

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

709B



FROM: TLMA - Planning Department

SUBMITTAL DATE:  
November 1, 2004

SUBJECT: GENERAL PLAN AMENDMENT NO. 717 (GPA00717)

- Environmental Assessment No. 39759 - Riverside County Initiative - Second and Third Supervisorial Districts - Sun City/Menifee Valley and Temescal Canyon Area Plans (original proposal also included San Jacinto Valley and Southwest Area Plans, and a Countywide policy amendment). - REQUEST: (1) Amend the Sun City/Menifee Valley Area Plan text by adding policies relating to buffers between residential development at densities greater than two dwelling units per acre and residential development at densities less than or equal to two dwelling units per acre and buffers between residential and commercial/industrial development, policies prohibiting off-site advertising signs (billboards) within 660 feet of scenic highways as depicted in the Plan document, and other policies relating to development in scenic corridors. (2) Amend the designation of a 41.11-acre area located easterly of Temescal Canyon Road and northerly of Cajalco Road in the Temescal Canyon Area Plan from Light Industrial and Open Space - Mineral Resources to Light Industrial and Public Facilities. **General Plan Amendment No. 00717 initially included six other site-specific land use designation changes between designations in differing Foundation Components. These proposals were removed from Planning Commission consideration pursuant to a directive from the Office of County Counsel and cannot be approved at the November 9 Board of Supervisors public hearing. However, the Board can consider public testimony on those proposals in order to determine whether they should be considered for further processing or withdrawn from consideration.**

CONTROVERSIAL ISSUES:

While the matters available for Board approval are non-controversial, two of the site-specific land use designation changes that were removed from the Planning Commission agenda were extremely controversial because of their potential effects on the surrounding areas, where the predominant lifestyle involves the maintenance of rural five-acre lot sizes.

Robert C. Johnson  
Planning Director

RCJ:JJGJG

(Continued On Attached Pages)

REVIEWED BY EXECUTIVE OFFICE  
*[Signature]*  
DATE 11/1/04

Departmental Concurrence

Policy

Consent

Dep't Recomm.:  
Per Exec. Ofc.:

Prev. Agn. Ref.

District: 2<sup>nd</sup> &  
3<sup>rd</sup>

Agenda Number:

ATTACHMENTS FILED  
WITH THE CLERK OF THE BOARD

**RECOMMENDED MOTION:**

The Planning Department recommended Approval of Exhibits F, with modifications, and G, the withdrawal of Exhibits H and I, and the removal of Exhibits A through E from consideration by the Planning Commission based on the memorandum from the Office of County Counsel dated October 15, 2004, and

**THE PLANNING COMMISSION BY UNANIMOUS VOTE RECOMMENDS TO THE BOARD OF SUPERVISORS:**

**ADOPTION of a Negative Declaration for Environmental Assessment No. 39759; and, TENTATIVE APPROVAL of General Plan Amendment No. 00717 as modified to include only Exhibit G (Sun City/Menifee Valley Policies) and Exhibit F as amended to include only the change to Public Facilities on 0.69 acres, with exclusion of Exhibits A through E, and accepting the withdrawal of Exhibits H and I.**

Staff has recently been advised that Supervisor Tavaglione will not be present on November 9; therefore, staff recommends that your Board open the public hearing and consider public testimony on November 9 (in accordance with the public hearing notice), but continue the matter for two weeks to November 23, 2004 in relationship to Exhibit F.

**BACKGROUND:**

General Plan Amendment No. 717 initially proposed seven site-specific inter-foundational General Plan designation changes, described as follows:

1. As shown on Exhibit A, an amendment to the San Jacinto Valley Area Plan designation of a 359.36-acre area located westerly of Warren Road and northerly of Tres Cerritos Avenue as follows:
  - a. from Rural Residential to Very Low Density Residential – Rural Community (303.33 acres);
  - b. from Agriculture to Public Facilities (43.79 acres)
  - c. 12.24 acres to remain Rural Mountainous.
2. As shown on Exhibit B, an amendment to the San Jacinto Valley Area Plan designation of a 150.22-acre area located southerly of Thornton Avenue, westerly of Pachea Trail, and easterly of a southerly straight-line extension of Buena Vista Street from Rural Mountainous, Very Low Density Residential – Community Development, Medium Density Residential, and Open Space – Conservation to Very Low Density Residential – Community Development (147.53 acres) and Medium Density Residential (2.69 acres). The area that is presently designated Rural Mountainous would be changed to Very Low Density Residential – Community Development, and the area that is presently designated Open Space – Conservation would be changed to Medium Density Residential.
3. As shown on Exhibit C, an amendment to the Southwest Area Plan designation of a 17.91-acre area located easterly of Leon Road, southerly of Flossie Way, and westerly

- of Kooden Road from Rural Residential to Low Density Residential – Community Development.
4. As shown on Exhibit D, an amendment to the Southwest Area Plan designation of an 84.67-acre area located westerly of Briggs Road, both northerly and southerly of Baxter Road, from Rural Residential and Medium Density Residential to Medium Density Residential.
  5. As shown on Exhibit E (depicted as Site A), an amendment to the Southwest Area Plan designation of a 384.86-acre area located easterly of DePortola Road and southerly of East Benton Road from Rural Residential to Estate Density Residential – Rural Community.
  6. As shown on Exhibit E (depicted as Site B), an amendment to the Southwest Area Plan designation of a 15.12-acre area located easterly of DePortola Road, southerly of its intersection with Camino Sierra Road, from Rural Residential to Estate Density Residential – Rural Community.
  7. As shown on Exhibit F, an amendment to the Temescal Canyon Area Plan designation of a 41.11-acre area from Light Industrial and Open Space – Mineral Resources to Light Industrial (40.42 acres) and Public Facilities (0.69 acres). Basically, all of the private land presently designated Open Space – Mineral Resources would have been re-designated Light Industrial. Three small parcels owned by Elsinore Valley Municipal Water District (EVMWD) would be re-designated in their entirety as Public Facilities.

General Plan Amendment No. 717 also initially proposed additional policies as follows:

1. As set forth on Exhibit H, a Countywide amendment to the text of the Administration Chapter/Element of the General Plan so as to permit amendments from any of the three residential land use designations in the Rural Community Foundation Component to the non-residential designations of the Community Development Foundation Component without being subject to the five-year limitation on frequency of amendments from one foundation category to another.
2. As set forth on Exhibit I, an amendment to the Southwest Area Plan Land Use Map to establish a Medical/Educational Campus Option Policy Area easterly of DePortola Road and southerly of East Benton Road (coterminous with Site A as shown on Exhibit E), and an amendment to the text of the Area Plan adding a general description of the Policy Area and a land use policy allowing for the potential development of a medical/educational campus, which may include housing units or dormitories incidental to the educational use.

Prior to the Planning Commission hearings, but following advertisement of the public hearings, the Planning Director withdrew the policy amendments set forth on Exhibits H and I.

On October 15, 2004, the Office of County Counsel submitted a memorandum to the Planning Department stating that, based on the staff report identifying each of the proposals included in Exhibits A through E as foundation amendments, rather than technical amendments, the Planning Commission did not have jurisdiction to hear the amendments. The amendments would have to be processed pursuant to the provisions in the Administration Element governing

the processing of Extraordinary Amendment Events. Each of those amendments should have first been presented to the full Board of Supervisors. Such amendments may not be processed until a Board majority authorizes its processing. Therefore, the proposed changes depicted on Exhibits A through E were excluded from Planning Commission consideration. This leaves only Exhibits F and G.

In the case of Exhibit F, staff determined that, while the proposed amendment did not strictly meet the criteria established for determination of "mapping errors" in General Plan Amendment No. 716, it would, in part, correct an error that had occurred in the past. The Area Plan land use designations of Light Industrial and Open Space – Mineral Resources reflect the 1991 Temescal/EI Cerrito Community Plan (TECP) designations, and the boundary between the designations approximates the zoning on the property. The westerly portion of the site is zoned M-SC, and the easterly portion of the site is zoned M-R. These zones were established through the consistency zoning program for the TECP. However, in the late 1980s, much of the property was the site of a change of zone and Schedule E parcel map. Under the terms of that change of zone, the westerly portion of the site was zoned M-H, and the easterly portion of the site was zoned W-1. The change of zone was adopted, and the parcel map was recorded. Unfortunately, when the consistency zoning for the area was adopted, the consistency zoning effort did not take into consideration the recent time frame and specificity of the zone change, and wiped out the M-H and W-1 zoning in favor of zoning that "strictly conformed" to the Community Plan. Staff, therefore, recommended that the boundary between the Light Industrial and Open Space – Mineral Resources designations on the site be amended so as to change from the Open Space – Mineral Resources designation to the Light Industrial designation any privately owned portion of the site in the Open Space – Mineral Resources designation that had been zoned M-H by the site-specific change of zone. Staff also recommended the change to the Public Facilities designation for the properties owned by EVMWD.

The Planning Commission, however, decided to interpret the "mapping error" criteria of General Plan Amendment No. 716 in a "strict construction" manner, opting not to support the change from Open Space – Mineral Resources to Light Industrial on the privately owned parcels. The Planning Commission did recommend the amendment from Open Space – Mineral Resources and Light Industrial to Public Facilities on the properties owned by EVMWD, and the addition of the Sun City/Menifee Valley policies, which did not raise Foundation Amendment concerns. The change of designation on the EVMWD properties would be consistent with the eighth criteria for "mapping errors or omissions" as delineated by General Plan Amendment No. 716.

As recommended by the Planning Commission, General Plan Amendment No. 717 would include a change in land use designation for only 0.69 acres.

Staff would note that the changes proposed on Exhibit A and Exhibit E (Site A) generated considerable controversy among surrounding property owners and neighborhoods. These two proposals generated the vast majority of letters, petitions, faxes, and E-mails included in this submittal to your Board. There is no known opposition to approval of the remaining items in General Plan Amendment No. 717, as recommended for approval by the Planning Commission.