

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

7198



FROM: TLMA - Planning Department

SUBMITTAL DATE:
May 9, 2005

SUBJECT: CONSIDERATION RECOMMENDATION - FOUNDATION COMPONENT
GENERAL PLAN AMENDMENT REQUEST (PAR00599)

World Development, Inc. – Fifth Supervisorial District – Western Coachella Valley Area Plan – Pass & Desert Zoning District – 85 acres – W-2 Zone – Location: Northerly of Avenue 18, Southerly of Dillon Road, Easterly of Palm Drive in Section 7 of Township 3 South, Range 5 East, SBBM - REQUEST: Pre-Application Review to amend the Western Coachella Valley Area Plan designation within the 85 acre project area from Rural Residential (one dwelling unit per five acres) within the Rural Foundation Component to Medium Density Residential (two to five dwelling units per acre) within the Community Development Foundation Component , for a future single-family residential subdivision (“Rancho San Jacinto”) with proposed lot sizes of 8,000 square feet.

CONTROVERSIAL ISSUES:

Based on staff’s analysis, there is no evidence of extraordinary circumstances on the subject land to justify a foundation component general plan amendment form Rural Residential (5 AC) to Medium Density Residential (2-5 DU).

RECOMMENDED MOTION:

The Planning Department recommends that the Board of Supervisors open the public hearing, consider public testimony, and direct staff not to accept an amendment to the Foundation Component designation until the initiation of the five-year General Plan review cycle, on the basis that the required findings for a Foundation Component Amendment are not met in this instance.

Robert C. Johnson
Planning Director

RCJ:JO

(Continued On Attached Pages)

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 6/8/05
Departmental Concurrence

Dept' Recomm.: Consent
Per Exec. Ofc.: Consent
 Policy
 Policy

Prev. Agn. Ref. | **District:** 5TH | **Agenda Number:**

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FINDINGS:

1. There is no evidence to indicate that the designation of these properties within the Rural Foundation Component was in error.
2. The land use designation of these properties was based on accurate information regarding the character of the surrounding unincorporated areas.
3. While the extension of urban development into nearby incorporated areas constitutes a new condition, these new conditions do not justify a modification to the General Plan Foundation Component assigned to these properties.
4. No unusually compelling condition exists that can only be rectified by making changes that would affect the Riverside County Vision, Principles, or Policies.
5. The decision not to process or approve this request will not result in the unconstitutional taking of property, since, among other reasons, the 2003 General Plan provides for development at one unit per five acres under Rural Residential and a request for general plan amendment may be sought in October 2008.

BACKGROUND:

In its review of this proposal, the Riverside County Planning Department determined that the proposed amendment on the subject land did not meet the criteria for technical amendments and would constitute a foundation change. Such changes may only be processed with prior official authorization from the Board of Supervisors. On November 9, 2004, the Board of Supervisors approved a procedure for processing of requests for consideration of Foundation Component General Plan Amendments. Pursuant to this procedure, requests for Foundation Component Amendments must include an application and fees for a Pre-Application Review (PAR) and a completed General Plan Amendment application form, without fees, which includes a written justification for the proposed amendment.

The process requires the Planning Department to review each such request to determine whether the required findings for a Foundation Component Amendment can be made and whether the request has a degree of urgency that merits prompt consideration of the proposal. In addition, the PAR allows for other county departments to comment on the proposed project. The Department then makes a recommendation concerning the request, called a Consideration Recommendation (either for or against), which is to be submitted to the Board of Supervisors for consideration. The Board of Supervisors will then make a determination as to whether to allow the general plan amendment to be processed in the normal manner. If the Board determines that consideration of a Foundation Component Amendment is not appropriate (generally because the required findings cannot be met), the Planning Department may not accept the application until the County initiates its five-year General Plan review cycle, expected in 2008.

GENERAL PLAN CERTAINTY SYSTEM:

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A fundamental basis of the Riverside County General Plan, as adopted in 2003, is the General Plan Certainty System. The key operational factor here is that, with specified exceptions, amendments to the Foundation Component designations of any property shall be limited to five-year General Plan review cycles. The General Plan Certainty System is intended to maintain the integrity of, and confidence level in, the new Riverside County General Plan, to promote coordinated long-range planning and implementation between the cities and the County, and to avoid erosion of the Foundation Components upon which the General Plan is structured by requiring consideration of any changes to be conducted in a comprehensive manner.

Under the General Plan Certainty system, all land use designations in the General Plan are grouped into five foundation components: Community Development, Rural Community, Rural, Agriculture, and Open Space. Except under extraordinary circumstances, or where particular findings can be made, or, in the case of Agriculture, where a separate set of amendment rules apply, amendments from one land use designation to another within the same foundation component may be adopted on a quarterly basis, but amendments between designations in different foundation components may only be made on a five-year cycle basis unless extraordinary findings are made. The purpose of the extraordinary findings requirement is to preserve the integrity of the General Plan Certainty System.

FOUNDATION AMENDMENT FINDINGS:

In order to approve an Extraordinary Foundation Amendment (that is, to approve an amendment to the Foundation Component of a property, other than as a correction of an error or omission), the County must make the following findings:

- a. The Foundation change is based on ample evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan; and,
- b. A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, Principles, or Policies.

Additionally, the County must make one or more of the following findings:

- c. An unconstitutional taking of property would occur without the amendment, and the amendment alters the General Plan Foundation Component designation only to the extent necessary to avoid the taking.
- d. A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan Foundation Component designations in order to protect the public health, safety, and welfare.
- e. A Foundation Component amendment is required to conform to changes in State or

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Federal law, or applicable findings of a court of law.

- f. A component change is required to comply with an update of the Housing Element or change in State Housing Element law.
- g. A Foundation Component amendment is required to significantly expand basic structural employment (such as industrial, agricultural processing, and research and development), excluding retail, service commercial, warehousing, and residential uses not ancillary to the primary employment use.
- h. A Foundation Component amendment is necessary to facilitate implementation of open space or transportation corridor designations arising from the MSHCP and CETAP programs, and that could not be accomplished by a lesser change in the General Plan.

THE APPLICANT'S REQUEST:

The applicant believes "extraordinary circumstances" exist and compelling events have occurred that can be rectified by making changes in the current RCIP Vision for Rural Residential (5 AC) to Medium Density Residential (2-5 DU) based on their letter dated September 29, 2004 / January 15, 2005 (attached) paraphrased as follows:

- 1) Future regional flood control levees west of the site running north may take the subject property out of the A0 Flood Zone (100 year floodplain).
- 2) Wet utility infrastructures currently exist on the property including an 18" water line running East-West through the center of the site. The Coachella Valley Water District has plans to provide sanitary sewer service to the Desert Dunes Golf development to the west and may be able to extend this service north from the pump station along Palm Drive to the subject property.
- 3) The property sits outside the proposed draft Coachella Valley Multiple Species Habitat Conservation Plan.
- 4) Adjacent properties to the north of this site (north of Dillon Road) are being built out at an accelerated pace and are designated Medium Density Residential (2-5 DU).
- 5) The intersection of Palm Drive and Dillon Road is an urbanized area and not in a rural setting.

ANALYSIS:

The Planning Department determined that this proposal does not meet the criteria for consideration for a foundation component general plan amendment since no new conditions and/or special circumstances exist on the subject land. The immediate surrounding area is largely vacant desert land, particularly to the east and west, with some concentrations of single-family dwellings to the north and a portion of a golf course to the south (Desert Dunes).

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Discussions in the past between Planning staff and the applicant have lead to a suggestion by staff for the applicant to provide some extraordinary resource in exchange for allowing higher density on the subject land, such as MDR as proposed by the applicant. Among other alternatives along this line, staff suggested to the applicant to consider the purchase of preserve land in the nearby "Willow Hole Sand Source Area" (map attached). Yet another example of an extraordinary benefit would be the applicant working to provide flood control protection to not only the project area but to surrounding lands. The Flood Control District has characterized the project site as subject to extreme flood hazard. Resolution of this hazard will need to include adjoining properties. The applicant proposes only to address flood protection measures as they relate to the needs of a future subdivision, not on a community basis. No proposal for any off-site purchase of lands for habitat purposes or for a community flood control facility or plan, or any other extraordinary proposal, has been to date presented by the applicant.

The Applicant's Request – Foundation Component Findings:

Foundation Component Amendments must be based on ample evidence that new conditions or circumstances justify modifying the General Plan and that the modifications do not conflict with the overall Riverside County Vision.

In regard to this requirement, the proponents cite as evidence of new conditions or circumstances the processing, approval, and to some extent the construction, of new dwellings and existing developments within the area.

In order to approve a Foundation Component Amendment, the County must find that "a condition exists or an event has occurred that is unusually compelling and that can only be rectified by making changes in the current Riverside County Vision, Principles, or Policies."

World Development, LLC cites evidence of "extraordinary resources" that must be rectified since the Rural Residential designation applied to their property places their property in an unfavorable situation relative to other surround single-family residential development including existing MDR properties to the north and the residential land to the south within the Desert Dunes development, and since Palm Drive is an existing major arterial road recently improved to five lanes to accommodate future growth.

Staff Analysis – Foundation Component Findings:

The proponents have provided generic evidence of advancing urban development in the immediate vicinity. News reports of the substantial growth of Riverside County and the Coachella Valley also indicate the same generic information. The surrounding land is largely rural in nature to the east and west in particular. To the north, pre-existing vacant lots of approximately 7200 square feet in size are being built upon. These lots are within very old subdivisions dating back to the 1940s (example, Dos Palmas Tract, MB 21/49, recorded in 1946), have remained vacant for decades, and, consequently, lack sewer, sidewalks and other generally acceptable urban facilities and services. The general area beyond also lacks community improvements, such as fully improved roads, water lines, sewer lines, and fire hydrants. The question is whether this evolution in the character of the surrounding area is sufficient to justify modification of the General Plan designation of these properties as a matter

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of urgency. The County's vision for this area is that of a rural area through to October 2008. There is a definite, established pattern of five-acre lots in this enclave that is characterized by desert land.

In December 2004, your Board tentatively approved GPA 716, which corrected certain land use designation errors in the vicinity of this property. This county initiated GPA acted to correct the 2003 RCIP land use designation of residential over existing commercial land at or near the intersection of Dillon Road and Palm Drive (also know as Dos Palmas Corner). About 8 acres of the applicant's property was designated "CR" from "RR" with GPA 716. This land was previously zoned commercial and contained a past history of commercial uses. However, a larger portion of the applicant's land in the vicinity, approximately 11.4 acres, was retained in the "RR" designation. This retaining of the "RR" indicates intent to maintain a Rural Foundation Component designation over the balance of this area for the time being.

In staff's opinion, the new condition or circumstance of partial residential growth (development within adjacent cities and county land) is not sufficient to justify modifying the General Plan Foundation Component designation of Rural.

The second issue is whether a condition exists that is unusually compelling and can only be rectified by a change in the Foundation Component designation of the property. There are many other properties throughout the County, and in the immediate vicinity of the applicant's property, which are designated Rural Residential (5 AC) which is not unusual, so no compelling hardship exists on the subject land because its designated Rural Residential.

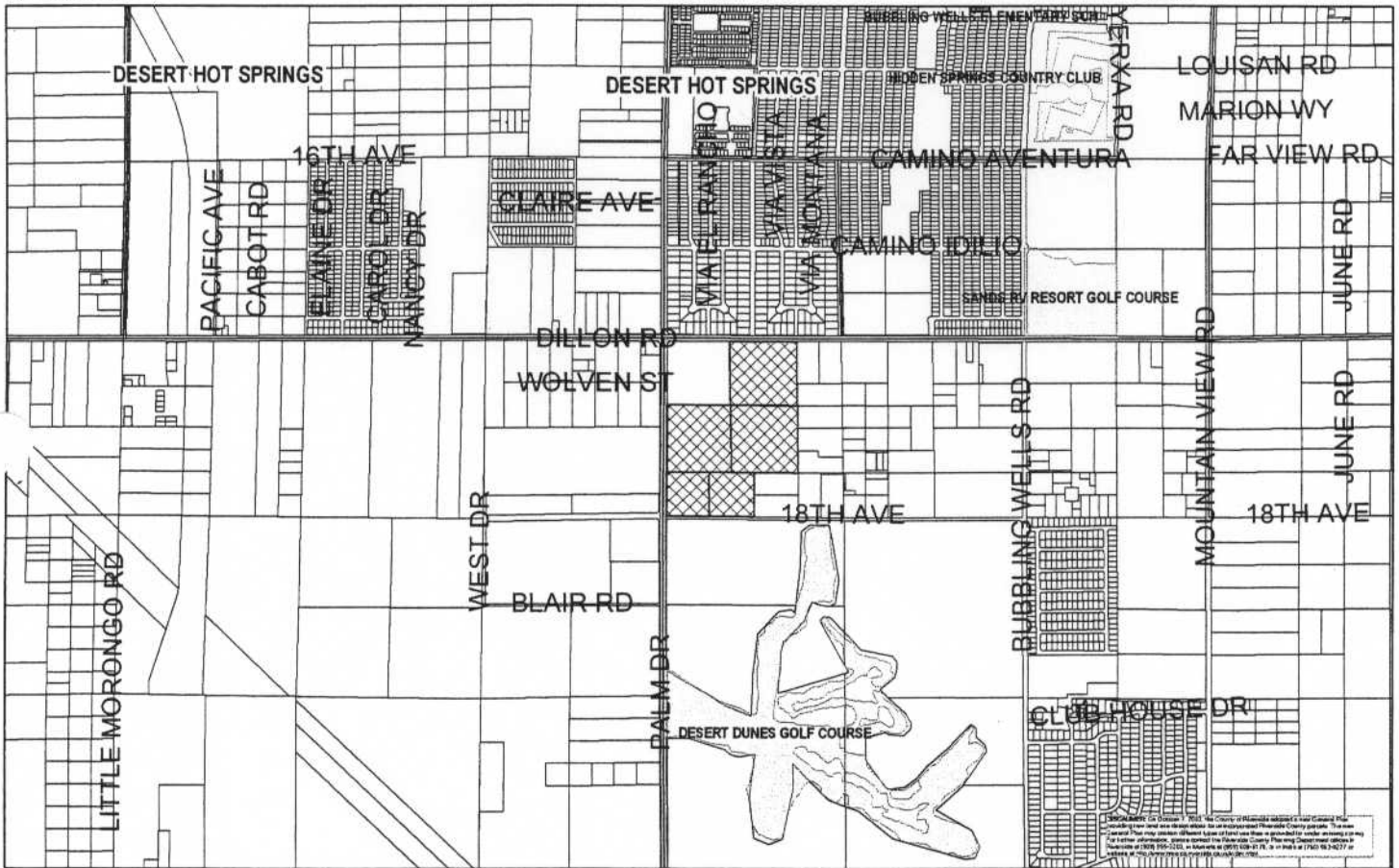
No off-setting extraordinary resource, such as purchasing wildlife preservation land, by World Development, LLC has been offered to present a special opportunity to add a compelling element to a foundation component amendment and address impacts created by an urban density tract development.

Therefore, staff concludes that the required findings for a Foundation Component Amendment (Extraordinary Amendment) cannot be met. Staff recommends that the properties remain in the Rural Residential designation at least until the adoption of the General Plan review cycle in 2008.

Supervisor Ashley
 District 5
 DATE DRAWN: 5/10/05

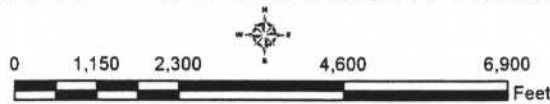
PAR00599
VICINITY MAP

Planner: Jay Olivas
 Date: 5/11/05
 Exhibit 5



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
 District: **Pass & Desert**
 Township/Range: T3SR5E
 Section: 7



ASSESSORS 657-23
 BK. PG.
 THOMAS 726 J2
 BROS.PG

This map is prepared and used solely for informational purposes. It is not intended to be used for any other purpose. The user of this map is advised that the information shown on this map is based on the best available information and is not guaranteed. For further information, please contact the Riverside County Planning Department at (951) 940-1212, or Riverside County Planning Department at (951) 940-1212 or visit us at www.riversidecountyplanning.com.

Supervisor Ashley
District 5

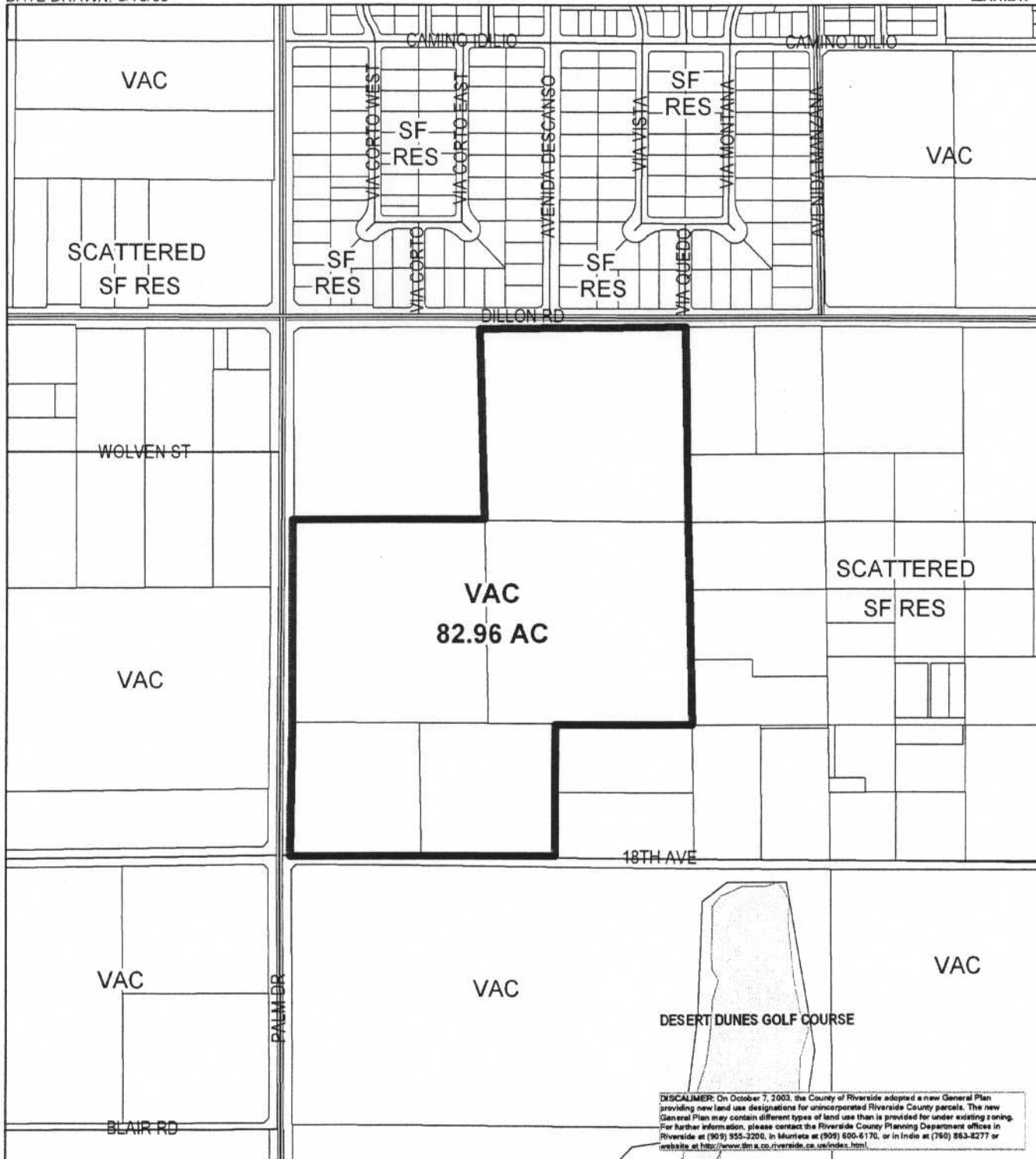
PAR00599 Land Use

Planner: Jay Olivas

Date: 5/11/05

DATE DRAWN: 5/10/05

Exhibit 1



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200, in Murrieta at (951) 600-6170, or in Indio at (760) 863-8277 or website at <http://www.irm.s.c.c.riverside.ca.us/index.html>

RIVERSIDE COUNTY PLANNING DEPARTMENT

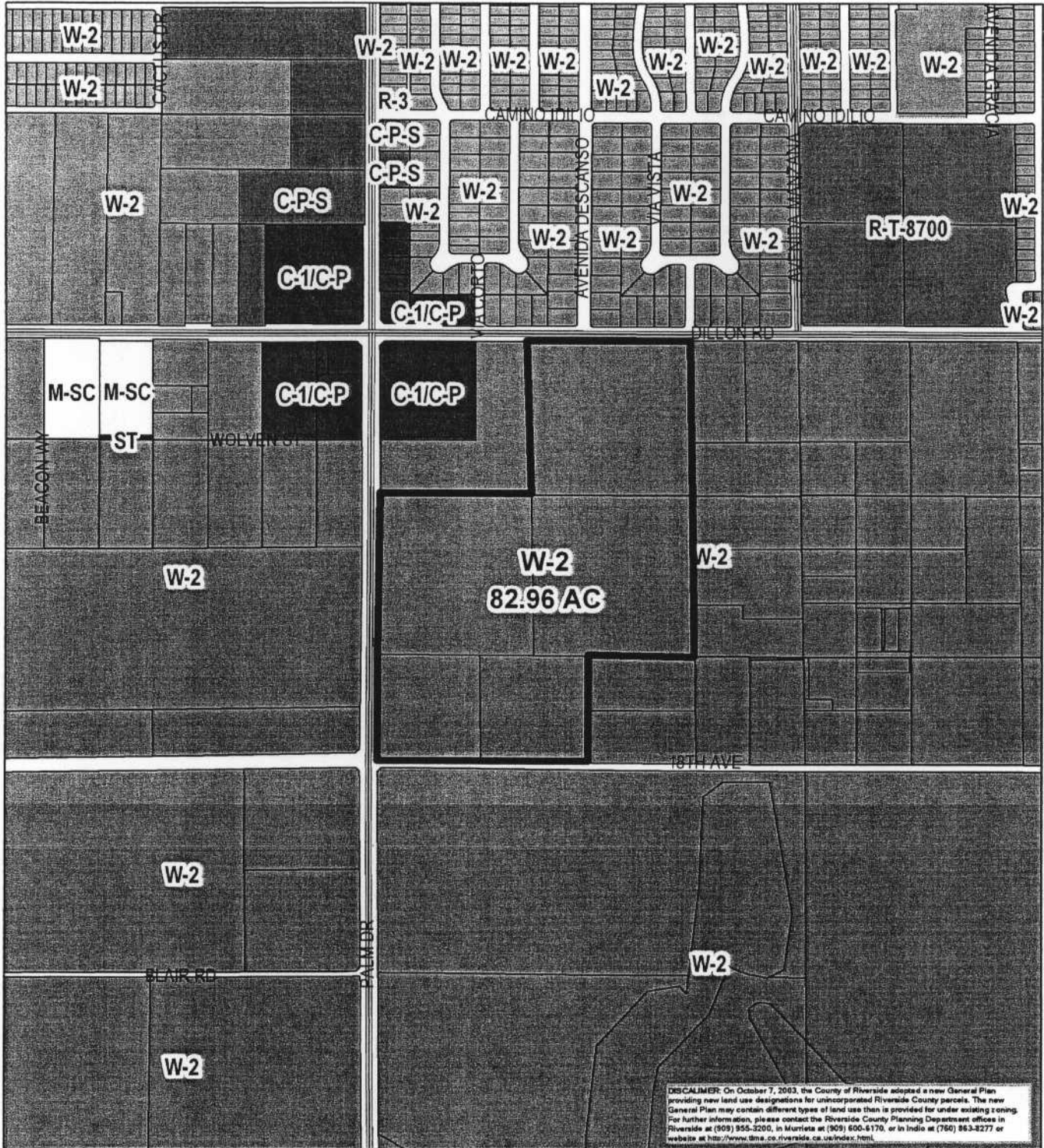
Zone
District: **Pass & Desert**

Township/Range: T3SR5E
Section : 7



ASSESSORS 657-23
BK. PG.
THOMAS 726 J2
BROS.PG

PAR00599
EXISTING ZONING



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
 District: **Pass & Desert**
 Township/Range: T3SR5E
 Section : 7



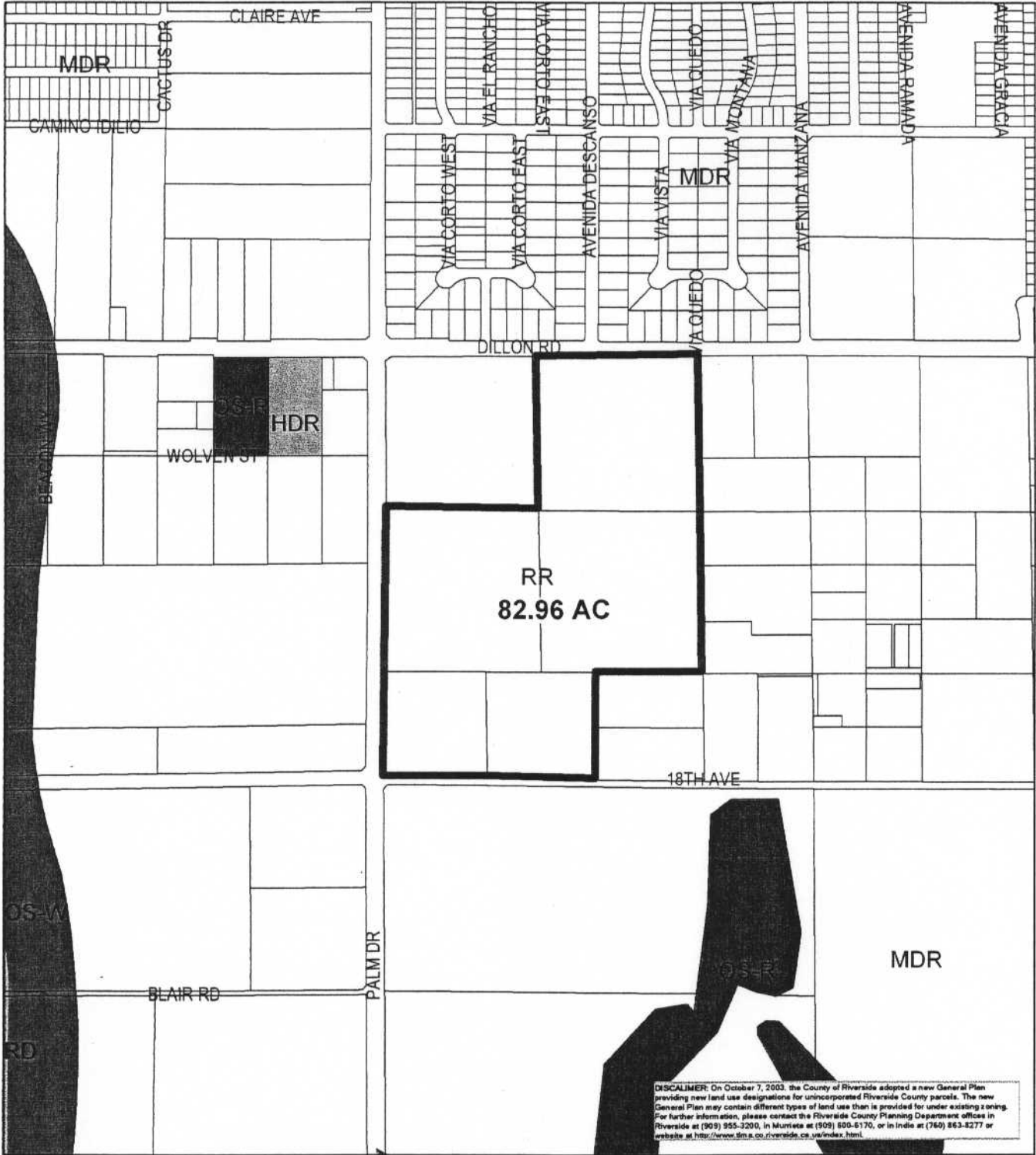
ASSESSORS
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Supervisor Ashley
District 5

PAR00599 General Plan

Planner: Jay Olivas
Date: 5/11/05
Exhibit 5

DATE DRAWN: 5/10/05



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: **Pass & Desert**

Township/Range: T3SR5E
Section : 7



ASSESSORS	
BK. PG.	657-23
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BROS.PG	726 J2

Supervisor Ashley
District 5

DATE DRAWN 5/9/05

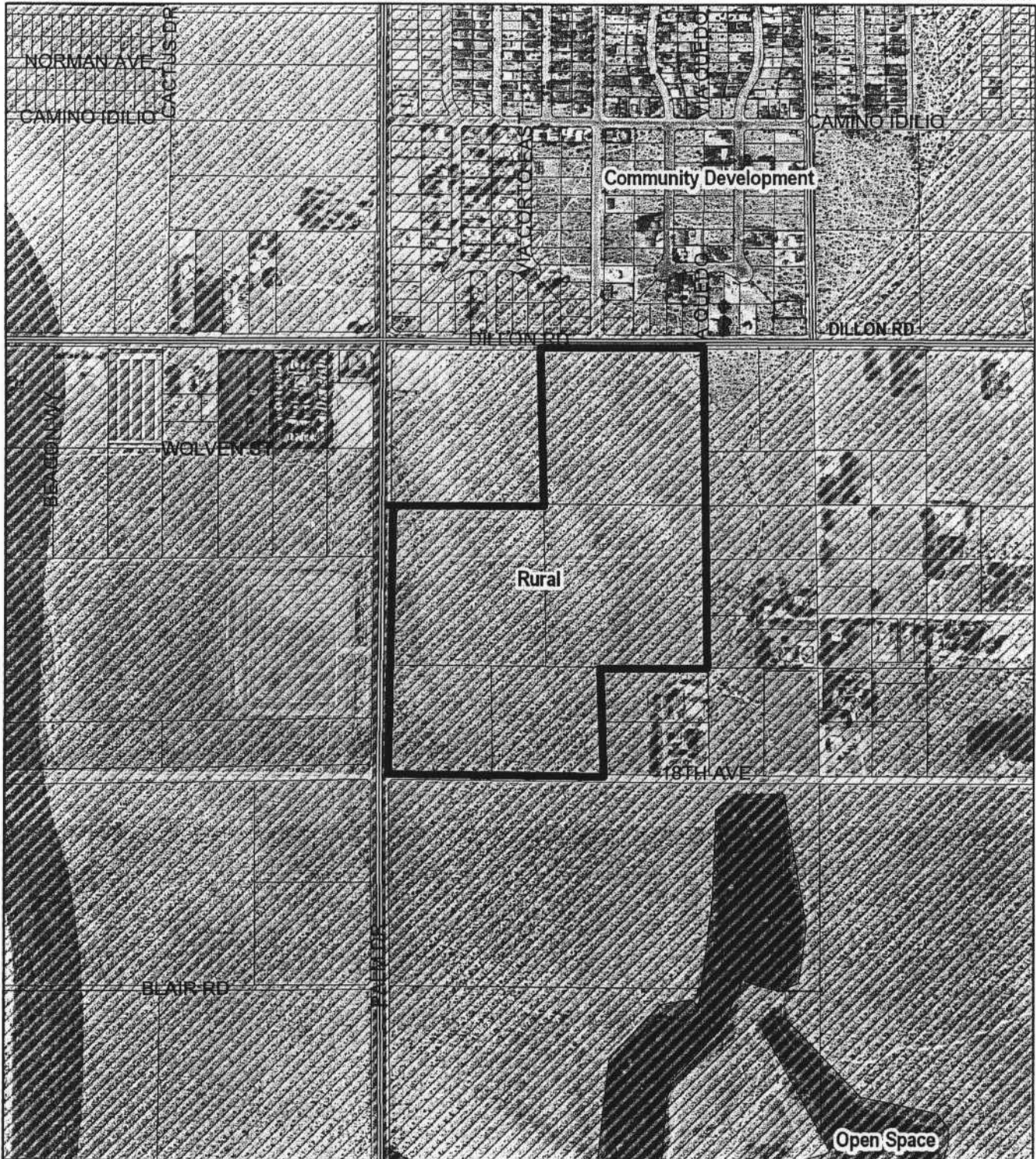
PAR00599

DEVELOPMENT OPPORTUNITY

Planner: Jay Olivas

Date: 5/11/05

Exhibits Overview



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: **Pass & Desert**

Township/Range: T3SR5E
SECTION: 7

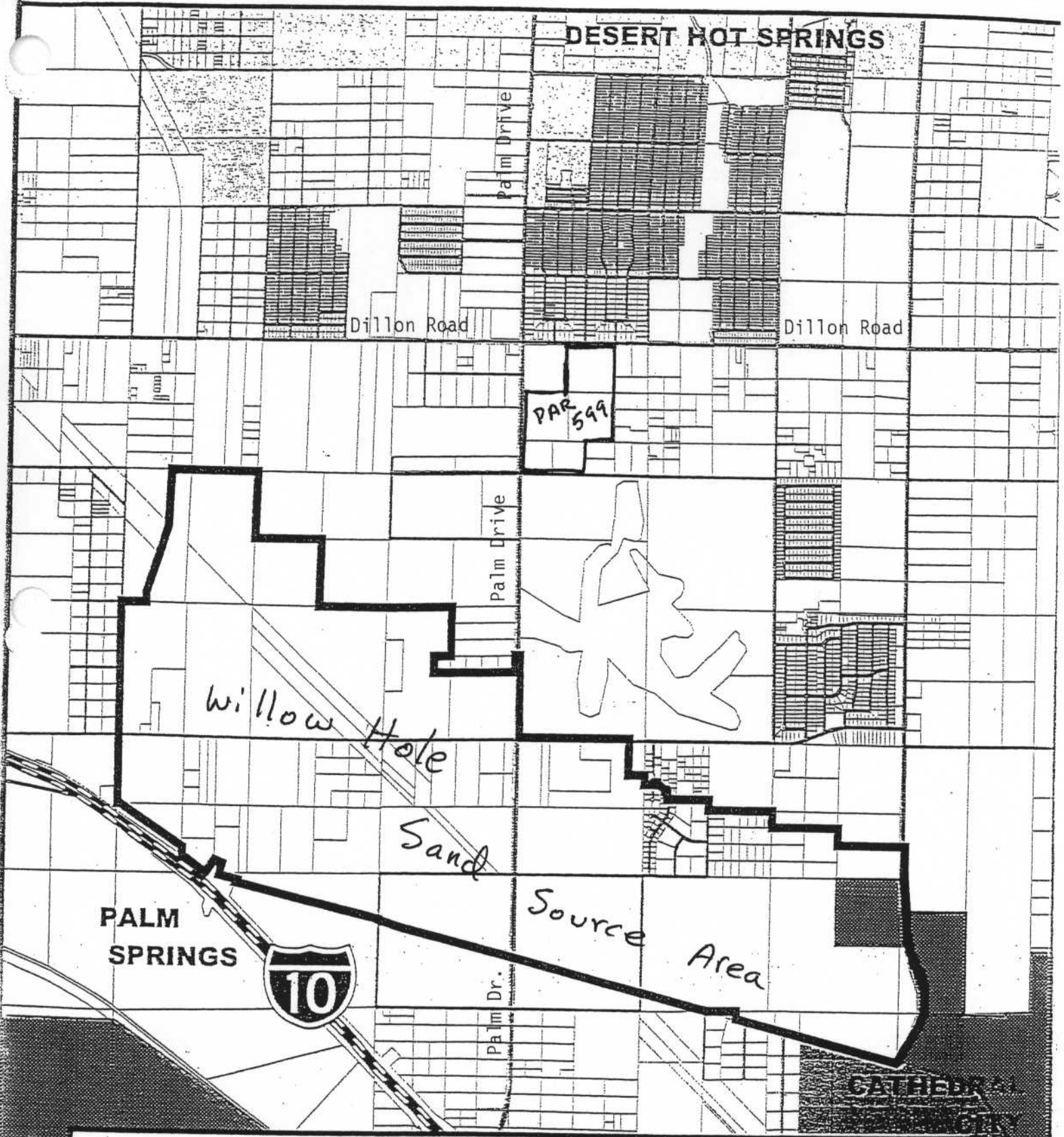


ASSESSORS 657-23

BK. PG.

THOMAS 726 J2

BROS.PG



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- Parcel Lines
- Highways
- Amendment
- FTL Preserves



tent. OKed 12-04

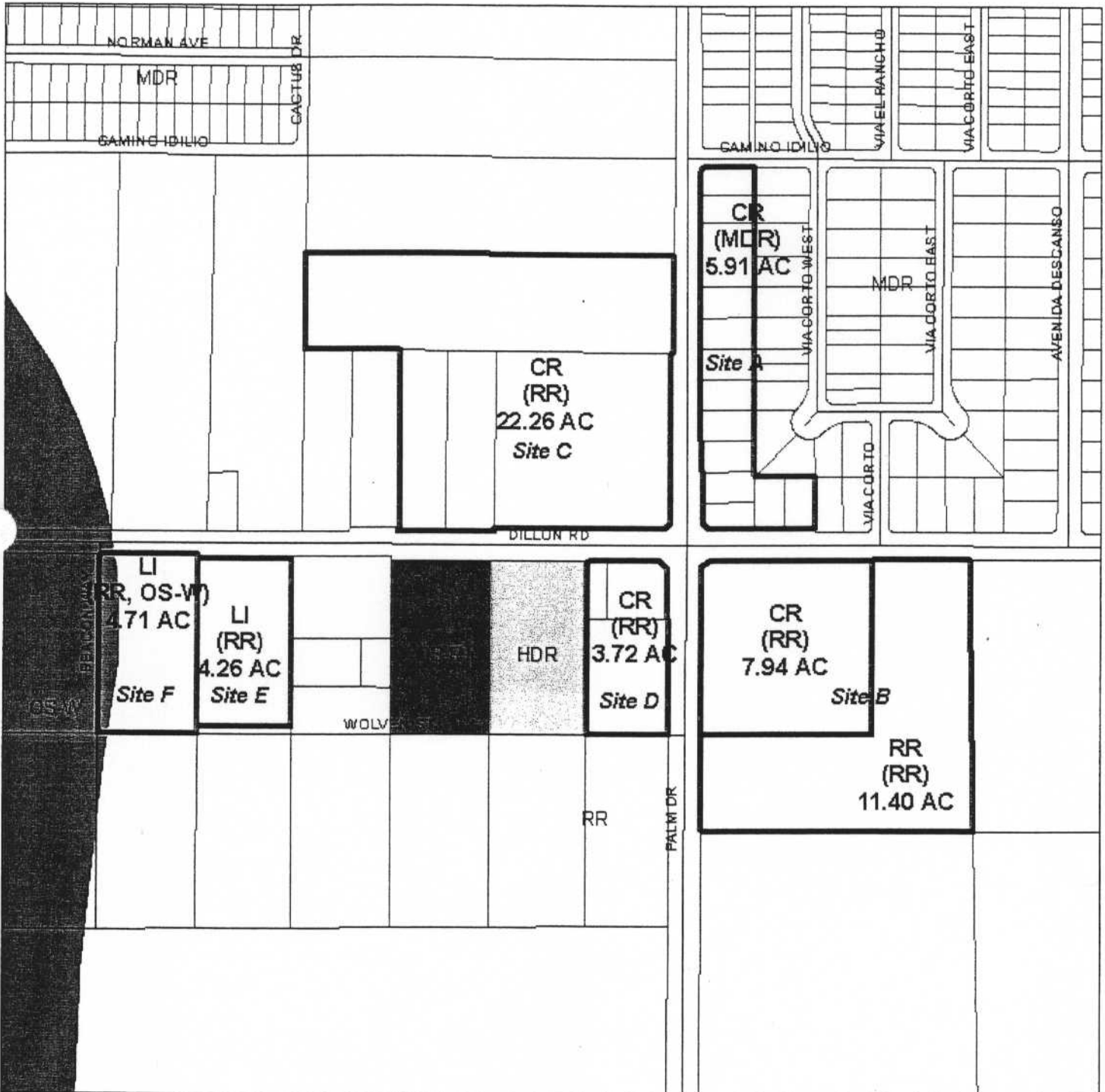
Supervisor Ashley
District 5

As Amended by Planning Commission

GPA 00716

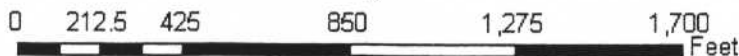
Proposed General Plan

Revised Exhibit WCV4



Township/Range: T3SR5E

Section: 7



Assessors
Bk. 657
Pg. 60, 111, 122,
220, & 230

Date: 9/14/2004
Revised Date: 10/25/2004