

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

710 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
November 1, 2004

SUBJECT: GENERAL PLAN AMENDMENT NO. 716 (GPA00716)
- Environmental Assessment No. 39758 - Riverside County Initiative - ALL Supervisorial Districts - Eastern Coachella Valley, Elsinore, Harvest Valley/Winchester, Jurupa, Lake Mathews/Woodcrest, Mead Valley, The Pass, Reche Canyon/Badlands, REMAP, San Jacinto Valley, Southwest Area, Sun City/Menifee Valley, Temescal Canyon, and Western Coachella Valley Area Plans, plus Countywide policy amendment. - REQUEST: (1) Amend the Temescal Canyon Area Plan by amending the boundaries of the East Temescal Hillside Policy Area so as to exclude the 80-acre property in the northwesterly corner thereof, identified as Assessor's Parcel Number 283-210-001. (2) Amend the Land Use Element by establishing a new overlay designation, Closed Landfill Overlay, and adding a definition. (3) Amend the land use designations of various properties (up to 684 parcels containing 10,052 acres in fourteen Area Plans).

CONTROVERSIAL ISSUES:

Appropriate criteria for determining whether there is an error or omission in the General Plan; inclusion of intra-foundational discretionary changes in the proposed amendment; site-specific issues as to appropriate designation for individual properties.

RECOMMENDED MOTION:

The Planning Department recommended Approval, with modifications; and,
THE PLANNING COMMISSION BY UNANIMOUS VOTE RECOMMENDS TO THE BOARD OF SUPERVISORS:

ADOPTION of a Negative Declaration for Environmental Assessment No. 39758; and,

Robert C. Johnson
Planning Director

RCJ:JJGJG

(Continued On Attached Pages)

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 11/3/04

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.

District: ALL

Agenda Number:

TENTATIVE APPROVAL of General Plan Amendment No. 00716 in accordance with exhibits, with the following modifications:

1. Exclusion of the northerly parcel on Exhibit LMW-1.
2. Exclusion of Site G on Exhibit WCV-4.
3. Exclusion of the sites depicted on Exhibits WCV-5 (deferral without prejudice), EL-4, and EL-5.
4. Medium Density Residential for the sites depicted on Exhibit SCM-7.
5. Exclusion of the area not presently zoned commercial on Exhibit P-3.
6. Rural Residential for the sites on Exhibit SW-2 accessed by Kapalua Way.

Staff would note that the sites in Mead Valley require review by the Riverside County Airport Land Use Commission; therefore, staff recommends that your Board open the public hearing on November 9 (in accordance with the public hearing notice), but continue the matter for three weeks to November 30, 2004 prior to making a complete motion for tentative approval.

BACKGROUND:

At the time of the adoption of the General Plan, it was noted that there would likely be a need for a County-initiated general plan amendment to correct errors in land use designations that had not been discovered prior to finalization of the General Plan mapping in mid-September 2003 for final adoption in October 2003. Due to the scale of the General Plan effort, staff was unable to perform the parcel-by-parcel studies that are possible when considering a smaller land area for the same period of time. While some errors were pointed out by property owners during the public hearing process (most of which were corrected at that time), a number of errors have been reported since the "no further changes" order. This general plan amendment is being processed in order to correct these factual errors in the designations of individual properties or groups of properties discovered subsequent to the adoption of the General Plan, or more precisely, subsequent to the "no further changes" order. This general plan amendment would correct these errors.

This amendment constitutes the first multi-site set of corrections to Area Plan designations. It is anticipated that additional County-initiated corrections amendments will need to be processed on an annual or semi-annual basis as additional inaccuracies are identified either by property owners or by Planning staff.

Staff utilized the following criteria in determining whether an amendment affecting the Foundation Component in which a property is located would constitute a correction:

1. The Area Plan land use designation does not recognize an existing or approved commercial or industrial land use on the property.
2. A Rural Mountainous designation applied to an entire property is not justified by the topographic characteristics of the property and its location relative to developed areas.

3. The designation on the property is the result of a technical mapping error, not the result of an intentional policy judgment by the Board of Supervisors, the Planning Commission, or TLMA and Planning staff.
4. Private lands that have not been set aside for the purposes of habitat conservation are designated Open Space – Conservation Habitat.
5. Private lands that are not utilized for institutional or quasi-public purposes (such as high schools, colleges, and hospitals) are designated Public Facilities.
6. Private lands not meeting the criteria for the Open Space – Conservation designation are so designated.
7. Private lands not utilized for, or committed to utilization for, recreational purposes are designated Open Space – Recreation.
8. Public lands are designated for private development uses.
9. A parcel map or tract map proposing development at a density not exceeding one dwelling unit per 2½ acres had been submitted prior to the adoption of the General Plan and was consistent with the site's designation on a previously adopted Community Plan.
10. The Area Plan land use designation does not recognize existing commercial or industrial zoning of the property.

Additionally, General Plan Amendment No. 00716 includes several other County-initiated amendment proposals for changes in land use designations within the same foundation component. Most notable among these is the proposal to change land use designations from Rural Desert to Rural Residential in the North Shore area of the Eastern Coachella Valley. Other intra-foundational discretionary changes would occur in the Elsinore, San Jacinto Valley, Sun City/Menifee Valley, and Western Coachella Valley Area Plans.

PLANNING COMMISSION HEARINGS;

The Planning Commission considered this amendment at public hearings on October 6 and October 20, 2004. The following narrative summarizes the Planning Commission actions for each of the affected Area Plans:

Eastern Coachella Valley

The Planning Commission recommended approval of Exhibits ECV-1, ECV-2, ECV-3, ECV-4, and ECV-5.

One property owner, Bradley Mix, testified that he would have preferred a designation that would allow a higher level of development than the Rural Residential designation (which constitutes an upgrade from the Rural Desert designation presently in effect). This request was not supported by staff or the Planning Commission because it would constitute an inter-foundational change not meeting the criteria.

Ellen Trover and Gayle Cady requested that the scope of the project be expanded to include policies addressing residential development in Vista Santa Rosa. The Planning Director advised that staff would continue to work with the Vista Santa Rosa community and that clarification and strengthening of General Plan policies for that area would be considered in a subsequent amendment.

Elsinore

The Planning Commission recommended approval of Exhibits EL-1, EL-2, EL-3, EL-6, EL-7, and Revised EL-8. The Planning Commission recommended exclusion of Exhibits EL-4 and EL-5 proposing changes from Commercial Retail to Medium Density Residential on the grounds that they did not constitute errors or omissions, the request for change was not made prior to General Plan adoption in October 2003, and there was no evidence that those sites had ever been depicted as residential sites on the proposed Elsinore Area Plan.

The Planning Commission's actions recommending exclusion of Exhibits EL-4 and EL-5 reflected the Commission's decision to carefully scrutinize the intra-foundational discretionary changes to determine whether it was appropriate to package those changes in a general plan amendment primarily intended to "correct errors or omissions". To assist the Board in addressing this issue, staff has prepared a supplement to this Form 11A that identifies the criteria utilized for inclusion of each change.

Harvest Valley/Winchester

The Planning Commission recommended approval of Exhibits HVW-1, HVW-2, and HVW-3.

Jurupa

The Planning Commission recommended approval of Exhibits J-1, J-2, J-3, and J-4.

Lake Mathews/Woodcrest

The Planning Commission recommended approval of Exhibits LMW-2 and LMW-3 and, in accordance with the recommendations of staff, recommended that the northerly parcel be excluded from Exhibit LMW-1, on the grounds that a change from the Rural Community Foundation Component to the Community Development Foundation Component was not justified based on any of the ten criteria. (The southerly parcel is commercially zoned and, therefore, met the tenth criteria.)

Mead Valley

The Planning Commission recommended approval of Exhibits MV-1, MV-2, MV-3, MV-4, and MV-5.

The Pass Area

The Planning Commission recommended approval of Exhibits P-1 and P-2. In the case of Exhibit P-3, the Planning Commission recommended that only the area with existing commercial

zoning be designated Commercial Retail. The remaining area would retain its existing Medium Density Residential designation.

Reche Canyon/Badlands

The Planning Commission recommended approval of Exhibits RCB-1, RCB-2, RCB-3, RCB-4, and RCB-5.

Sue Nash of the Friends of the Northern San Jacinto Valleys submitted a letter in opposition to the changes depicted on Exhibits RCB-2 and RCB-4 on the grounds that the properties presently designated Open Space – Conservation Habitat should be retained in that designation in the event that they are needed to establish an effective reserve system and objecting to making the change in designation without site-specific biological and environmental studies.

Alison Schilling made a similar point in oral comments at the October 20 public hearing. The Planning Director responded that the changes in designation from Open Space – Conservation Habitat were necessary to avoid "takings" issues, unless public agencies are ready to offer to purchase the property.

REMAP

The Planning Commission recommended approval of Exhibits REM-1, REM-2, REM-3, REM-4, REM-5, and REM-6.

San Jacinto Valley

The Planning Commission recommended approval of Exhibits SJV-1, SJV-2, SJV-3, SJV-4, and SJV-5.

Sue Nash also registered opposition to the change depicted on Exhibit SJV-2.

Southwest Area

The Planning Commission recommended approval of Exhibits SW-1, SW-3, SW-4, SW-5, SW-6, SW-7, SW-8, SW-9, SW-10, SW-11, and SW-12 as shown. In accordance with the oral recommendation of staff, the Planning Commission recommended that Exhibit SW-2 be approved, but with a change from Rural Mountainous to Rural Residential (rather than Estate Density Residential – Rural Community) for the three properties taking access off Kapalua Way, which are located within the boundaries of the Rancho California Highlands Association.

The change from Rural Mountainous to Estate Density Residential – Rural Community in the area north of Glenoaks Road and west of DePortola Road was a matter of some controversy, as both Rancho California Highlands Association and Glenoaks Ranch Estates Maintenance Association weighed in with competing viewpoints as to the advisability of the Estate Density Residential – Rural Community designation vis-à-vis the Rural Residential designation. Staff ultimately recommended Rural Residential for the properties within the Rancho California Highlands Association and Estate Density Residential – Rural Community for the properties within the Glenoaks Ranch Estates Maintenance Association.

Staff would also note that the City of Temecula submitted a letter and documentation in opposition to General Plan Amendment Nos. 716 and 717. However, the changes in the area of interest to the City of Temecula included within General Plan Amendment No. 716 actually reduce the potential number of dwelling units that may be established in the Southwest, Sun City/Menifee Valley, and Harvest Valley/Winchester areas.

Sun City/Menifee Valley

The Planning Commission recommended approval of Exhibits SCM-1, SCM-2, SCM-3, SCM-4, SCM-5, SCM-6, SCM-8, SCM-9, SCM-10, and SCM-11 as shown. In accordance with the staff recommendation, the Planning Commission recommended Medium Density Residential, rather than High Density Residential, for the parcels depicted on Exhibit SCM-7. The initial proposal to designate these properties as High Density Residential was based on the fact that actual development of each such lot would result in a density slightly greater than eight units per acre. However, such a designation could mislead the public as to the actual availability of infrastructure in the area. The Medium Density Residential designation would not prevent the construction of a residence on each legally established lot, if health and safety requirements can be met.

Bill Zeidlik spoke in opposition to the amendment. He pointed out some parcels that were not included in the change proposed through Exhibits SCM-1 through SCM-5 and suggested that the matter be continued to allow for inclusion of the omitted parcels. Staff was unaware of this omission until after the case had been advertised with specific Assessor's parcel numbers; therefore, staff was unable to accommodate his request. The omitted parcels would have to be addressed at a later date.

Sherry Ikezawa spoke in opposition to the change from Medium Density Residential to Rural Mountainous as shown on Exhibits SCM-8 through SCM-11. The area of interest was proposed for a change back to Rural Mountainous because the Medium Density Residential designation had been applied by mistake. Staff did not check the topography of her particular area of interest because it had been entirely designated Rural Mountainous on earlier editions of the draft Area Plan and on the 1992 Community Plan.

Following the hearing, staff checked topographic information. It appears that the Rural Mountainous designation is appropriate for the majority of the property, although the most northeasterly parcel should probably be excluded from the amendment.

Temescal Canyon

The Planning Commission recommended approval of Exhibits TC-1 and TC-2. No testimony was offered either in support or in opposition to the proposal to remove the 79.7-acre parcel in the Dawson Canyon area from the East Temescal Hillside Policy Area.

Western Coachella Valley

The Planning Commission recommended approval of Exhibits WCV-1, WCV-2, WCV-3, and WCV-6 and, in accordance with the staff recommendation, recommended approval of Exhibit WCV-4 with deletion of Site G and exclusion (deferral without prejudice) of Exhibit WCV-5. Site G of Exhibit WCV-4 had been included in the amendment pursuant to an erroneous belief that

there was a commercial land use on-site; however, a telephone discussion with the landowner confirmed that there was no commercial use on that property. Exhibit WCV-5 depicted a commercially zoned site that is designated Rural Desert. This discrepancy was true for a much larger area, and staff determined that it would be best to address this on a more comprehensive geographical basis.

Policy Amendment

While there was no opposition to the application of the "Closed Landfill Overlay" to applicable properties in the Jurupa Area Plan, many letters were received from the Southwest area and Wine Country in opposition to the use of overlays. A number of people spoke in opposition to the "use of overlays", and Charles Curry included this in his letter relating to Exhibit SW-2.

It is staff's opinion that these letters are actually expressing opposition to the proposed General Plan Amendment No. 00717 policies (since withdrawn by staff) that would have provided for a Medical/Educational Campus Option Policy Area and that would have allowed General Plan Amendments from the Rural Community Foundation Component to the non-residential designations of the Community Development Foundation Component without having to wait until the subsequent General Plan Review Cycle.

Among the thirteen people who spoke in opposition to General Plan Amendment No. 00716, at least eight were actually indicating opposition to the proposals included in General Plan Amendment No. 00717 – generally the proposals for change to the designations of properties in the DePortola Road/East Benton Road area east of Temecula and the area west of Warren Road and the City of Hemet and the policy initiatives that were withdrawn by staff. Some of these people are also concerned about the proposed changes depicted on Exhibits SW-2 and possibly SW-3.

INTER-FOUNDATIONAL CHANGES (MUST QUALIFY AS ERRORS OR OMISSIONS)

Exhibit Number	Existing Foundation Component	Proposed Foundation Component	Criteria												
			1	2	3	4	5	6	7	8	9	10			
SCM-11	Comm. Dev.	Rural			X										
TC-2 Site A	Rural	Open Space													
TC-2 Site B	Comm. Dev.	Open Space													
WCV-1 (B)	Open Space	Comm. Dev. (PF)													
WCV-1 (C)	Rural	Open Space													
WCV-1 (D)	Open Space	Rural													
WCV-3	Open Space	Comm. Dev.													
WCV-4 (B)	Rural	Comm. Dev.													
WCV-4 (C)	Rural	Comm. Dev.													
WCV-4 (D)	Rural	Comm. Dev.													
WCV-4 (E)	Rural	Comm. Dev.													
WCV-4 (F)	Rural & O. S.	Comm. Dev.													
WCV-5	Rural	Comm. Dev.													
WCV-6	Rural	Comm. Dev.													

* The eighth criteria applies when "public lands are designated for private development uses". In the cases of Exhibits HVW-2, HVW-3, SJV-5, SW-1 Site A, and SW-1 Site C, these lands owned by Metropolitan Water District (MWD) are designated for uses other than Public Facilities within the Open Space component, and MWD requests that they be designated as Public Facilities. The uses depicted on the General Plan (Open Space - Conservation Habitat for the most part, with some Open Space - Recreation and Open Space - Water) are not technically private development uses; however, there are also elements of the third, fourth, and seventh criteria involved here. Staff would cite those criteria except to the extent that the fourth and seventh criteria refer to erroneous designation of private properties.

** The tenth criteria applies to the southerly parcel only. The northerly parcel is not commercially zoned and was, therefore, recommended for exclusion as it did not meet any of the other criteria.

*** The seventh criteria applies when "private lands not utilized for, or committed to utilization for, recreational purposes are designated Open Space - Recreation." In the case of Exhibit MV-2, this land is owned by the Metropolitan Water District (MWD). However, MWD submitted a letter in the course of the public hearing process for General Plan Amendment No. 716 in the fourth quarter of 2003 objecting to the Open Space - Recreation designation of its aqueduct right-of-way. The third criteria may apply here, as this is likely a mapping error that was overlooked throughout the General Plan process.

**** The first criteria would only apply to the parcels within this area that are occupied by existing commercial uses, or have been approved for commercial use through valid use permits or plot plans.

***** As these properties are within the Agriculture Foundation Component, they do not need to meet the same "error or omission" criteria for change. Therefore, these changes may proceed even if the ninth criteria is determined to be inappropriate or invalid.

***** These properties are actually owned by The Nature Conservancy; however, they are held for the purpose of ultimately being conveyed to federal, state, or regional public entities. Therefore, they are being treated as public lands for the purposes of this amendment.

***** Only a small proportion of the area depicted on Exhibit SCM-5 is being changed from the Rural Mountainous designation to the Estate Density Residential - Rural Community designation. Most of the land depicted on this exhibit is being changed from the Low Density Residential - Rural Community designation to the Estate Density Residential - Rural Community to correct a technical mapping error. Staff reviewed topographic characteristics as part of its study.

***** Assessor's records still show the site as privately owned; however, conditions of approval of the associated tract map require that the property remain as open space, and the site is zoned R-5 (Open Area...).

***** In the case of Site C on Exhibit WCV-4, two of the parcels meet both the first and tenth criteria, a third parcel meets the first criteria but not the tenth, and a fourth parcel meets the tenth criteria but not the first. In the case of Site D, one parcel meets the first and tenth criteria, and the other two parcels meet the tenth criteria.

INTRA-FOUNDATIONAL CHANGES (ENTITLEMENT/DISCRETIONARY - NEED NOT QUALIFY AS ERRORS OR OMISSIONS)

Amendments from one General Plan designation to another within a Foundation Component may be processed at any time and do not need to meet the criteria for errors or omissions. However, the Planning Commission applied a high standard of scrutiny and asked staff to analyze whether the intra-foundational changes met these criteria, or whether there was any other public benefit that justified inclusion of the proposed change in this amendment.

Exhibit Number	Existing Designation	Proposed Designation	Criteria												
			1	2	3	4	5	6	7	8	9	10			
REM-3 (A)	OS-CH	OS-RUR				X									
REM-3 (B)	OS-RUR	OS-C										X			
REM-4 (A)	OS-RUR	OS-C										X			
REM-4 (B)	OS-CH	OS-RUR				X									
REM-5 (B, C)	OS-CH	OS-RUR				X									
REM-6	OS-RUR	OS-C										X			
SJV-1	MDR	MHDR			****										X*****
SJV-4	MDR, MHDR	HDR													
SW-1 Site B	MDR	PF												X	
SW-2 (pt.)	RM	RR			X*****										
SW-4	OS-CH	OS-RUR					X								
SCM-1 (pt.)	LDR-RC	EDR-RC			X										
SCM-2 (D, E)	LDR-RC	EDR-RC			X										
SCM-3	LDR-RC	EDR-RC			X										
SCM-5 (most)	LDR-RC	EDR-RC			X										
SCM-6	MDR w/CCO	BP w/CCO													X
SCM-7	CR	MDR			*****										
SCM-9	MDR	PF													X
TC-1	RM	RM													

NO CHANGE IN DESIGNATION; ONLY IN POLICY AREA

a third parcel are vacant. The change on those parcels meets the tenth criteria. The Planning Commission recommends exclusion of the southerly half of the third parcel and the fourth parcel, where the change would not meet any of the criteria.

**** The properties depicted on Exhibit SJV-1 are located easterly and westerly of a parcel designated Medium High Density Residential under the same ownership as the parcels in question. It is possible that the existing designation of the properties depicted on Exhibit SJV-1 reflects a staff error in mapping changes directed by the Board in this area.

**** The High Density Residential (8-14 dwelling units per acre) proposed designation depicted on Exhibit SJV-4 would more closely reflect the site's existing zoning. Additionally, a plot plan for an apartment complex is in process on portions of this amendment area.

***** Most of the property included within the area depicted on Exhibit SW-2 is the subject of an inter-foundational correction; however, pursuant to the final staff recommendation as articulated orally at the October 20 public hearing and as reflected in the resolution, the three parcels that take access off Kapalua Way would be re-designated from Rural Mountainous to Rural Residential rather than to Estate Density Residential - Rural Community.

***** The changes depicted on Exhibit SCM-7 do not meet any of the criteria for "errors or omissions". However, the Planning Commission agreed that the change to Medium Density Residential was logical, given the predominance of residences in the area. It has been suggested that it may be appropriate to consider appropriate re-designation for the entire commercially designated area at some point in the future.

***** The area depicted as Site A on Exhibit WCV-4 includes thirteen lots. Ten of the lots are commercially zoned, and three of these commercially zoned lots are the sites of existing commercial uses (which include a carniceria and a real estate office). The change for three lots meets the first and tenth criteria, and the change for seven additional lots meets the tenth criteria. The remaining lots were proposed by staff for inclusion as infill, and the Planning Commission agreed that such a change was logical; however, they asked staff to check on whether there were any dwelling units on the lots that are not commercially zoned, and that staff include such information in its report to the Board.