

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

216B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
June 5, 2006

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING:
Consideration of a GENERAL PLAN FOUNDATION COMPONENT AMENDMENT REQUEST – Pre-Application Review No. 481 – CEQA Exempt – Nuevo Development Corporation – Albert A. Webb and Associated – Lakeview Zoning Area – Lakeview/Nuevo Area Plan – 5th District.
Request to amend the Lakeview Nuevo Area Plan Foundation Components of properties within the project area from Rural Foundation to Open Space Foundation and from Rural Community Foundation to Community Development and Open Space Foundations.

BACKGROUND:

The Villages of Lakeview (TVOL) is a proposed master-planned community proposed by Nuevo Development Corporation and is located in the Lakeview/Nuevo area of Western Riverside County. The proposed community will need a General Plan Amendment (GPA) in order to develop. Portions of this proposed General Plan Amendment includes changes from two Foundation Components to other Foundation Components of the General Plan. The purpose of this document is to propose a Consideration Request for a Foundation Component Amendment in order to facilitate a master-planned community (The Villages of Lakeview) within the Lakeview/Nuevo Area Plan.

RECOMMENDED MOTION:

The Planning Department recommends that the Board of Supervisors open the public hearing consider public testimony, and direct staff to accept an amendment to the Foundation Component designation under The Administration Element (Chapter 10) of the General Plan.

Robert C. Johnson
Planning Director

initials

REVIEWED BY EXECUTIVE OFFICE

Department DATE 6/1/06 [Signature]

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Per Exec.

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District:

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THE PROPONENTS' REQUEST FOR CONSIDERATION OF A FOUNDATION COMPONENT AMENDMENT TO THE GENERAL PLAN:

This section outlines the four steps needed to complete the overall GPA. However, the main purpose of this document is to address the Consideration Request to the Board of Supervisors, which is the proposed TVOL Foundation Component Amendment Request.

Note: acreages represented in this document are preliminary and approximate at this time.

The proposed GPA takes four steps to get from existing to proposed. Please see Table A on the attached document; it outlines how acreages convert from one Foundation Component to another as they move from Step #1 through Step #4.

Note: All Figures and Tables are included in the attached document.

Step #1 is a Technical Correction. TVOL seeks a Technical Correction to rectify Uses on the Riverside County Integrated Project General Plan (RCIP) that were delineated based on imprecise survey data. The existing toe-of-slope line is believed to have been created in the late-1980s (Jerry Jolliffe, Riverside County Planning) and was hand-drawn using USGS 10-foot contours; whereas, the updated toe-of-slope line was obtained from a field survey and recently-flown aerial topography using 1-foot contours. *Figure 1—Existing RCIP Land Use Designations Showing Toe-of-Slope* shows the existing Foundations overlaid with the updated toe-of-slope line. The updated toe-of-slope line is also verified on a slope analysis (*Figure 2—Slope Analysis*). The discrepancies between existing uses and the updated toe-of-slope line are corrected on *Figure 3—Proposed Technically-Updated RCIP Land Use Designations*.

With the Uses corrected to reflect the intent of the existing RCIP General Plan, the GPA can proceed to Step #2 – the proposed Foundation Component Amendment. This step proposes to convert 642.8 acres of Rural Foundation and 59.7 acres of Rural Community Foundation to Open Space Foundation and 121.1 acres of Rural Community to Community Development. This step is addressed in detail below. Please note that the 121.1 acres represents only 7% of the total Community Development Foundation as proposed within TVOL, while the 702.5 acres represents 64% of the total Open Space.

Step #3 proposes to convert 106.0 acres of Agriculture Foundation to Community Development Foundation and 2.0 acres of Agriculture Foundation to Open Space Foundation by utilizing the Agriculture Foundation Amendment Cycle (7% conversion every 2.5 years).

Step #4 proposes to convert Rural and Agriculture Foundations to Open Space and Community Development Foundations by utilizing the Community Development Overlay process, as depicted on the existing RCIP General Plan.

In the end, TVOL will be left with two Foundations: 1,094.9 acres of Open Space Foundation and 1,683.7 acres of Community Development Foundation. The proposed Open Space Foundation represents 39% of The Villages of Lakeview community.

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FINDINGS:

1. There is ample evidence to support a Foundation Component Amendment change due to new conditions and circumstances that have been disclosed subsequent from the adoption of the Riverside County General Plan (Refer to pages 11 – 12 of the attached document).
2. At the time the RCIP was adopted, the alignment of this CETAP corridor had not yet been determined specifically, and surrounding land use designations were not necessarily reflective of the potential effect of setting the alignment. Now that the alignment has been tentatively established, careful consideration of land uses adjacent to the CETAP corridor would be appropriate. There is evidence that this constitutes a new condition that would justify a modification to the General Plan Foundation Component assigned to these properties (Refer to page 12 of the attached document and attached RCTC letter).
3. Approximately 14% (4.5 miles out of 32) of the length of a proposed CETAP corridor lies adjacent to The Villages of Lakeview boundaries (Refer to page 12 of the attached document and attached RCTC letter).
4. The proposed Foundation Component Amendment change is necessary to implement regional infrastructure improvement plans which had been conceived, but not yet fixed, when the Riverside County Integrated Project General Plan was adopted.
5. Additional unusually compelling conditions exists that can only be rectified by making changes that would affect the Riverside County Vision, Principles, or Policies. These conditions include: (1) 18 transactions involving 147 parcels that have been assembled to form The Villages of Lakeview; (2) the ability of this development to construct and implement community facilities, transportation improvements, recreational facilities, etc., rather than rely solely on the payment of Development Impact fees; (3) the magnitude of The Villages of Lakeview allows for the creation of large-scale, contiguous open space and recreational systems, housing diversity, and employment; (4) the central focus of this community helps the County to implement its Community Center concept, previously not envisioned, but potentially appropriate, for this property. These findings constitute significant changes in circumstance as it allows for more efficient means of planning and implementing both land use and circulation improvements in this area consistent with RCIP Vision. (Refer to pages 11 – 15 of the attached document).
6. The approval of a Foundation Component Amendment will allow for the development of TVOL, which will not only facilitate, but possibly expedite, accomplishment of transportation corridor designations identified under CETAP, something which would not be possible if the current RCIP land use designations were retained.
7. The decision to process or approve this request will not result in the unconstitutional taking of property.

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GENERAL PLAN CERTAINTY SYSTEM:

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.

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- e. A Foundation Component amendment is required to conform to changes in State or 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.

ANALYSIS OF FOUNDATION COMPONENT FINDINGS (a):

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 to be the following:

The Community Environmental Transportation Acceptability Program (CETAP) identified these corridors as part of the transportation portion of the RCIP. One such corridor lies adjacent to TVOL. Approximately 14% (4.5 miles out of 32) of the length of the proposed CETAP corridor lies adjacent to the TVOL boundaries. At the time the RCIP was adopted, the alignment of this CETAP corridor had not yet been determined specifically, and surrounding land use designations were not necessarily reflective of the potential effect of setting the alignment. Now that the alignment has been tentatively established, careful consideration of adjacent land uses would be appropriate. In that regard, TVOL provides the opportunity to integrate the land use/transportation connection in the development process and to identify land uses that promote jobs and housing close to key transportation corridors consistent with the overall RCIP Vision Statement.

Further, since RCIP adoption, circumstances surrounding TVOL land ownership have changed as well, which provides greater opportunity for the efficient implementation of the CETAP corridor. As discussed in greater detail within the attached document, 18 transactions involving 147 parcels have been assembled to form TVOL. This is a significant change in circumstance as it allows for more efficient means of planning and implementing both land use and circulation improvements in this area consistent with RCIP Vision.

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ANALYSIS OF FOUNDATION COMPONENT FINDINGS (b):

Foundation Component Amendments must be based on a condition that exists or an event that has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, Principles, or Policies.

In regard to this requirement, the proponents cite as evidence of unusually compelling conditions to be the following:

With Nuevo Development Corporation's recent assemblage of 2,800 contiguous acres (an unusually large assemblage by Riverside County standards), a condition exists that is unusually compelling. The proposal of TVOL affords the County an opportunity to facilitate a development on a large scale that comprehensively implements the RCIP Vision

Given the large scale of TVOL and a Foundation Component Amendment, Nuevo Development Corporation is able to not just pay Development Impact fees and rely on future and undetermined development projects and/or Riverside County initiated public improvement projects, but instead will construct and implement community facilities, transportation improvements, recreational facilities. Currently, Nuevo Development Corporation is willing to facilitate the construction of a public community center, a library, a fire station, a large portion of Ramona Expressway, other backbone infrastructure, public parks and private clubhouses, and other facilities as determined appropriate, depending on the ultimate circumstances of TVOL. Beyond physical facilities, Nuevo Development Corporation is also considering implementing the soft side – social infrastructure programs such as environmental stewardship, cultural preservation, healthy communities, life-long learning, and drought-tolerant landscaping among others. These findings can be considered unusually compelling conditions that will aid in the implementation of the Riverside County Vision for the Lakeview/Nuevo Area.

ANALYSIS OF FOUNDATION COMPONENT FINDINGS (h):

Foundation Component changes must be based on a necessity to facilitate implementation of open space or transportation corridor designations arising from MSHCP and Community Environmental Transportation Acceptability Program (CETAP) programs that are contained in the General Plan and that could not be accomplished by a lesser change in the General Plan.

In regard to this requirement, the proponents cite as evidence of extraordinary benefits to the CETAP process to be the following:

1. Nuevo Development Corporation intends to implement the RCIP General Plan by widening a segment of Ramona Expressway that is adjacent to TVOL (approximately 4.5 miles out of 32). Riverside County Transportation Commission (RCTC) and the CETAP corridor will benefit from this because the Ramona Expressway widening will be designed, through a coordinated planning effort, to be compatible with and integrated into, the ultimate configuration of the CETAP corridor. Potential "throw-away facilities" will be dramatically reduced when it is time for the CETAP corridor to be implemented. As part of this coordinated planning effort Nuevo Development Corporation has offered to contract with

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planning and design engineers to create construction plans for this segment of Ramona Expressway.

2. In order to develop TVOL, Nuevo Development Corporation has had to assemble 18 individually-owned properties containing 147 parcels. Many of these parcels had been identified by RCTC as being necessary to construct the CETAP corridor. Absent Nuevo Development Corporation's property assemblage efforts, RCTC would have had to initiate lengthy negotiations with each individual landowner to acquire the appropriate rights-of-way. The need for RCTC to engage in negotiations with individual landowners has been eliminated with respect to this segment of the CETAP corridor as a result of TVOL. As the entire 4.5-mile segment has been brought under the control of one entity, the discussions regarding rights-of way acquisition can be conducted with one entity. Therefore, the prospect of having to condemn private property has been avoided.

The cost savings alone provides RCTC with a significant and extraordinary benefit. Because extensive discussions with 18 landowners have been eliminated, RCTC can devote more time to property acquisition efforts for other sections. Avoiding condemnation of private property also provides a tremendous fiscal benefit as costs for property appraisals, legal fees, and landowner compensation are not triggered.

3. As originally designed, Ramona Expressway right-of-way would be widened from 142 feet to 220 feet as it passes adjacent to TVOL. Half of the additional 78 feet of right-of-way was originally designated to be taken from the north side of Ramona and the other half from the south side. Those existing land uses immediately north and adjacent to Ramona Expressway would have run the risk of losing property and existing business. To avoid this loss, Nuevo Development Corporation has offered to locate all the additional right-of way within the proposed boundaries of TVOL along the easternmost 2.5-mile segment. By shifting the additional 78 feet of right-of-way entirely onto TVOL, impacts to the existing land uses north of Ramona Expressway can be avoided. All of the existing businesses north of Ramona (four dairy operations, four crop operations and a restaurant) will remain viable business operations and will not be impacted by the widening. Continuation of existing dairy and agricultural uses would be consistent with the RCIP.

In addition to the eastern segment, Nuevo Development Corporation has offered to locate additional right-of-way needs within TVOL on a western segment. By shifting the additional right-of-way to the north, the 50-acre commercial area known as "Downtown Lakeview" south of Ramona avoids being impacted.

4. TVOL provides a cost-savings benefit by freeing RCTC from lengthy landowner negotiations and condemnation procedures so that RCTC can focus on acquiring rights-of-way along the remaining 28 miles of the proposed CETAP corridor. In addition, another benefit of the planning being done by TVOL is that RCTC can focus on planning and studying the other areas of the CETAP corridor. The planning being undertaken by TVOL and its cooperative stance with RCTC and Riverside County has allowed RCTC to expedite its planning process on the remaining segments of the proposed CETAP corridor.
5. One of the benefits that will be realized by TVOL's coordinated planning effort is that the design of off-facility local circulation will be coordinated with the proposed CETAP corridor.

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TVOL is designing its circulation system so that it will align with the proposed CETAP corridor access points. Absent early coordination in designing the off-facility local system, RCTC would have to construct a frontage road to provide access between the local circulation system and the CETAP corridor. The need to construct frontage roads is entirely avoided because the circulation system within TVOL has been planned to interact with the CETAP corridor, thus greatly improving the efficiency of the overall circulation system in the area.

6. Over the last several months, RCTC, Riverside County, Nuevo Development Corporation and its consultants have been meeting to coordinate the CEQA-required studies that are being prepared to support the CETAP corridor and TVOL. As a result of this coordination, RCTC, Nuevo Development Corporation and Riverside County can ensure that measures required to mitigate potentially significant impacts of TVOL would not conflict with the ultimate implementation of the future CETAP corridor. A prime example of this is a proposed wildlife corridor, which crosses under Ramona Expressway. Riverside County's Multiple Species Habitat Conservation Plan (MSHCP) has proposed "Constrained Linkage 20" – a wildlife corridor that connects the Lakeview Mountains in the south with the San Jacinto River and San Jacinto Wildlife Area in the north. The proposed location of this corridor occurs within the boundaries of TVOL at the easternmost end. The conceptual design of this corridor identified by RCTC has been taken into consideration by TVOL, which has planned to accommodate the wildlife corridor in the same location proposed by RCTC. This is just one example of how all of the parties, utilizing good planning, are addressing some of the cumulative impacts.