetings spanning many years, and consideration by the County's Planning Commission, the BOS approved and adopted the WCCP in 2014 as General Plan Amendment No. 1077 and added the WCCP as Appendix Q of the General Plan. As noted at the initiation of the WCCP, the point and purpose of the WCCP was, and is, to ensure the long-term viability of the wine industry while protecting the community's equestrian and rural lifestyle. Similarly, the purpose of the zones in the WCCP area is to implement the WCCP and encourage agricultural cultivation, vineyards, wineries, equestrian uses, preserve the wine-making atmosphere, estate living, equestrian life-style, and protect this area and its residents from incompatible uses which could result in reduced agricultural productivity and increased urbanization within the area. (See Ordinance No. 348.4729.)

To that end, the Property's General Plan land use designation allows for equestrian uses and limited commercial uses. The General Plan designations do not allow for the non-equestrian athletic/sporting events that regularly occur at Galway Downs and that are not being analyzed in the DEIR. The Project conflicts with the General Plan's directives and requirements for land uses including but not limited to safety and noise policies, as well as requirements for sufficient infrastructure to satisfy Project demands and to establish and preserve adjacent equestrian trails. (General Plan, pp. LU-48 – LU-49; SWAP, pp. 27, 31; General Plan, pp. S-17 – S-20; SWAP, p. 61; General Plan, pp. LU-47, LU-49, C-6, C-7; 2014 Resolution; SWAP, p. 49; General Plan, pp. C-38 – C-47; SWAP, p. 28; WCCP, p. 13; Ex. 5, 2014 Resolution.)

As explained in *Ideal Boat & Camper Storage v. County of Alameda* (2012) 208 Cal.App.4th 301, 311-312, a "general plan is the fundamental source of local land use policy and law, and heads up the hierarchy of government review as the 'constitution for all future developments.'" (*Ibid.* [quoting *Citizens of Goleta Valley v. Bd. of Supers.* (1990) 52 Cal.3d 553, 570 [citations omitted].) The propriety of virtually any local land use or development decision depends on this consistency. (*Ibid*.) Indeed, state law mandates it. (Gov.Code, §§ 65359, 65454 & 65860 [subordinate land use regulations, including zoning, *must* be consistent with the general plan or are void *ab initio*].) A project is consistent with a general plan if it will further a plan's objectives and policies and not, as Galway Downs does to the entire WCCP area, here, obstruct their attainment. In sum, the proposed development must be compatible with the objectives, policies, general land uses, and programs specified in the general plan. (*Families Unafraid to Uphold Rural etc. County v. Bd. of Supers.* (1998) 62 Cal.App.4th 1332, 1336, [citations omitted].)

In addition, a project's consistency with some general plan policies will not overcome inconsistencies with a policy that is fundamental, mandatory, and clear, such as the limited rural purpose of a designation and associated infrastructure, further set out in general plan policies for limited noise and light pollution, also consistent with the concurrent zone. (*Families Unafraid*, *supra*, 62 Cal.App.4th at pp. 1341–42.) Moreover, even in the absence of an outright conflict, a local agency will not approve a project that is not compatible with, and would frustrate, the general plan's goals and policies. (*Napa Citizens for Honest Gov. v. Napa County Bd. of Supers.* (2001) 91 Cal.App.4th 342, 378–79 [citations omitted].) For the reasons further detailed below, the County cannot approve this Project because it is inconsistent, inherently incompatible, and actively obstructive to the achievement of fundamental aims and policies in the General Plan and its detailed vision for the WCCP Equestrian District as a low-intensity, idyllic rural/agricultural zone. At a minimum, a General Plan Amendment was, and still is, required.

A. Galway Downs Operates Primarily as a Non-Equestrian Facility In An Area Designated and Designed for Far Lower Intensity Equestrian and Rural Land Uses.

1. The Project obstructs the primary aims of the WCCP to achieve low-intensity, equestrian-oriented uses.

As the County has said:

> The purpose of the General Plan is to guide growth and development within the unincorporated Riverside County. It is the

> blueprint for the public and private development that decision makers rely on to build communities through land use decisions.

(Ex.5, 2014 Resolution.)

The General Plan designates the Property within the WCCP, with a designation of Rural Residential that allows ***limited recreational uses*** and neighborhood-serving ***small-scale commercial uses that are compatible with the surrounding uses.*** (General Plan, p. LU-48 [emphasis added].) As discussed above, Galway Downs' existing and proposed land uses are not "limited" recreational uses or "small-scale" commercial uses compatible with the Equestrian District. Instead, the Project is predominantly used for regional soccer tournaments/sporting/athletic events, not for equestrian uses, resulting in ***5,757 one-way vehicular trips*** on peak days in a rural area of single-lane roads over six miles from the I-15 freeway.

For commercial uses to be allowed in the Rural Residential designation, the uses must be "***small-scale commercial uses that serve rural neighborhoods.***" *First*, to be considered a "small-scale commercial use," the use must reflect the community in scale and character and also serve its needs, such as animal hospitals, barber shops, bakeries, drug stores, hardware stores, pet and pet supply shops, convenience stores and produce markets. (General Plan, p. LU-48.) The General Plan's list shows the type of allowed small-scale commercial uses contemplated as neighborhood serving. An event venue that draws from throughout Southern California and beyond with 5,757 one-way trips is not "small-scale" and does not serve the needs of the neighborhood by providing urban services and facilities that are generally unavailable. (General Plan, p. LU-48.)

Second, "small-scale" commercial uses that "serve rural neighborhoods" must also satisfy specific criteria, including that "[t]he portion of the lot proposed for commercial uses shall be ***between 0.5 and 2.5 acres***", "[t]he portion of the lot proposed for commercial uses shall be ***located adjacent to an arterial, a mountainous arterial or a major roadway***," and "[t]he design and scale of the proposed use ***shall be compatible with the surrounding uses***, protective of view sheds, and blend-in with the rural nature of the area." (General Plan, p. LU-49 [emphasis added].) Here, the Project's various commercial uses are not limited to portions between .5 and 2.5 acres and are spread throughout the Property regardless of adjacency to specified roadways. (See DEIR, p. 3-7.) The Property is bounded by Los Caballos Road, Pauba Road and Los Carralitos Road. Of those roads, only Pauba Road is classified as a "mountain arterial." (Los Caballos and Los Corralitos are too small). (See SWAP Figure 7, p. 57.) Based on General Plan policy LU 21.7, in order for the Project's commercial uses to be located in the Rural Residential land use designation, the commercial uses must be restricted to a portion of the lot between .5 and 2.5 acres and must only be located along Pauba Road, not spread throughout the site. They are not. Galway Downs is over 200 acres with soccer fields and large-scale event uses throughout and the entirety of the soft dirt racetrack is regularly used as a high intensity parking lot/drop off, as shown in the image above.

The scale and intensity of the existing illegal uses at Galway Downs that the Project proposes to legalize are not merely incompatible with the surrounding uses and rural nature of the area—they are actively obstructive to it. The Project uses easily overwhelm single-lane roads, which is a road system that was never designed to handle the demands of these large-scale commercial events. Instead, the Property is in a rural neighborhood with single-lane roads intended for lower-intensity, equestrian-focused uses. Now, the trail system also made part of the General Plan is nearly impossible to use for the purpose set out in the trails plan. The streets and roadside equestrian trails are not built to be in proximity to the heavy traffic demand that the proposed Project generates.

2. The Project conflicts with the General Plan's SWAP and WCCP designations and requirements.

The Property is also located within the General Plan's SWAP and WCCP areas, which further implement the land use designations by dividing the area first into three (3) districts for the WCCP area: (1) Winery, (2) Equestrian, and (3) Residential. The districts are all designed to ensure long-term viability of the wine industry while protecting the community's equestrian, rural lifestyle. Here, the Property is located within the Equestrian district, which is further designated in the General Plan and WCCP as follows:

> The overarching policies for this region promote a strong identity for the Temecula Valley Wine Country. Additional policies within each district provide for complimentary uses distinct to the delineated areas. ***These policies protect against the location of activities that are incompatible with existing residential and equestrian uses, which could lead to land use conflicts in the future***."

(SWAP, p. 27 [emphasis added].)

Specifically, it is located within the Wine County-Equestrian designation, which has two specific policies that must be read in harmony. The <u>*first*</u> encourages ***equestrian establishments*** that promote the ***equestrian lifestyle*** and the second permits ***incidental commercial uses***, such as western style stores, polo-grounds, horse racing tracks, event grounds and special occasion facilities in conjunction with commercial equestrian establishments on lots larger than ten (10) acres to encourage equestrian tourism. (SWAP, p. 31.) Galway Downs has become a soccer/sports/athletic-focused facility operating at a scale suitable for a large-scale commercial event venue. Galway Downs is thus no longer "primarily" an equestrian establishment operating or providing for equestrian-based events and ancillary uses, and the on-site soccer/sports/athletics are not incidental to or compatible with the equestrian grounds as envisioned in the SWAP. The County Code and Wine Country zoning standards define "incidental commercial use" as a "commercial use that is ***directly related*** and ***secondary*** to the principal agricultural or equestrian use located on the same parcel or project site." (County Code, § 17.142.020 [emphasis added].) Soccer, concerts, lacrosse and mud runs are not directly related to equestrian uses and not even referenced in the WCCP, particularly not at this level of demand—not to mention outdoor concerts and other events. These types of events make up the majority of the Property's uses, and have now supplanted rather than promoted the equestrian rural designation that still governs the area, its surrounding trail system, and the associated zone.

3. The Project conflicts with the General Plan's infrastructure requirements.

As stated in the General Plan, one of "Riverside County's most important land uses in terms of historic character and lifestyle choice is its rural areas and rural communities. Rural areas comprise one of the most distinctive and attractive segments of the county, and are the expressed lifestyle choice for many residents." (General Plan, p. LU-47.)

> Due to increasing growth pressures, there is danger that the character of some rural areas may be diminished by encroaching urbanization. There is a delicate balance between accommodating future growth and preserving this rural lifestyle. In some instances, allowing limited growth is desirable and appropriate while in others, there is a need to maintain the character of an area. In either instance, ***it is necessary to ensure that an appropriate level of services and infrastructure is available***.

(General Plan, p. LU-47 [emphasis added].)

The County's objectives in adopting the updated WCCP were set forth as follows:

> to preserve and enhance viticulture potential, rural lifestyle and equestrian activities;
>
> to continue to allow for an appropriate level of commercial tourist activities that is incidental to viticulture activities;
>
> to coordinate where, and under what circumstances, future growth should be accommodated; and,
>
> to develop provisions such as, but not limited to, development review and development standards ***to ensure that future growth is balanced and coordinated with the appropriate public services, infrastructure and other basic necessities for a healthy and livable community***.

(Ex. 5, 2014 Resolution [emphasis added].)

The 2014 Resolution further explains that this balance is to be achieved by careful management of growth and its strain on existing infrastructure and environmental and agricultural resources:

> Special circumstances or conditions have also emerged that were unanticipated in preparing the 2003 General Plan. Specifically, the number of wineries, residential subdivisions, and equestrian uses within the Project's area has rapidly increased at a rate not expected under the anticipated growth modeling contained within the General Plan. These uses are significant tourist attractions to the region, which in turn provides a continual economic benefit to the surrounding businesses. ***However, if this increase in growth is***

> ***left unmanaged, it will continue to strain the existing infrastructure, agriculture, environmental resources, and rural ambience. The Project's purpose is to manage this growth and balance the various community interests.***

(Ex. 5, 2014 Resolution, p. 11 [emphasis added].) General Plan policy LU 21.2 further requires "that ***adequate and available circulation facilities, water resources, sewer facilities and/or septic capacity exist to meet the demands of the proposed land use***." (General Plan, p. LU-49 [emphasis added].) General Plan policy LU 21.3 is to "***ensure that development does not adversely impact the open space and rural character of the surrounding area***." (General Plan, p. LU-49 [emphasis added].)

Taken together, under the General Plan, a land use must quantify and analyze its demands on County facilities and services and provide or pay for infrastructure that is needed to accommodate its own uses. These are basic fundamentals for local land use and planning. These requirements are designed to ensure that infrastructure is available and that Galway Downs' address their own burdens on the system. This overarching purpose, and these objectives, are violated by the Galway Downs unpermitted activities that the Project proposes to legalize, and ignored in the DEIR's environmental analysis.

Here, by using existing, illegal conditions as a baseline for CEQA purposes while also hamstringing the County's enforcement proceedings by way of the TLMA Director-approved Settlement Agreement, this most basic General Plan policy is being violated, and the measurable impacts of Galway Downs' land uses on the County's infrastructure are not quantified or addressed. As a matter of General Plan compliance, informed decision making and public disclosure, the impacts resulting from Galway Downs' existing and proposed uses must be analyzed to ensure that adequate facilities exist to meet its demands, that an appropriate capacity and level of services is available, and that the Galway Downs will be responsible for any required infrastructure required to supply its own demands. If not evaluated as part of CEQA because of the DEIR's selected baseline, this must nevertheless be evaluated apart from CEQA for General Plan compliance. These General Plan policies are not suggestions; they are requirements and directives applicable to the Project.

B. The Project conflicts with the General Plan's Equestrian Trail Policies.

The DEIR's cursory discussion of the existing trail network ignores the trail related policies and requirements under the WCCP. Despite acknowledging a County General Plan requirement that roadside trails be 4 to 8 feet in width, the DEIR concludes that "no new trails improvements are required or proposed as part of the Project." (DEIR, p. 3-18.) Had the DEIR accurately described the WCCP's applicable trail network policies or accurately assessed General plan compliance, the DEIR would have identified the numerous improvements to the trail network required of the Project, including safety crossings, curb extensions, signal lights, and signage.

Moreover, both the DEIR and the supporting traffic analysis are wholly deficient with respect to the analysis of bicycle and pedestrian activity around the Property. Specifically, the DEIR summarily claims that "[f]ield observations and traffic counts conducted in August 2025 during typical operations, non-event weekend at Galway Downs indicate minimal pedestrian and bicycle activity within the area." (DEIR, p. 4.10-3.) The DEIR cites to Page 31 of the traffic impact analysis to support this assertion. However, a review of the traffic impact analysis demonstrates that the DEIR merely copied word-for-word this conclusion from the analysis. (Traffic Impact Analysis, p. 31.) The analysis provides no supporting information explaining the figures used in this conclusion—where these observations occurred, the time of day, traffic counts, et cetera. The County cannot claim that this DEIR adequately analyzes the Project's environmental impacts, informs the public of such impacts, and proposes adequate mitigation if the "analysis" merely provides a summary conclusion without any supporting evidence. Thus, the DEIR is deficient with respect to this analysis.

The Project also conflicts with fundamental General Plan policies on developing and implementing an integrated trail network. The WCCP 2014 Resolution explains that "the Circulation Element encourages the development of a well-planned trails system that will provide for an improved quality of life by providing a recreational amenity and a viable alternative to the automobile. GPA01077 updates the circulation network within the WCPA to reflect the rural characteristics of WCPA, updates the Circulation Element Non-Motorized Transportation policies C 15.1 through C 18.3 and updates Figure C-8 Trails Type Classification Details to establish a future trails network within this Policy Area and throughout Riverside County." The General Plan's SWAP and WCCP requires applicants and developments to "[d]evelop and implement an integrated trails network that ***carefully considers equestrian uses***, incidental commercial activities and agricultural operations, and includes, but is not limited to, regional trails, combination trails, bike paths, open space trails, historic trails." and emphasize, again, that a "***well-planned and built trail system*** can provide for an improved quality of life for Riverside County residents by providing a recreational amenity and by providing a viable alternative to the automobile.... Providing ***a safe user environment*** can encourage utilization of trails within commercial, office, and residential areas." (SWAP, p. 28 [emphasis added]; WCCP p. 13 [emphasis added].) ***Attracting thousands of cars to the area makes these roadside trails unusable for the purpose for which they were created. The trails cannot be used safely while Galway Downs is operating an athletic/sporting event based on the noise and levels of traffic***.

In order to comply with the General Plan trails policies, Galway Downs would need to dedicate right of way to provide, at a minimum, a significant buffer between the street and trail, with fencing, signage, trail crossing signs and lights at intersections and driveways, as discussed below. The County must require these improvements for General Plan compliance.

The County also has specific requirements for trail dedications and widths in this area. The DEIR acknowledges that a Regional Open Space Trail is required on Pauba Road and a Wine Country Roadside Trail is required on Los Caballos Road and Los Corralitos Road, and further that the SWAP designates the trail along Pauba Road as one of the unique trails "intended to serve as backbone trails for the Wine Country Trails Network." And yet, ***no trail improvements are proposed as part of the Project***. This directly conflicts with Policy C 16.4 requiring that all development proposals located along a planned trail provide access to and construct their fair share portion of the trails system, provide buffers between streets and trails, and provide the improvements referenced below.

The General Plan and its WCCP provide several additional policies that govern trail-development. Among the broader Policy C 16.7, the following sub-policies are at issue here: (i) Install warning signs indicating the presence of a trail at locations where regional or community trails cross public roads with high amounts of traffic. Design and build trail crossings at intersections with proper signs, signals, pavement markings, crossing islands, and curb extensions to ensure safe crossings by users. Install trail crossing signs signal lights (as appropriate) at the intersections of trail crossings with public roads to ensure safe crossings by users. (j) Design and construct trails that properly account for such issues as sensitive habitat areas, cultural, flooding potential, access to neighborhoods and open space, safety, alternate land uses, and usefulness for both transportation and recreation. m. Regional Urban, Regional Rural, and Regional Open Space trails should be designed so as to be compatible with the community contexts in which the trails are being sited. (p) All trails along roadways shall be appropriately signed to identify safety hazards, and shall incorporate equestrian crossing signals, mileage markers, and other safety features, as appropriate.

Additionally, the DEIR should be updated to consider the specific recommendations beyond those in the WCCP that are included in the Riverside County Regional Park and Open-Space District's Comprehensive Trails Plan dated February 2018, which includes specific recommendations to provide multi-use trail connections to wineries and other tourist destinations. (Ex. 32, Riv. Co. Reg'l Park & Open Space Dist. Comp. Trails Plan (Feb. 2018).)

The DEIR ignores the General Plan requirements and the 2018 Comprehensive Trails Plan. The Galway Downs has dramatically increased the overall number of visitors and vehicles to the area by allowing incompatible sporting tournaments in a rural region of the County. Without the trail dedications and improvements required by the General Plan and recommended by the Comprehensive Trails Plan, the Project land uses are incompatible with the equestrian uses of the area by precluding the ability to complete and safely use the roadside equestrian trails as planned by the County. The Project must be conditioned to dedicate the trail rights of way and install the trail improvements in compliance with the General Plan.

V. FLAWS IN THE DEIR RESULT IN ITS TOTAL FAILURE AS AN INFORMATIONAL DOCUMENT.

A. The DEIR Must be Significantly Revised to Correct Deficiencies, Errors and Internal Inconsistencies.

Before approving a project, CEQA requires a determination as to whether the project may have significant environmental impacts. (Pub. Resources Code, § 21151, subd. (a).) Where, as here, a project is not exempt and may have a significant effect on the environment, the lead agency must prepare an EIR. (*Id.*, §§ 21100, 21151, subd. (a); Guidelines, § 15064, subds. (a)(1) & (f)(1).) "Significant effect on the environment" means a substantially or potentially substantial adverse change in the environment" or a change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. (Pub. Resources Code, § 21068; with Guidelines, § 15382.)

An EIR is at the heart of CEQA, and the integrity of the process is heavily dependent on the adequacy of the analysis disclosed to the public in a draft EIR. (See *S. of Market Comm. Action Network v. City & County of S.F.* (2019) 33 Cal.App.5th 321, 329, internal citations omitted.) The purpose of an EIR is to provide the public with detailed information about the effect that a proposed project may have on the environment and list the ways in which the significant effects might be minimized and indicate alternatives, and a reviewing court must determine whether the discussion of a potentially significant effect in an EIR is sufficient or insufficient, that is, whether the DEIR comports with its intended function of including detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project. (Pub. Resources Code, § 21061; Guidelines, § 15151.)

Courts apply a de novo standard of review to assess EIR adequacy. (See *Vineyard Area Citizens for Responsible Growth, Inc., v. City of Rancho Cordova* (2007) 40 Cal.4th 412 (Vineyard); *Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1236; *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 935 ["Whether an EIR has omitted essential information is a procedural question subject to de novo review."]; *City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465.) Importantly, on review of an EIR's discussion of significant project impacts, whether a description of an environmental impact is insufficient because it lacks analysis or omits the magnitude of the impact is not a substantial evidence question, and a conclusory discussion of an environmental impact that an EIR deems significant can be determined by a court to be inadequate as an informational document without reference to substantial evidence. (See *Sierra Club*, *supra*, 6 Cal.5th at p. 515.) A claim that an agency failed to act in a manner required by law presents other considerations. (See *ibid.*) Noncompliance with substantive requirements of CEQA *or noncompliance with information disclosure provisions* '*which precludes relevant information from being presented to the public agency* ... may constitute prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.'" (See *ibid.* [quoting *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 945-946 (applying the standard to find, as here, an inadequate baseline discussion)].)

Here, the DEIR does not disclose or analyze information that is critical to the decision-makers and the public. If the CEQA document is not corrected, it will be challenged for failing to satisfy CEQA's basic and fundamental principle—providing information. This is a fatal flaw that exposes the Project to a "de novo" standard of review in court (i.e., an independent analysis by a court, rather than a more traditional, deferential standard to the County).

The information provided in the DEIR is misleading, internally inconsistent and lacks required analysis. The DEIR must be revised to more accurately address this project's history and ongoing violations. CEQA requires that the data presented "must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project". (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442.)

The DEIR also fails to disclose or analyze information that is critical for ***meaningful*** project review. To satisfy CEQA, the DEIR must include "sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises..." (*Sierra Club*, *supra*, 6 Cal.5th at p. 510.)

The DEIR fails as an informational document for the reasons below, and as otherwise set forth in this letter:

- The Project Description and its described history mislead the public and decision-makers. The Project is incorrectly described as being primarily used as an equestrian facility. That is not the case. The Galway Downs recent event management plans (Exs. 18–21) evidence that the Property is used primarily for non-equestrian regional soccer/spots fields.
- The DEIR established the incorrect baseline conditions for the Project, resulting in a fundamentally inaccurate environmental document.
- The DEIR Land Use section says the Project is consistent with all of the relevant plans. For the reasons discussed in this comment letter, that is wrong. Accordingly, the Project impacts due to conflicts with the General Plan goals and policies must be disclosed, evaluated and mitigated.
- The DEIR is misleading in describing the current event types as being "currently permitted at Galway Downs and [that] would continue to be permitted under the proposed Project, subject to proposed CUP 02303R1, proposed Exception No. 9 to Ordinance No. 847, and amended Article XIVd (Wine Country Zones [WC]) of Ordinance No. 348 pursuant to proposed CZ 22000010....Equine Events:... Sports Events:... Special Occasions." The TLMA Director's "Settlement Agreement" and the County enforcement communications with Galway Downs and detailed above show that the County has repeatedly determined the current event types are not permitted at the Property.
- The original CUP negative declaration (Ex. 33) and the 2011 Plot Plan MND (Ex. 2, p. 128 & Ex. 4) and mitigation measures approved for the Property should be identified in the current DEIR and included in the record for this matter.
- The Project Description must be revised to disclose the obligations Galway Downs is being relieved of.
- Inaccurate/misleading information in the DEIR at page 4.8-29 must be corrected. The Project is not consistent with General Plan policies requiring maintenance of the County's roadway LOS standards. The DEIR explains that the transportation baseline is the "existing, fully developed equestrian-oriented events facility that has operated continuously since 1968 and that encompasses approximately 241.6 acres in the southwestern portion of unincorporated Riverside County." (*Id.*, p. 4.10-8.) However, the "operational characteristics" of the facility permitted by the CUP "would be the same as what occurs under the established 2023 environmental baseline." (*Id.*, p. 4.10-9.) "Peak operations" at the facility "would be limited to a maximum of 4,639 parking spaces,

which is less than the 5,757 one-way vehicular trips documented during 2023 baseline conditions." (*Id.*, p. 4.10-9.) The report concludes that the Project would not increase peak daily vehicle trips compared to the baseline, and the Traffic Analysis explains that the "Project's fair share cost of improvements would be determined based on the following equation, which is the ratio of Project traffic to new traffic, where new traffic is total future traffic less existing baseline traffic." (DEIR App. I, Traffic Analysis Report pp. 24-25.) Therefore, the Traffic Analysis assumes the fees would be paid based on the delta (which the DEIR essentially views as zero, since it assumes the future facility impacts to be the same as the 2023 baseline).

- The DEIR says no trails are proposed or required as part of the Project, and the Project would have no effect on existing trails in the local area. Per above, the Project is inconsistent with the General Plan's trails policies and also the 2011 Plot Plan MND mitigation measure requiring the Galway Downs to dedicate a 20-foot regional trail and 14-foot community trail as mitigation. The approved mitigation measure cannot be deleted absent an analysis of the reason for making the change and whether the mitigation measure is still feasible.
- DEIR Appendix B1, as part of the Project Description, incorrectly and inconsistently assumes that the existing facility operates under "four (4) ***approved*** Conditional Use Permits." (DEIR, App. B1, UXR, 2026a, at p. 3 [emphasis added]; and compare with Ex. 3, MND Traffic Signal Warrant Analysis (May 2011) w Att. MND Traffic Assessment (Dec. 2010).)

Taken together, with the additional issues with the DEIR discussed in these comments, the DEIR as it stands wholly fails as an informational document and must be substantially revised and recirculated for public review and comment.

B. The Project Description is Legally Deficient.

"An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient [CEQA document]." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193.) "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance." (*Id.* at 192-193.)

The DEIR's Project Description is deficient, as it is unstable and fails to provide enough detail about the Project to enable informed decision-making, public participation, and meaningful environmental review through the deliberative public process that lies at the heart of CEQA. The DEIR fails to disclose that a primary Project Objective is to resolve multiple outstanding code enforcement cases initiated by the County in 2018 in an attempt to compel Galway Downs to discontinue soccer tournaments/athletic/sporting events and other illegal activities at Galway Downs. (Exs. 9-12.) The DEIR does not disclose that the application for the current Project proposal was filed in 2015 (Ex. 8, PLUS Info re Progress CUP2303R1 & Galway Downs Appl. (July 9, 2015), p. 2), and that Galway Downs proceeded with the activities and caused the adverse impacts to the environment and public infrastructure without first processing the application and undertaking mitigation.

The DEIR also fails to disclose that the Project implements the TLMA Director's recent, allegedly unlawful Settlement Agreement with Galway Downs that purports to conditionally allow the illegal uses to continue at Galway Downs while the Project application is being processed without proper public process or delegation of such authority to the TLMA Director. (Ex. 14-15, Settlement Agmt. & First Am.) The County is no longer pursuing any enforcement action to remedy the adverse impacts to the environment and public infrastructure caused by Galway Downs' illegal activities, and is shifting the mitigation obligations, including without limitation the significant costs of upsizing rural-serving public roads and infrastructure, from Galway Downs and onto the public in a manner that is beyond unfair and dangerous to the public health, safety, and ability to evacuate in the event of a wildfire and in an area largely designated as a Very High Fire Hazard Severity Zone, meaning it is an area that has been designated by the State Fire Marshal as having ***the highest potential for wildfire hazard***.

Moreover, the DEIR does not depict or describe the boundary of the area subject to the Project's zone change described at DEIR pages S-3–S-4 (Project Objectives I and J), 3-31, 3-33 & 3-34. The omission of an accurate "Project Site" description area and acreage subject to the proposed zone change prevents the decision makers and affected public from evaluating the scope of the expanded land use changes throughout the WC-E Zone, including private parcels owned by Save TED supporters, and the potential cumulative adverse impacts of those land use changes.

Unlike other private applicant zone change projects, the Project's zone change applies to all properties within the entire WC-E Zone, not only the Galway Downs property. The DEIR repeatedly describes and depicts the "Project Site" as comprising only the Galway Downs 241.6 acres. (See, for example, DEIR, pp. S-2, 2-2, 2-3.) The DEIR omits any figure showing the geographic area of the WC-E Zone that will be subject to the zone change and fails to disclose the total acreage subject to the zone change. The DEIR must be revised to accurately show and clearly describe the actual "Project site" area and acreage subject to the proposed zone change so that the decision makers and affected public can evaluate the potential cumulative adverse impacts of those land use changes.

Additionally, the Land Use Allocation Plan, Figure 3-7, at DEIR p. 3-7 confusingly labels different areas of the Galway Downs property as "*Zone 3*: Wine Country Equestrian Park Model Lodging", and "*Zone 5*: Equestrian Recreational Vehicle Park", giving the incorrect impression that these are the only areas subject to the proposed new "zone" change designations. This misleading information must be clarified by clearly depicting and describing the entire WC-E Zone as the Project area that is subject to the proposed zone change.

The zone change uses an undefined term, minimum "*operational* parcel" of 200 gross acres for the proposed expanded land uses. All other conditionally permitted land uses throughout Wine Country are tied to *minimum parcel* size. Both of the Galway Downs' parcels are under 200 acres. The Project's Notice of Preparation (DEIR Appendix A, p. 1-9) discussed merger of the Galway Downs parcels as part of the Project, but the Project Description in the DEIR omits the merger. The zone change also does not define a minimum "operational parcel". For example, it is unclear whether an "operational parcel" comprised of an assemblage of smaller parcels (as the Project proposes) means smaller parcels under common ownership, or adjacent parcels, or any assemblage of smaller parcels regardless of their location and ownership. Without any "operational parcel" definition, the zone change would allow other assemblages of smaller parcels throughout the Wine Country Equestrian (WC-E) Zone to qualify for the expanded uses. The cumulative impacts of this change must be disclosed, evaluated and mitigated.

The zone change proposes to allow short term rentals (both overnight rental units and trailer parks), multi-use sports fields, and any other use that the Planning Director finds is substantially the same in character and intensity of those uses, throughout the WC-E Zone. It also dispenses with the 75% project area set-aside requirement that was established to keep the primary equine land use dominant, by changing the set-aside standards. The zone change would allow the soccer/sports fields, trailer parks and other non-equine activities (except permanent structures) on 100% of WC-E parcel assemblages established as "operational parcels". (DEIR, pp. 3-31, 3-33, 3-34.) The cumulative impacts of this change must be disclosed and evaluated.

The DEIR fails to include a full copy of the proposed revisions to Ordinance No. 348 as a technical appendix to the DEIR, as the County committed in the Project's Initial Study. (DEIR App. A, pp. 1-5, 1-8.) The full copy of the Project's proposed zone change revisions to Article XIVd (Wine Country Zones) in "clean" and "redlined" formats must be provided for the decision makers and affected public to view the changes in context and consider their potential adverse environmental impacts. The selected excerpts in Section DEIR 3.6.3 are not a substitute for the complete clean and redlined ordinance, particularly because they do not reflect the broader land use changes included in the Initial Study described in the Initial Study at Appendix A, including hotels, resorts, wineries, lodging facilities and campgrounds that are not mentioned in the DEIR.

The zone change proposes to add a new Section 14.96(D) allowing for any use throughout the WC-E zone that is "substantially the same in character and intensity" as the other allowable uses. This undefined land use category greatly expands the potential land uses allowable in the WC-E zone, and could explain why Appendix A lists hotels, resorts, wineries, lodging facilities and campgrounds that are not mentioned in the body of the DEIR. It does not "clarify and refine the list of definitions, list of conditionally permitted uses, and development standards" for the WC-E zone. (DEIR, p. S-4.) The Project Description must be revised to clarify that hotels, resorts, wineries, lodging facilities and campgrounds are not substantially the same in character and intensity as other allowable uses in the WC-E Zone and would require a General Plan Amendment. Otherwise, the cumulative impacts of this change must be disclosed, analyzed and mitigated.

C. **The DEIR Improperly Relies on Years of Illegal Uses as the Baseline Against Which Project Impacts are Measured, Which Minimizes Impacts Against an Artificially Inflated Baseline.**

Section 2.0 of the DEIR (Environmental Setting/Baseline) established the incorrect baseline conditions for the Project, resulting in a fundamentally inaccurate environmental document. Generally, CEQA requires an EIR to describe the environmental setting (i.e. the baseline), as the "physical environmental conditions as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective." (Guidelines,§ 15125(a)(1).) "***This general rule is of course not insurmountable. Indeed, . . . prior illegal activities cannot be entirely ignored***." (*Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1453 [emphasis added].) In *Riverwatch*, commenters on an EIR for a quarry project criticized the use of a baseline condition that included the "degraded condition of described sites [ ] caused by the unlawful and unauthorized activity of [ ] owners or predecessors in interest." (*Id.* at pp. 1451-52.) The court declined to evaluate the prior illegal activity where it would negatively impact public agencies' ability to enforce the standards that were violated. In the case of Galway Downs, unlike *Riverwatch*, there is not a separate enforcement action that would be frustrated by environmental review and mitigation under CEQA. (*Id.* at p. 1453.) The County TLMA Director entered into a "Settlement Agreement" with the Galway Downs effectively foreclosing enforcement proceedings from remedying the adverse impacts to the environment and the community resulting from the years of illegal activities at Galway Downs.

Courts have found it appropriate to deviate from CEQA Guidelines section 15125's requirement that the "existing conditions" be used as the baseline. An agency deviating from a norm "must provide an adequate justification for omitting an existing conditions analysis." (*POET LLC, v. State Air Resources Bd.* (2017) 12 Cal.App.5th 52, 80.) One such circumstance could occur by "***demonstrating an existing conditions analysis would [have been] uninformative or misleading to decision makers and the public***." (*Id.* [emphasis added].) In other words, CEQA requires a lead agency to "***employ[] a realistic baseline that [gives] the public and decision makers the most accurate picture practically possible of the project's likely impacts.***" (*Ibid.* [emphasis added]) In *POET*, the Court of Appeal ruled that the California Air Resources Board ("CARB") should have used NO_x emissions from 2009 instead of 2014 when it analyzed the environmental impacts of regulations adopted in 2015. (*Id.* at p. 57.) Use of the 2014 emissions levels was misleading because use of those figures as a baseline would have shown that NO_x emissions were smaller than when CARB adopted the original regulations in 2009. (*Id.* at p. 58.)

Similarly, *Hollywoodians Encouraging Rental Opportunities v. City of L.A.* (2019) explained that, though the baseline generally consists of the environmental conditions at the time that environmental analysis is commenced, this may not be the case if Galway Downs attempted an "end run around CEQA." (37 Cal.App.5th 768, 781.) "[***W]here there evidence of an attempted end run around CEQA, use of a different baseline may well be appropriate***." (*Id.* at p. 781, n. 11 [emphasis added].)

Reading these cases together, the County is required to utilize the pre-illegal activity as the baseline (i.e., 2011). ***Allowing the unlawful activities to occur on the site, and using the current illegal activities as a baseline for environmental review of entitlements seeking after-the-fact legalization, is a clear end run around CEQA.*** By doing this, Galway Downs inappropriately claims in the DEIR that the project will result in no significant environmental impact because the analysis compares the uses "proposed" in the project with the exact same unlawful uses occurring on the Project site today. This analysis is clearly uninformative and misleading to both decision makers and the public, thus warranting use of a different baseline. (See *POET*, *supra*, 12 Cal.App.5th at p. 80.)

An approach that uses baseline conditions that result in "illusory" comparisons that "can only mislead the public as to the reality of the impacts and subvert full consideration of the actual environmental impacts," is also "at direct odds with CEQA's intent." (*Communities for a Better Envt. v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 322 ("*CBE*").) In *CBE,* the California Supreme Court faulted the air quality district's use of the permits' maximum operating levels as a baseline, which resulted in an "illusory basis for a finding of no significant adverse effect despite an acknowledged increase in NOx emissions." (*Ibid*.) Thus, a lead agency cannot use an illusory baseline to manipulate data to achieve a conclusion that a project will result in no significant environmental impact.

The correct baseline that complies with the requirements and intent of CEQA is to compare the activity proposed under the Project with the activity that occurred on the Property prior to the ongoing unlawful activities that Galway Downs now seeks to legalize. That correct baseline should consider the Project uses compared with those occurring on the Property in 2011 when the County approved the Plot Plan MND for the then-proposed sport-complex use of the Project site. (Ex. 4, p. 1; with Ex. 3, 2011 Plot Plan MND Traffic Analysis; and Ex. 2, Planning Comm. Approval Pkg. (Feb. 2011), p. 128; see also Ex. 31, 2011 Plot Plan MND Climate Change Analysis (Jan. 10, 2011). The Applicant withdrew the Plot Plan proposal at that time, but the County's approved MND provides environmental baseline information useful for the current analysis.

The DEIR explains that the transportation analysis relies upon baseline data from a "2023 operational dataset" that "captures the full range of activities occurring at Galway Downs under baseline conditions, including equestrian events, sports events, and special occasion events." (DEIR, p. 4.10-9.) However, as discussed previously, the uses "proposed" are ***unpermitted uses already occurring*** on the Property. Indeed, the DEIR admits that "[t]he operational characteristics of the Galway Downs facility that would be permitted by proposed CUP 02303R1 ***would be the same*** as what occurs under the established 2023 environmental baseline." (*Id.*, p. 4.10-9 (emphasis added).) The unmitigated degradation to the environment and area already occurred, and the CEQA analysis wrongly allows Galway Downs to take advantage of the degraded environmental condition it created by using the DEIR's selective baseline, and without remedying those adverse impacts by way of a separate enforcement action. None of the baseline cases cited to in the DEIR allow this.

Around 2011, when Galway Downs first proposed the uses now occurring on the Property (and which it seeks to legalize with the CUP at issue here), Caltrans completed a review of the "Traffic Assessment for the proposed Soccer Complex at Galway Downs." The Caltrans letter identifies that the 2011 project would result in a LOS F for the intersection of SR-79 and Los Caballos Road. Further, the analysis concluded that "[t]he high traffic volumes generated by the proposed project would be difficult to handle by using manual traffic control. This will require law enforcement support every week at additional expense," and "may increase the probability of accidents and state liability on SR-79 if no improvements are implemented as part of the project." (Ex. 29, Caltrans Letter., p. 2.) Caltrans also cited to several inconsistencies in that analysis as well. (*Id.*, p. 3.)

Here, the DEIR's conclusion that the Project will not result in any significant transportation impacts is not supported by substantial evidence, given the illusory baseline conditions. Without any analysis comparing the Project to the true baseline conditions of the Property prior to the beginning of the unpermitted activities, not only is Galway Downs attempting to manipulate CEQA by minimizing the Galway Downs' true impacts, but these analytical omissions result in a defective environmental document. The DEIR does not provide an adequate comparison of the proposed (ongoing) uses to the pre-operations baseline, resulting in a flawed conclusion that the Project will not result in a significant transportation impacts and avoiding critical mitigation.

As a result of this flawed conclusion, Galway Downs proposes only <u>three</u> roadway improvements: the installation of a traffic signal and a left-turn lane at the Los Caballos Rd. and SR-79 intersection, a right-turn lane at Anza Rd. and SR-79, and the installation of acceleration and deceleration lanes at the Project's access driveways. (DEIR, p. S-43.) Again, the analytical gaps in the DEIR analysis fail to outline the true extent of the Galway Downs' impacts and fail to demonstrate how these proposed improvements would actually mitigate those impacts. As early as 2011, Caltrans identified analytical inconsistencies and significant transportation impacts related to the then-proposed soccer fields project. The DEIR must explain how the current project (with greatly expanded ongoing uses compared to those occurring in 2011) would not result in significant impacts to the circulation system and General Plan land use requirement to maintain levels of service, considering the region's growth over the last 15 years, and cumulative impacts incorporating other regional projects. Thus, substantial evidence exists that the Project will result in significant transportation and land use impacts that should be disclosed, analyzed and mitigated.

For example, the DEIR concluded that, because the Project's impacts to air quality emissions, greenhouse gas emissions, and vehicle miles traveled are less than significant, WCCP mitigation measure AQ-1 is "not applicable." (DEIR, append. K, "Applicability of Temecula Wine Country Mitigation Measures," p. 7.) AQ-1 requires new projects to develop a trip reduction program. (*Id*.) Further, the DEIR concludes the Project need not contribute to the Countywide Traffic Impact Fee Program because "the Project would not result in an increase in daily traffic," concluding the Project to be exempt from Mitigation Measure TRF-3. (DEIR, p. 42.) At the very least, the flawed conclusion that the Project need not contribute to the County's Traffic Impact Fee Program despite Galway Downs' known impacts to the County's transportation network, would be an unlawful gift of public funds and public subsidy, as these fees are required because of adverse impacts to public infrastructure resulting from unpermitted development at Galway Downs, and violation of County-approved mitigation measures from 2011. (See Section VII below discussing unlawful gifts of public funds).

An EIR must "include[] sufficient detail to enable those who did not participate in its preparation to understand and to consider meaningfully the issues the proposed project raises" and must "make[] a reasonable effort to substantively connect" a project's impacts to likely consequences. (*Sierra Club*, *supra*, 6 Cal.5th a p. 510.) A lead agency must revise an EIR that fails to do so. (Id.) Therefore, the County must substantially revise this EIR to account for the baseline deficiencies.

C. <u>The Project's Proposed Noise Exception Relies on Incorrect Noise Level Limits and is Inconsistent with General Plan and Related WCCP Policies</u>.

Among the requested entitlements is Exception No. 9 to County Ordinance No. 847 ("Exception No. 9"). Generally, Ordinance No. 847 ("Ord. No. 847") regulates noise sources throughout the unincorporated County. Ord. No. 847 Section 6.d prohibits the use of sound amplifying equipment between the hours of 10 PM and 8 AM and prohibits any amplification equipment from being audible more than 200 feet from the source at any time of day. (DEIR, p. 3-29.) Exception No. 9 would allow for events on the Property to use sound amplification equipment that would be audible at a distance greater than 200 feet. (*Ibid*.) Supposedly, such equipment would still cease at 10 PM, but Galway Downs has a track record of ignoring requirements. (*Ibid.*)

First, the DEIR's noise analysis references the incorrect noise level limits applicable to the community around the Property. Specifically, this analysis explains that the applicable residential noise level limits are 55 dBA during the day and 45 dBA at night. (DEIR, App'x H, Noise Analysis, p. 17.) ***However, Ord. No. 847 imposes a limit of 45 dBA during both day and night for properties designated Rural Residential (which characterizes the Property and properties surrounding the Property)***. (See Ordinance No. 847, p. 4, Tbl. 1.) ***Consequently, the DEIR applied the incorrect 55 dBA standard and wrongly concluded*** that the combined "Project and Ambient" noise increases in excess of 60 dBA during the day and nearly 55 dBA at night would not exceed County standards. (DEIR, p. 4.9-42, tbls. 4.9-14, -15.) Operational noise levels alone would exceed the 45 dBA limit at surrounding properties. (*Id.*, p. 4.9-41, tbl. 4.9-13.)

Second, to the extent the DEIR uses an average noise level measurement (i.e., Leq vs. Lmax), the analysis fails to provide an accurate accounting of the peak-noise level during soccer or firework events and further fails to confirm compliance with the maximum limits under the County Code. If Galway Downs is seeking an exception to the maximum noise limits (which are not a weighed or averaged measurement), that exception must be disclosed and analyzed.

Thus, the DEIR incorrectly concludes that "Project-related operational noise level increases at the sensitive receiver locations would be less than significant." (DEIR, p. 4.9-41.)

The County cannot approve this deficient EIR and must direct Galway Downs to correct these deficiencies using appropriate County standards, such that Galway Downs can implement the correct mitigation measures to reduce significant noise impacts caused by Exception No. 9. As a result, the project also is not compliant with WCCP EIR Mitigation Measure NOI-4, which requires special occasion facilities to mitigate noise impacts to the County's noise standards. (DEIR, App'x K, Applicability of Temecula Wine Country Mitigation Measures, p. 33.)

D. The County's 2011 Plot Plan MND for the Athletic Fields Reveals Fatal Flaws in the DEIR's Traffic Analysis.

As detailed below, the DEIR's use of a flawed traffic baseline results in a deceptive impact analysis that improperly reduces Galway Downs' adverse environmental impacts including traffic and transportation impacts. The result is that the Galway Downs is allowed to shirk its duties to improve and fully pay for the cost of transportation improvements caused by its own operations. This is inconsistent with the General Plan policies above. The DEIR states that the transportation analysis relies upon baseline data from a "2023 operational dataset" that "captures the full range of activities occurring at Galway Downs under baseline conditions, including equestrian events, sports events, and special occasion events." (DEIR, p. 4.10-9.) The uses "proposed" under this CUP are already occurring on the Property, and the DEIR admits that "[t]he operational characteristics of the Galway Downs facility that would be permitted by proposed CUP 02303R1 would be the same as what occurs under the established 2023 environmental baseline." (*Id*., p. 4.10-9 (emphasis added).)

The DEIR fails to disclose that traffic improvements to the area necessitated by Galway Downs' uses were required as early as January 2011 and that Galway Downs proceeded with these uses but without the required mitigation measures caused by its Project in violation of CEQA. A "failure to comply with [a project's] [m]itigation [m]easure ... supports the conclusion that [the subsequent activity] will have significant, adverse environmental impacts that have not been previously considered, mitigated, or avoided." (*Sierra Club v. County of San Diego* (2014) 231 Cal.App. 4th 1152, 1173.)

In 2011, when the Galway Downs first proposed the uses now occurring on the Property (and which it seeks to legalize with the CUP revision at issue here), the County adopted the Plot Plan MND. (Exhibit 4.) Caltrans also completed a review of the "Traffic Assessment for the proposed Soccer Complex at Galway Downs." (Exhibit 30, Caltrans Ltr. to K. Hesterly, Jan. 10, 2011 (the "Caltrans Letter"), p. 1.) The Caltrans analysis concluded that the inclusion of a sports/athletic facility with fields for soccer, lacrosse and other non-equestrian sports at Galway Downs would result in a Level of Service ("LOS") F for the intersection of SR-79 and Los Caballos Road ***in 2011***. (*Ibid*.) As a result, in order to operate soccer and other sports fields at the Property, Galway Downs was required by the County's 2011 Plot Plan MND to construct a left turn lane at eastbound SR-79 at Los Caballos Road and adopt a traffic control plan. (See Exhibit 4, 2011 MND, p. 33, COA No. 20.Trans.1 & COA 20.Trans.5.)

The Plot Plan MND states, "The Transportation Department and California Department of Transportation required a traffic control plan and a left turn lane to be constructed on Los Caballos Road to address ***traffic generated by the project***." (Exhibit 4, Plot Plan MND p 33 and staff report 157 of 396.) The Plot Plan MND imposed the following required mitigation measures: "The intersection of Los Caballos Road (NS) at SR-79S (EW) shall be improved by the project proponent to provide an eastbound left-turn lane (COA 20.TRANS.1). Transportation Department traffic control plan requirements shall be addressed by the Galway Downs prior to the use of the project. Ninety (90) days prior to having two (2) soccer fields in operation, the project proponent shall prepare and submit a Traffic Control Plan (TCP) to the Transportation Department and Caltrans for approval. The TCP shall satisfy any requirements set forth by the Transportation Department and Caltrans. The TCP shall be in effect until improvements at Los Caballos Road and SR-79S are constructed and open to traffic (COA 20.TRANS.5)."

The traffic mitigation measure was imposed even without considering the full impacts from the fields. For example, Pauba east of Calle Contento may have only had an average daily traffic volume of 1,107 at the time, demonstrating low traffic volumes in the area. [See Exhibit 31, p 225 of 396 [Ray Johnson letter] The analysis in the Caltrans Letter also concluded that "[t]he high traffic volumes generated by the proposed project would be difficult to handle by using manual traffic control. This will require law enforcement support every week at additional expense," and "may increase the probability of accidents ... if no improvements are implemented as part of the project." (Exhibit 30, Caltrans Ltr., p. 2.) Caltrans also cited to several inconsistencies in that analysis, as well as the omission of heavy vehicles. (Exhibit 30, Caltrans Letter. p. 3.) The County should evaluate and disclose whether this illegal use has resulted in hazardous conditions or an increase in traffic accidents in light of Caltrans letter.

In December 2010, a traffic assessment was prepared for Plot Plan Application 21752, as amended by the May 10, 2011, Traffic Signal Warrant Analysis (the "2010-2011 Traffic Assessment", attached as Ex. 3). The 2010-2011 Traffic Assessment evaluated the traffic impacts that would result by approving a soccer complex at the Galway Downs site. At that time, the only uses at Galway Downs were equestrian uses. In evaluating the existing traffic patterns at Galway Downs, this traffic assessment explained that trip generation characteristics for land uses at an equestrian facility "are either very limited or unavailable from recognized industry sources for trip generation information." (Ex. 3, 2010-2011 Traffic Assessment, p. 11.) This Traffic Assessment determined that the equestrian site is a "weekend oriented land use[]" that typically has limited site activity during the weekday commute hours. (*Ibid.*) The 2010 Traffic Assessment states that the Galway site provided only "weekend oriented land uses" with "limited site activity during the typical weekday commute hours." (*Id.*, p. 1.) Because Galway Downs did not host equestrian events on a weekly basis, the analysts conducted weekend special event traffic counts during the "International Three-Day Event & Horse Trials" on November 5-7, 2010. (*Id.*, p. 12.) This traffic study included larger transport trucks and horse trailers. (*Id.*, p. 13.) The traffic analysis concluded that traffic impacts from lawful permitted uses at Galway Downs (i.e. the strictly equestrian uses prior to the unpermitted uses that Galway currently allows on the Property) to generally be minimal. This study conducted a level of service review for several intersections around Galway, finding most intersections at that time operating at LOS C. (*Id.*, p. 17.)

The 2010 Traffic Assessment relied upon the John Blanche Memorial Soccer Complex, which considered relocating to Galway, to calculate the proposed soccer complex at Galway Downs. (*Id.*, pp. 14-15.) This resulted in an "anticipated" trip generation at the "relocated soccer complex" as generating 692 additional vehicle trips. (*Id.*, p. 16.) These were "considered a conservative worst case condition, as they are based on the assumption that all fields are in use at the same time." (*Id.*, p. 16.)

In any case, this 2010 Traffic Assessment provides a starting point for the appropriate baseline transportation analysis, which should estimate minimal baseline traffic counts in 2010/2011, when only equestrian activities occurred on the site and before any of the current, unpermitted uses. Further, the estimated traffic counts for the soccer site from this traffic assessment, provide only a fraction of what is occurring (and will occur) on the Galway site with the proposed CUP. The uses considered under the CUP, include numerous other sport, recreation, and entertainment activities that were never encapsulated in the 2010 Traffic Assessment.

Despite the documented history of this required mitigation measure, according to the DEIR, Galway Downs is now "proposing" improvements to the intersection of SR-79 at Los Caballos Road for installation of a traffic signal and the addition of an eastbound left-turn lane, but at a reduced "fair share" contribution. ***This fails to acknowledge or account for Galway Downs-caused increase in impacts to the area circulation system since the 2010 Traffic Assessment over the last 15 years, or from cumulative and future projects reasonably anticipated throughout the WC-E area as a result of the Project's zone change***. This also fails to acknowledge that this improvement should have been installed before the sporting/athletic uses even began. The degradation to the environment and infrastructure already occurred, and the degraded conditions caused by Galway Downs are not being disclosed or mitigated as a result of the County's improper baseline and discontinued enforcement proceedings under the TLMA Director's "Settlement Agreement". None of the baseline cases cited in the DEIR allow this.

To make matters worse, in calculating Galway Downs' "fair share" contribution for this improvement, the traffic from existing conditions caused by Galway Downs is subtracted out of the calculation. (*See* DEIR, App. I, pp. 24-25.) Under the traffic analysis, "The Project's fair share cost of improvements would be determined based on the following equation, which is the ratio of Project traffic to new traffic, where new traffic is total future traffic ***less existing baseline traffic***." [emphasis added].) In other words, the "fair share" of roadway improvements is being based on Galway Downs' existing illegal uses and not 2011 levels that identified the improvements needed and were clear that this improvement is due to Galway Downs. The Plot Plan MND is clear that this impact is from Galway Downs, and Galway Downs is looking to be subsidized by the public or others for its impact. The correct "fair share" is 100% of the costs [plus additional improvements needed since the 2011 calculation], and the DEIR must be revised to disclose and mitigate those Galway Downs impacts.

Additionally, the 2011 Plot Plan MND included a Climate Change Analysis for the then-proposed "Soccer Complex at Galway Downs," prepared by Urban Crossroads and dated January 10, 2011. (Ex. 32, 2011 Climate Change Analysis.) The 2011 Climate Change Analysis concluded that the then-proposed field soccer complex on the Property would result in 3,465 daily weekend trips. (Ex. 32, 2011 Climate Change Analysis, p. 8, Table 2-1.) This figure does not identify the number of weekend trips existing in 2011, but shows a portion of the increase in traffic and circulation deficiencies proposed to be caused by the athletic uses as of 2011.

Meanwhile, the traffic analysis prepared for the current EIR concludes that the "Project" would result in up to 11,514 peak weekend trips "with traffic control". (DEIR, App. I, LOS Traffic Analysis, p. 43, tbl. 4-4.)

The County General Plan requires an Galway Downs to "[m]aintain Riverside County's roadway Level of Service standards as described in the Level of Service section of the General Plan Circulation Element," ensure "that adequate and available circulation facilities, water resources, sewer facilities and/or septic capacity exist to meet the demands of the proposed land use" and ensure "that development does not adversely impact the open space and rural character of the surrounding area." (SWAP, p. 49; General Plan, p. LU-49.) General Plan Circulation Policy C 2.1 designates "minimum target levels of service" for roadways in certain areas of the County, and LOS D applies to all development proposals located within the SWAP. (General Plan, p. C-6, C-7.)

Given that the County and Caltrans concluded in 2011, ***15 years ago,*** that the introduction of soccer and the other non-equestrian uses on the Property would require significant traffic mitigation and increase the likelihood of traffic accidents; that the County-required 2011 mitigation measures to reduce these impacts were never installed; that the Galway Downs proceeded with such uses in the absence of Project approvals; and that the Galway Downs further expanded its unpermitted uses at Galway Downs since that time; it is a clear violation of the General Plan policies and County development standards for the Galway Downs to only be required to complete the same improvement at a significantly reduced fair share cost. By failing to disclose or consider the 2011 Plot Plan MND, the current impact analysis flawed, especially considering the cumulative impacts to the roadway from residential and recreational development in the region over the past 15 years.

The Project's own traffic analysis, which is flawed, concludes that the daily weekend trips more than triple compared to the 2011 projected analysis, and that the Galway Downs is not ***100% responsible*** for these improvements and costs. Galway Downs must be held accountable for actual impacts. The Project also cannot be approved because it is inconsistent with the County's General Plan policies above.

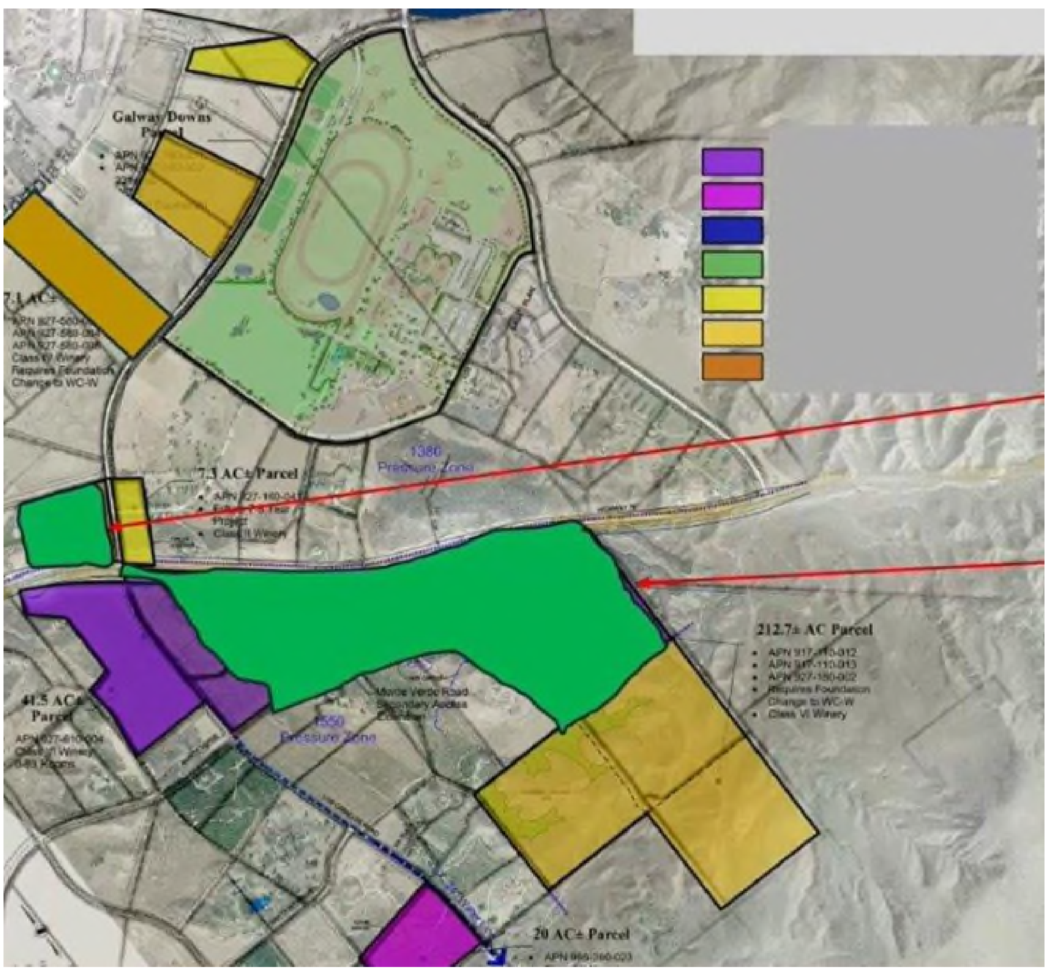
E. The DEIR Fails to Analyze the Broader Impacts of Adopting a District-Wide, 200-acre *Operational* Parcel Size Eligibility Standard.

The Project's zone change as proposed and evaluated in the DEIR alters the existing zoning provisions used to calculate acreage for a "minimum parcel size" to, as modified, "minimum *operational* parcel size." Despite this significant change from minimum parcel size, the term "*operational* parcel size" does not appear to be defined anywhere in the DEIR or entitlement package. Notably, the phrase "operational parcel size" appears only once in the DEIR, the DEIR does not expand on or explain the broader impacts of this change in definition to the Zoning Code of Ordinances with respect to the WC-E properties it applies.

Considering the zone change as though it exclusively applied to the Galway Downs Property, we must first understand that the Galway Downs Property is comprised of two (2) legal parcels, identified by Assessor's Parcel Nos. 927-160-001 and 927-160-002. (See generally, Notice of Completion, at p. 1.) Each legal parcel is individually under two-hundred (200) acres, meaning that Galway Downs presently does not satisfy the minimum parcel size under present zoning. The DEIR appears to be relying on a definition of "operational" parcel acreage to allow for the assemblage of undersized legal parcels to qualify as an "operational parcel" without requiring a lot merger.

The potential adverse environmental impacts of this change in the minimum parcel size standard are not at all limited to the Galway Downs Property. The County should not approve a district-wide 200-acre *operational* eligibility standard without <u>*being very clear in*</u> defining what exactly that means. For example, when smaller parcels are assembled to meet the 200-acre operational eligibility standard, must those parcels be under common ownership, or contiguous, or could they be any parcels located anywhere? Regardless, the County *cannot* avoid a full and complete analysis and disclosure of the Project *as* proposed, which must include this expansive new language applicable to all properties within the WC-E zone.

Below is an exhibit showing other properties owned by Galway Downs-related entities in the area of the Project. Without a clear definition of "operational" parcel size, assemblages of other smaller parcels could be used to meet the definition and expand allowable land uses.



Accordingly, environmental review must evaluate and mitigate the potential impact of this zone change on all properties in the WC-E zone, disclose, analyze and mitigate said impacts in full within each section of the DEIR.

F. **The DEIR Fails to Analyze the Broader Impacts of Noise Exception No. 9.**

Ordinance No. 847 section 6.d.2 prohibits sound from amplifying equipment or live music that is "audible to the human ear at a distance greater than two hundred (200) feet from the equipment or music." (DEIR, p. 3-29.) Exception No. 9 exists precisely to lift that limit, which will have broader impacts on the environment that the DEIR fails to analyze or disclose in any meaningful way.

Appendix G threshold XIII(a) of the Guidelines, which the DEIR adopts verbatim as Threshold c (DEIR, p. 4.9-20), asks whether the Project would generate an increase in ambient noise "in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies." Here, the DEIR's operational noise analysis (DEIR, pp. 4.9-39–4.9-42) tests only the Section 4 general L~eq~ standards and does not test or evaluate additional applicable standards or the broader impacts of modifying the Ordinance with such an exception. Granting an exception from a standard does not answer the CEQA question whether exceeding that standard is a significant effect. (See *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106–1109 [an agency may not treat its thresholds as conclusive and must consider other substantial evidence of a significant effect]; *Californians for Alternatives to Toxics v. Dept. of Food & Ag.* (2005) 136 Cal.App.4th 1, 16–17; *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 342.

The DEIR's Noise Analysis also fails to model or evaluate nighttime concerts or traffic noise. The "Special Occasion Activity" source level of 71.6 dBA L~eq~ at 50 feet was measured at "a large wedding event with approximately 250 people in attendance, talking in raised voices, and recorded music playing in the background." (DEIR, 4.9-32.) But, the Project description extends to "weddings," *and* "*parties, concerts, conferences, charity banquets, corporate events, seasonal events*," with both public and private attendance. (DEIR, pp. 3-28–3-29.) A 250-person background-music wedding is not a reasonable proxy for an outdoor concert. The DEIR needs to measure or model a live-amplified-music concert scenario, or the CUP should expressly exclude concerts and amplified live music above a stated sound power level. Relatedly, nighttime special occasion activity is modeled but its content is not disclosed in violation of the primary purpose of the DEIR, which also performs no traffic noise modeling. (DEIR, tbl. 4.9-4.)

Additionally, complaint driven enforcement is not mitigation and the DEIR fails to engage with the issues identified in *Keep Our Mountains Quiet* regarding the nature of the Project's impacts in a rural setting. (See *Keep Our Mountains Quiet v. County of Santa Clara* (2015) 236 Cal.app.4th 714.)

The DEIR also fails to evaluate the adverse impacts of the extended noise exemption hours on equine health, another feature of the Project that appears aimed at inapposite goals to the purpose of the WCCP and WC-E area in supporting only uses incidental to equestrian uses. Notably, in response to information provided at the 2025 scoping meeting. Horses require minimal lighting and noise to allow stabled horses to rest adequately. (See Ex. 24, Riv. Co. Planning Dir. Tr., p. 35; Ex. 25, 2026 U.S. Equestrian Fed'n Rulebook, p. GR12-10 [GR1215 Stabling]; and Ex. 26, 2026 Vet. Regs., p. 15 [Stable Area Requirements].) Allowing amplified music until midnight, plus traffic headlights and noise from visitors exiting the Galway Downs venue and other operational parcels throughout the WC-E Zone afterwards, would not allow adequate time for minimal lighting and noise for stabled horses to rest.

The extended hours proposed by the Noise Exemption is inconsistent with the rural residential and equestrian lifestyle of the Equestrian District and is therefore inconsistent with the General Plan.

G. <u>The DEIR Inappropriately Modifies and Removes Approved Mitigation Measures</u>.

When it prepared the 2011 Plot Plan MND for the original proposal for athletic/sporting fields, the County required Galway Downs to "offer a dedication for the 20 foot regional trail and a 14 foot community trail easement," as required by the County Parks Department. (2011 Plot Plan MND, p. 32; [pdf 156 of 396; COAs 60.Parks.1 and 60.Parks2.) 60.PARKS. 1 states, "Prior to the issuance of any grading permits, Galway Downs shall offer the dedication of the proposed trails shown on the project plan. The trail easements are to include a 2' Regional Trail to the south of Los Caballos Road, a 14' Community Trail easement to the west of Pauba Road, and a 14' Community trail to the north and to the east of Los Corralitos Road. All easements are to be entirely outside of Transportation right-of-way. Said easement dedications will be offered on behalf of the vested interest of Riverside County." 60.PARKS. 2 states, "Prior to the issuance of any grading permits Galway Downs shall have submitted and received approval of the project's trail plan. The trail plan is to show all trail with topography, grading, ADA compliance, fencing, cross-sections, signage, pavement markings, street-crossings, bollards (if applicable) and landscaping and irrigation." (Staff report pp 195-196.)

Further, WCCP Mitigation Measure AQ-2 provides that all implementing projects must implement the Trails and Bikeways Systems map. (DEIR, App. K, Applicability of Wine Country EIR Mitigation Measures, pp. 7-8.) In response, the DEIR says that several trails "are designated in the area surrounding the Galway Downs property" and that because those trails are already 4 to 8 feet in width, Galway Downs need not provide any additional trails or improvements. (*Ibid.*)

These mitigation measures are required of the Project, and a statement that these requirements can be avoided in light of what might be an existing 4-8 feet trail lacking appropriate design standards and safety improvements is unacceptable. A previously adopted mitigation measure cannot be deleted "without a showing that it is infeasible" or "impractical or unworkable." (*Nat'l Resources Def. Council, Inc. v. City of Los Angeles* (2023) 98 Cal.App.5th 1176, 1219; *Lincoln Place Tenants Assn. v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508-09.) "[A] governing body must state a legitimate reason for deleting an earlier adopted mitigation measure, and must support that statement of reason with substantial evidence." (*Lincoln Place Tenants*, *supra*, 130 Cal.App.4th at p. 1509.) Furthermore, an agency's "failure to comply with [a project's] [m]itigation [m]easure ... supports the conclusion that [the subsequent activity] will have significant, adverse environmental impacts that have not been previously considered, mitigated, or avoided." (*Sierra Club v. County of San Diego* (2014) 231 Cal.App. 4th 1152, 1173 ("*Sierra Club*".)

If Galway Downs seeks to modify or delete previously adopted mitigation measure, the DEIR must clearly state so, provide a legitimate reason for making the change and support the statement of reason with substantial evidence. Here, the DEIR does not provide any explanation, let alone any reason supported by substantial evidence, why it previously required Galway Downs to dedicate one 20-foot and one 14-foot trail on the Property and why Galway Downs is no longer required to dedicate and provide these improvements. Unless and until the County demonstrates why the 2011 trail mitigation measure was infeasible, impractical, or unworkable, this EIR is deficient.

H. The Air Quality Analysis is Inaccurate and Deficient.

The DEIR fails to adequately analyze the Project's air quality impacts. As a general matter, the criteria used to determine the significance of potential project-related air quality impacts are taken from the CEQA Guidelines. Based on these thresholds, a project would result in a significant impact related to air quality if it would:

1. Conflict with or obstruct implementation of the applicable air quality plan.
2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.
3. Expose sensitive receptors to substantial pollutant concentrations.
4. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

The primary issue with the DEIR's Air Quality analysis is that it makes a less than significant determination for the stated reason that "[m]obile source emissions were not included in this analysis *because the Project would not alter traffic volumes and associated mobile emissions.*" (DEIR, 4.2-33 [emphasis added; citing App. B1, UXR, 2026a, pp. 36-37].) For example, the Draft EIR reaches the following conclusion for Operational Impacts under Consistency Criterion 1:

> Mobile source emissions were not included in this analysis because the Project would not alter traffic volumes and associated mobile emissions. Accordingly, operation-related air quality impacts would be less than significant.

(DEIR, 4.2-33; App. B1, UXR, 2026a, pp. 36-37; see also threshold III(b) analysis.) Yet, the Transportation and Greenhouse Gas ("GHG") analyses plainly acknowledge significant alterations in traffic volumes and associated mobile emissions using the same trip data. Specifically, the transportation analysis discusses 838,218 net new annual two-way weekend trips and finds a significant and unavoidable impact for vehicle miles traveled ("VMT") as a result (DEIR, 4.10-34–4.10–35) and the GHG analysis uses the same 104-peak weekend assumptions (DEIR, 4.6-29, 4.6-31–4.6-34) to reach a similar finding, both of which are plainly incompatible with the above-referenced assumption that "the Project would not alter traffic volumes and associated mobile emissions." (DEIR, 4.2-33; App. B1, UXR, 2026a, pp. 36-37.)

Appendix B1, as part of the Project Description, also incorrectly and inconsistently assumes that the existing facility operates under "four (4) ***approved*** Conditional Use Permits." (DEIR, App. B1, UXR, 2026a, at p. 3 [emphasis added]).

I. The DEIR Must Estimate and Analyze Wildfire Evacuation Times and Capacity.

Where an EIR must address wildfire evacuation, a discussion that omits estimated evacuation times and capacity does not enable those who did not participate in its preparation to understand and consider its meaning. Here, the majority of the Galway Downs property is classified within a Very High Fire Hazard Severity Zone including surrounding lands to the north, east, south, northwest, and southwest, which are also within the Very High Fire Hazard Severity Zone. (DEIR, 4.13-1.) Despite this, the Draft EIR has no modeling of evacuation scenarios or timing and no meaningful approval or evaluation of an evacuation plan although multiple NOP commenters raised evacuation specifically. (DEIR, 1-11.) The DEIR has no estimate of clearance time, no analysis of egress capacity on single-lane Los Caballos Road and Pauba Road with 5,757 vehicles on site, and no consideration of concurrent wildfire evacuation of the surrounding rural community.

Moreover, the Project would concentrate thousands of visitors in the Very High Fire Hazard Severity Zone and add overnight occupancy (36 park model units, an RV park, 18 employee housing units) with essentially one regional egress route. Section 4.13 appears to dismiss these conditions and instead simply concludes under Threshold a. that "[t]he Project site and surrounding areas are not identified as evacuation routes" (DEIR, 4.13-16), although Section 4.10 also describes SR-79 as "a primary emergency response corridor for the western Riverside County area." (DEIR, 4.10-38.)

Based on the Draft EIR's abject failure as an informational document described above, it requires substantial revision and recirculation.

J. The DEIR's GHG Analysis Fails to Adequately Address Impacts or Mitigation and the Scoping Plan Contradicts VMT Findings.

The Draft EIR is problematic in that it identifies significant and unavoidable impacts for GHGs based on net new trips, but adopts no mitigation; instead only referring to on-site solar and Title 24 compliance as project design features, which are not appropriate mitigation measures under CEQA. (See DEIR, 4.6-39; with Pub. Resources Code, §§ 21002, 21081, subd.

(a)(1); Guidelines, § 15126.4, subd. (a)(1); and *Lotus v. Dept. of Trans.* (2014) 223 Cal.App.4th 645, 655–656 ["Caltrans compounds this omission by incorporating the proposed mitigation measures into its description of the project and then concluding that any potential impacts from the project will be less than significant."].) The GHG analysis is additionally insufficient insofar as it contradicts the Draft EIR's own VMT findings, with the Scoping Plan consistency table finding no conflict (DEIR, 4.6-36) although the transportation analysis finds that the Project's VMT contribution is not offset by any programmatic regional mitigation measure. (DEIR, 4.10-39.)

K. The DEIR Defers Analysis and Mitigation of MSHCP Consistency Based on a 2011 Joint Report's Future Amendment.

The analysis of biological resources similarly, improperly defers an analysis of impacts and mitigation by relying on the *future amendment* to the 2011 Joint Project Review report prepared for the 2011 MND. (DEIR, p. 4.3-45; with *Lotus, supra*, 223 Cal.App.4th at pp. 655-656.)

L. A Water Supply Assessment Is Required To Address the Water Needs for Serving Vendors and Event Attendees.

A water supply assessment ("WSA") is required based on the reasoning of *Ctr. for Bio. Div. v. County of San Bernardino* (2010) 185 Cal.App.4th 866, which found such an assessment necessary although the project did not meet the square footage ("sf") requirements of Water Code section 10912. Similar reasoning should apply here based on both the total floor space of the maximum allowed model units and other buildings ***and*** as a project with an equivalent water demand to at least 500 dwelling units. As to the latter, the Draft EIR incorrectly relies on the fact that it will only employ 167 people and only add 57,000 sf of space to approximate water usage (DEIR, p. 4.12-21). This approximation fails to meaningfully consider, analyze, and disclose the Project's total projected water needs to serve the short-term renters, vendors and event attendees for the many large-scale events it plans to host and to irrigate the soccer fields.

Based on the Draft EIR's abject failure as an informational document described above, it requires substantial revision and recirculation.

VI. THE CUP *CANNOT* BE APPROVED IN LIGHT OF THE PENDING ENFORCEMENT ACTIONS AND OUTSTANDING FINES/PENALTIES OWED.

The County cannot approve the Project, and particularly the CUP, while Galway Downs has pending code violation enforcement actions. As noted above, the County sent to Galway Downs several code violations, enforcement letters, and even recorded notices of violation against the Property demanding the cessation of the unlawful activities that Galway Downs was permitting on its Property. These unpermitted activities remain unabated, including: soccer tournaments, athletic events, sporting events, weddings, corporate events, marathons, obstacle challenges, and concerts and music festivals.

The County Code provides that the County will not approve a CUP "unless Galway Downs demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community." (County Code, § 17.200.050.) The County cannot make this finding, particularly because the County already concluded that the proposed uses are "a public nuisance which adversely impacts the surrounding community and the public." (Office of County Counsel Code Enforcement Letter, June 5, 2018, p. 1.) Thus, the County cannot approve the Project while it has already concluded that Galway Downs is in violation of the applicable zoning code.

Galway Downs must discontinue the unpermitted uses.

VII. THE COUNTY'S CONDUCT AMOUNTS TO AN UNCONSTITUTIONAL GIFT OF PUBLIC FUNDS AND PUBLIC SUBSIDIES TRIGGERING PAYMENT OF PREVAILING WAGE, AMONG OTHER ISSUES.

A. Galway Downs Must Pay Its Outstanding Balance of Administrative Fines and Civil Penalties.

Galway Downs has an extensive outstanding balance of administrative fines and civil penalties that needs to be addressed. As of December 20, 2018, the County warned Galway Downs that outstanding "County Ordinance violations at the Property have already resulted in abatement costs, including investigation costs, attorneys' fees, and administrative fines since the inception of the Code Enforcement case, which are recoverable in-full pursuant to Riverside County Ordinance No. 725 and Government Code section 25845." (Ex. 12, Riv. Co. Code Enf. Ltr. to Galway Downs re Cease & Desist (Dec. 20, 2018), p. 2.) The County explained that "civil penalties continue to accrue daily at up to $1,000.00 per day per violation pursuant to Riverside County Ordinance No. 725," resulting in a then-total of $220,000 in civil penalties. Given that Galway Downs has not abated these code violations, the total civil penalty fine is approximately $3 million and growing.[5]

Any forgiveness of this $3 million balance would be an unconstitutional gift of public funds. Article XVI, section 6 of the California Constitution prohibits any public agency (expressly including a county) from making a gift of public funds to any individual, association, or corporation. "The cancellation of a debt may constitute a gift even though nothing is transferred." (*Westly v. U.S. Bancorp* (2003) 114 Cal.App.4th 577, 582.) In *Westly*, Property owner financial and insurance corporations argued that they were exempt from interest charges levied on the holder of unclaimed property when that holder failed to deliver the unclaimed property to the state in a timely manner. (*Id.* at pp. 580-81.) The court in *Westly* summarized the following examples as unconstitutional gifts of public funds:

- Canceling county taxes; (*Id.* (citing *County of San Bernardino v. Way* (1941) 18 Cal.2d 647, 654));

[5] As of August 10, 2026, 2,790 days have elapsed since December 20, 2018, resulting in $2,790,000 in civil penalties at $1,000 per day. That amount, plus the outstanding $220,000 balance, results in a total of $3,010,000.

- Canceling uncollected property taxes; (*Id.* (citing *City of Ojai v. Chaffee* (1943) 60 Cal.App.2d 54, 59));
- Releasing a tax lien without consideration; (*Id.* (citing *Community Television of Southern California v. County of Los Angeles* (1975) 44 Cal.App.3d 990, 996-97)).

Ultimately, the court in *Westly* concluded that a retroactive application of a state statute which would have exempted Property owners from interest charges was an unconstitutional gift of public funds. (*Id.* at p. 585.)

Here, the County's levy of $3 million (and growing) in civil penalties, is intended to reimburse the County for abatement costs, investigation costs, and attorneys' fees, as well as to provide administrative fines to discourage continued unlawful behavior. Thus, considering the number of aforementioned examples of unconstitutional gifts of public funds, any attempt at forgiving this balance or otherwise not collecting it would likewise be an unconstitutional gift, prohibited by Article XVI, section 6 of the California Constitution.

B. The County's Outstanding Fines Owed May Amount to an Unconstitutional Gift of Public Funds If Not Paid In Full.

Galway Downs must also pay development impact fees that accrued from its prior (illegal) grading, developing and building without approved permits (e.g., traffic impact fee, TUMF, MSHCP, etc.) and for any proposed Project work without a significantly reduced percentage that does not account for their usage. If the County is not requiring Galway Downs to pay all fees, the County would not only be exempting the Project from additional requirements without disclosure of such exemptions, but the County would also be subsidizing the Project which is an unconstitutional gift of public funds and a public subsidy that triggers the payment of prevailing wage for the Project.

As detailed above, Article XVI, section 6 of the California Constitution prohibits any public agency from making a gift of public funds to any individual, association, or corporation. "The cancellation of a debt may constitute a gift even though nothing is transferred." (*Westly v. U.S. Bancorp* (2003) 114 Cal.App.4th 577, 582.) Numerous cases have held that a public agency's improper cancellation or forgiveness of any amount that an entity otherwise owes to the agency, to be an unconstitutional gift of public funds. (*Westly*, *supra*, 114 Cal.App.4th at pp. 580-81 (discussing an exemption from interest charges); *County of San Bernardino v. Way* (1941) 18 Cal.2d 647, 654 (canceling county taxes); *City of Ojai v. Chaffee* (1943) 60 Cal.App.2d 54, 59 (canceling uncollected property taxes); *Comm. Television of Southern Cal. v. County of Los Angeles* (1975) 44 Cal.App.3d 990, 996-97 (releasing a tax lien).)

Further, constitutional takings provisions and the Mitigation Fee Act inherently link impact fee requirements to public facilities and public improvements, and public services. (U.S. Const., amend. V ("private property [shall not] be taken for public use, without just compensation."); Cal. Const., art. I, § 19(a) ("Private property may be taken or damaged ***for a public use*** and only when just compensation . . . has first been paid . . . ."); Gov. Code, §§ 66000(b) ("Fee means a monetary exaction . . . defraying all or a portion of the cost of public facilities related to the development project . . . ."), 66000(d) ("Public facilities includes public improvements, public services, and community amenities."), 66001(b) ("In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.").) "[I]t is only fair that the public at large should not be obliged to pay for the increased burden on public facilities caused by new development . . . ." (*Boatworks, LLC v. City of Alameda* (2019) 35 Cal.App.5th 290, 298.) The corollary of this being that, because impact fees fund identified public facilities (facilities deemed necessary through the preparation of a comprehensive nexus study), the forgiveness or waiver of the fee or the failure to apply the fee to an applicant whose project is contributing to community impacts that the fee is intended to mitigate, constitutes an unconstitutional gift of public funds or public benefits. Because impact mitigation addresses a project's impacts on the community, this analysis likewise broadly applies to any exemption from impact mitigation (including but not limited to mitigation that Galway Downs was required to complete as a result of the burden to public infrastructure from the project activities) or any exemption from work that the County would require any other similarly situated applicant to complete. Consequently, any conclusion that it need not pay into the TUMF Program (which the County uses to mitigate transportation impacts caused by development like the Project) or DIF, constitutes a proscribed gift of public funds.

At best, the County failed to demonstrate if and why the Project is exempt from fees and why Galway Downs need not address specified impacts. At worst, this will result in the County unconstitutionally forgiving Galway Downs from paying the aforementioned fees or completing identified work, which Galway Downs otherwise owes to mitigate for the Project's impacts to the community and public facilities. In any case, the County cannot certify this DEIR and must address these deficiencies in a revised document. As drafted, the County is not providing for Galway Downs to remedy the adverse impacts caused to the public infrastructure either through CEQA or through other enforcement. No other CEQA case has absolved a project applicant with ongoing unpermitted land uses from remedying its demonstrated adverse environmental impacts, as the County proposes to do here.

Furthermore, the County's improper exemption of the Project from paying impact fees and from requiring the implementation of mitigation measures amounts to a public subsidy for which Galway Downs must conform to state Labor Code requirements. Labor Code sections 1720 et seq. generally imposes strict labor code provisions and the payment of prevailing wage on development projects that construct certain improvements that are "paid for in whole or in part out of public funds." (Lab. Code, § 1720(a).) "Paid for in whole or in part out of public funds" is expressly defined to include "***[f]ees*** costs, rents, insurance or bond premiums, loans, interest rates, ***or other obligations that would normally be required*** . . . ***that are paid, reduced, charged at less than fair market value, waived, or forgiven by the state or political subdivision***." (*Id.*, § 1720(b)(4) [emphasis added].)

Courts have determined public subsidies of private projects render the entire project a "public work" subject to the prevailing wage law. (*Housing Partners I, Inc. v. Duncan* (2012) 206 Cal.App.4th 1335, 1341, 1348; *Hensel Phelps Construction Co. v. San Diego Unified Port*

Dist. (2011) 197 Cal.App.4th 1020, 1041.) Applied here, the County's exemption of the Project from development impact fees, as well as its exemption from other mitigation measures and other development requirements normally imposed on other similar projects, constitutes a public subsidy and those of "public funds" for the Project under the terms of the Labor Code. ***This renders the <u>entire Galway Downs project</u> a "public work" for which Galway Downs is required to pay a prevailing wage to all laborers conducting any work on the Project.***

VIII. <u>THE ZONE CHANGE IS ILLEGAL SPOT ZONING</u>.

Unlawful spot zoning occurs when a parcel is given lesser or greater rights than the surrounding property. (*Foothill Communities Coalition v. County of Orange* (2014) 222 Cal.App.4th 1302, 1312.) "The essence of spot zoning is irrational discrimination." (*Avenida San Juan Partnership v. City of San Clemente* (2011) 201 Cal.App.4th 1256, 1268.) Spot zoning may or may not be impermissible, depending on whether "a substantial public need exists, and this is so even if the private owner of the tract will also benefit." (*Foothill Communities*, *supra*, 222 Cal.App.4th at p. 1314.)

Here, Galway Downs requests a zone change to expand allowable land uses throughout the WC-E zone to add a category of uses that are permitted with a CUP for Class II Equestrian Establishments of a "minimum operational parcel" size of 200 gross acres. (DEIR, p. 3-33.) This zone change will allow for: multi-use sports fields, equestrian recreational vehicle parks, wine country equestrian park model lodging, and ancillary storage of livestock on such 200-acre "operational parcels". (*Id.*) Each of the Galway Downs parcels is under 200 acres, but the DEIR treats them as comprising an "operational parcel" of approximately 241.6 acres.

At the Planning Director's February 10, 2025 scoping meeting for the Project, County Principal Planner Russell Brady explained that this 200-acre minimum was "***specifically selected***" for the Project "for the purpose of limiting the potential impacts of the change of zone on the wider equestrian area." (Ex. 23, Riv. Co. Planning Dir. Feb.10, 2025, Mtng. Tr., p. 11.) Indeed, the County elected to impose the 200-acre minimum "operational parcel" to limit "***the potential impacts*** of the change of zone on the wider equestrian area" (emphasis added).

Further, the proposed zoning amendment curiously refers to the property size as sites with "a ***minimum operational parcel size*** of" 200 acres. (DEIR, p. 3-33 (emphasis added).) This undefined addition of the term "operational" deviates from what is currently required in the County Code, which regulates equestrian establishments with "a minimum parcel size". (See County Code., § 17.142.070(B)-(C).) Because the Project proposes expanded uses on Galway Downs' two parcels, each under 200 acres in size, we can only assume that this term "operational" was intended to allow for Galway Downs to take advantage of this zone change by assembling smaller parcels without a lot merger or lot line adjustment. The zone change should disclose and evaluate what other types of assemblages throughout the WC-E Zone would constitute "operational parcels", whether such parcels must be under common ownership, or whether the parcels must be contiguous.

Without any such restrictions defined by the zone change, it must be assumed, at a minimum, that the numerous other parcels throughout the WC-E Zone owned by Applicant affiliates (Ex. 22, Map Applicant-Related Props.) could be added to the Galway Downs "operational parcel" or to other parcels throughout the WC-E Zone to qualify for the expanded land uses. The cumulative effect of such land uses must be disclosed, analyzed and mitigated in the DEIR.

Thus, by the County's own admission, the new land use category allowing for more intensive uses on "operational parcels" of 200 acres is providing Galway Downs' Property (and potentially other Applicant-owned properties) with greater rights than all surrounding properties zoned WC-E in the County. There is no evidence that a substantial public need exists and, in fact, this zone change could create harm for the entire WC-E community, and the full potential impacts on the wider area are not evaluated in the DEIR. Consequently, this zone change constitutes unlawful spot zoning.

IX. NOTICE OF PROJECT HEARINGS MUST BE MAILED TO ALL LANDOWNERS WITHIN THE WC-E ZONE AND POSTED ALONG THE FULL RADIUS OF THE GALWAY DOWNS PROPERTY AND THE WC-E ZONE, AS REQUIRED BY COUNTY CODE AND THE JEFFRIES/WASHINGTON EXPANDED NOTICE.

Galway Downs must comply with County Code requirements to provide expanded notice for hearings on proposed zoning amendments by mailing notice to all owners within the WC-E Zone, all owners of real property within 300 feet of the Property boundaries, and posting notice on all roads bordering Galway Downs and the WC-E Zone boundary.

The County Code provides detailed procedures for how it adopts amendments to the zoning code. Specifically, the Code requires amendments to zoning that involve:

- ***The regulation of the use of buildings, structures and land as between industry, business, residents, open space, including agriculture, recreation, enjoyment or scenic beauty and use of natural resources, and other purposes***;
- The regulation of the location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; ***the intensity of land use***; and,
- The requirements for off-street parking and loading.

Such zoning amendments must be "adopted in the manner set forth in [Code] section 17.280.040." (County Code, § 17.280.030.) These requirements include that the County provide public notice of a hearing pertaining to the zone change. (County Code, § 17.280.040.) The County requires that this notice be provided by mail or personal delivery to:

- ***the owners of all subject real property***;
- ***the owners of all real property located within 300 feet of the exterior boundaries of any subject properties***; and

- each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project whose ability to provide those facilities and services may be significantly affected.

(County Code, § 17.280.040(B) [emphasis added].)

Here, Galway Downs is proposing to "clarify and refine the list of definitions, list of conditionally permitted uses, and development standards" for the WC-E zone. (DEIR, p. S-4.) Specifically, this zoning amendment proposes to "establish Wine Country Equestrian Park Model Lodging, Equestrian Recreational Vehicle Parks, and Multi-Use Sport Field land uses as new conditionally permitted uses under Article XIVd (Wine Country Zones [WC])" of County Ordinance No. 348. (*Ibid.*) This includes a modification of the "General Standards applicable to the WC zone to expressly prohibit parking on public streets during special occasion events; modify the development standards for Class II equestrian establishments; and add new development standards for Wine Country Equestrian Park Model Lodging and Equestrian Recreational Vehicle Parks." (*Id.*, p. S-5.)

These proposed modifications to the WC-E zone will modify the allowable uses and development standards applicable to all land within the WCCP Equestrian District. The proposed zone changes require Galway Downs to notify each subject property owner and each property owner within 300 feet of any parcel zoned WC-E that will ultimately see its allowable uses and development standards revised through this zone change.

Additionally, on April 28, 2015, the County Board of Supervisors approved expanded notice requirements for public hearings on zone change applications. (Ex. 7, Riv. Co. Bd. of Supers. K. Jeffries & C. Washington Approval Pkg. re On-Site Postings of Pub. Ntc. for Dev. Projects Req. Change of Land Use (as approved April 28, 2015), p. 1.) The purpose of the expanded notice was to provide a higher level of notice to neighbors and the community where a zone change application proposes to change community expectations for a parcel, and to improve communication and transparency in the development review process. In addition to complying with the mailing and posting hearing notice required by the County Code, the Project Applicant must post hearing notices at all perimeter streets along the boundaries of Galway Downs and along the boundaries of the Equestrian District in compliance with the Jeffries/Washington expanded notice requirements.

X. <u>CONCLUSION</u>

"The foremost principle under CEQA is that the Legislature intended the act 'to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.' [Citations omitted.] 'With narrow exceptions, CEQA requires an EIR whenever a public agency proposes to approve or to carry out a project that may have a significant effect on the environment. [Citations omitted.]'... The basic purpose [under CEQA] is to 'provide public agencies and the public in general with detailed information about the effect [that] a proposed project is likely to have on the environment; [and] to list ways in which the significant effects of such a project might be minimized;' ... 'Because the [CEQA document] must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.' [Citations omitted.] The DEIR 'protects not only the environment but also informed self-government.'" (*Sierra Club*, *supra*, 6 Cal.5th at pp. 511-12.)

Here, the Project cannot be approved and the DEIR cannot be certified for the reasons detailed in this letter, and Save TED urges the County to: :

- Provide public notice to of all public hearings on the Project to all landowners within the WC-E Zone in the manner required by County Code sections 17.280.030 and 17.280.040, and Jeffries/Washington expanded notice requirements approved by the Board of Supervisors on April 28, 2015, attached as Exhibit 7;
- Correct the Project Description and revise the DEIR to address the deficiencies discussed in this comment letter;
- Disclose the Project's inconsistency with the General Plan policies established to promote and preserve the distinctive equestrian character of the Temecula Valley WCCP Area's Equestrian District derived from citizen involvement over a period of many years; and require Project revisions either to conform to the General Plan or process a General Plan Amendment;
- Correct the environmental baseline and Project fair share calculation to disclose, analyze and mitigate the adverse impacts to the environment and public infrastructure caused by the unpermitted activities at Galway Downs since the County approved the 2011 Plot Plan MND, including, but not limited to, by analyzing the increase in vehicle trip counts and intersection delays, and to impose mitigation obligations on the Project without relying on public funds; and,
- Recirculate the DEIR for public review and comment.

Thank you for the opportunity to comment on the Galway Downs Project and DEIR. If you have any questions about these comments, please contact us.

Sincerely,

Michele A. Staples

Michele A. Staples, Esq.

Atts. Attachments/Exhibits 1–33 List
cc: Michael L. Tidus, Esq.*
Braeden J. Mansouri, Esq.*
*via e-mail only

ATTACHMENTS/EXHIBITS 1–33 LIST

Exhibit 01 - Save TED Summary Comments
Exhibit 02 - County Planning Commission Staff Report & Approval Package re Plot Plan 24752 for Galway Downs (June 30, 2011)
Exhibit 03 - Urban Crossroads Traffic Signal Warrant Analysis (May 2011) w Att. 2010 Traffic Assessment
Exhibit 04 - Environmental Assessment & Conditions of Approvals w Approval Transmittal
Exhibit 05 - County Transportation and Land Management Director Planning Dept. Submittal to County Bd. of Supervisors as Approved w Att. A Resolution No. 2014-040 (Mar. 11, 2014)
Exhibit 06 - County Planning Dept. Staff Rept. re Agenda Item No. 4.3 Change of Zone No. 7860 (April 15, 2015)
Exhibit 07 - County Bd. of Supervisors K. Jeffries & C. Washington Submittal re On-Site Postings of Public Notice for Development Projects as Requirement for Change of Land Use (April 28, 2015)
Exhibit 08 - Galway Downs Application for CUP2303R1 (July 29, 2015)
Exhibit 09 - Ltr. from County Code Enforcement to Galway Downs re Ntc. of Violation (May 14, 2018)
Exhibit 10 - Ltr. from County Code Enforcement to Galway Downs re Ntc. of Violations (June 5, 2018)
Exhibit 11 - Ltr. from Galway Downs to County Code Enforcement re Promised Actions re Ntc. of Violations (June 20, 2018)
Exhibit 12 - Ltr. from County Code Enforcement to Galway Downs re Cease & Desist (Dec. 20, 2018)
Exhibit 13 - Ltr. from County Code Enforcement to Galway Downs re Cease & Desist (Jan. 3, 2023)
Exhibit 14 - Settlement Agreement Between County TLMA Director & SFT Galway Downs (July 17, 2025)
Exhibit 15 - First Amendment to Settlement Agreement Between County TLMA Director & SFT Galway Downs (Dec. 19, 2025)
Exhibit 16 - Galway Downs Event Management Plan through Feb. 2026 (dated Aug. 22, 2025)
Exhibit 17 - Intentionally Omitted
Exhibit 18 - Intentionally Omitted
Exhibit 19 - Galway Downs Event Management Plan through July 2026 (dated Feb. 2026)
Exhibit 20 - Galway Downs Event Management Plan through Dec. 2026 (dated Aug. 2026)
Exhibit 21 - Galway Downs Schedule of Events (Oct. 2025)
Exhibit 22 - Map of Applicant-Related Properties presented by Alan Long at the January 13, 2025 Planning Director's Meeting (timestamp 1:21:40)
Exhibit 23 - Transcript of County Planning Department Director's Meeting (Feb. 10, 2025)
Exhibit 24 - Excerpts from 2026 U.S. Equestrian Rule Book
Exhibit 25 - Excerpts from 2026 FEI Veterinary Regulations
Exhibit 26 - Memorandum from County Assistant TLMA Director C. Leach to D. Feguson re Outlined Uses for Galway Downs (Dec. 19, 2017)

Exhibit 27 - County Notices of Pendency of Administrative Proceedings & Code Enforcement Recorded Against Galway Downs Property, Doc. Nos. 2022-0397259, 2022-0397260, 2022-0397261 (Sept. 16, 2022)
Exhibit 28 - 2025-2026 Riverside County Civil Grand Jury Report (June 8, 2026)
Exhibit 29 - Ltr. from California Dept. of Transportation to County re 2011 MND Urban Crossroads 2010 Traffic Assessment (Jan. 10, 2011)
Exhibit 30 - Ltr. from R. Johnson Rural Communities to County re Appeal (Feb. 15, 2011)
Exhibit 31 - Urban Crossroads Climate Change Analysis Plot Plan 24752 2011 Mitigated Negative Declaration (Jan. 10, 2011)
Exhibit 32 - Riverside County Regional Park & Open-Space District Trails Plan (Feb. 2018)
Exhibit 33 - CUP02303 Negative Declaration (Oct. 15, 1979)