

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

333B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
July 7, 2008

SUBJECT: GENERAL PLAN AMENDMENT NO. 1051 (AGRICULTURAL AMENDMENT) – Applicant: Robert S. McCall - Engineer/Representative: Michael D. Reilly – Fourth Supervisorial District – South Palo Verde Zoning District – Palo Verde Valley Area Plan – Agriculture: Agriculture (AG) (10 AC min.) – Location: Northerly of Seeley, southerly of I-10, easterly of Keim Blvd – 20 Gross Acres –The project is located northerly of Seeley Avenue, southerly of I-10, and easterly of Keim Boulevard south of the community of Blythe. Zoning: Light Agriculture (A-1-10) – REQUEST: The General Plan amendment proposes to amend the project site’s general plan land use designation from Agriculture: Agriculture (AG:AG) (10-acre minimum) to Rural: Rural Residential (R:RR) (5-acre minimum) for an approximate 20-acre property.

RECOMMENDED MOTION: The Planning Director recommends adoption of an order initiating proceedings for General Plan Amendment No. 1051. The adoption of such an order does not imply that the proposed general plan amendment will be approved.

BACKGROUND: Comments were requested from the Planning Commission on May 14, 2008. The Planning Commission provided comments and recommended by a 5-0 vote that the Board of Supervisors adopt an order initiating General Plan Amendment No. 1051.

Proposed General Plan Amendment No. 1051 is a stand-alone application. On May 14, 2008, Applicant submitted a letter amending his request for a land use designation change from his original request for Rural Community: Estate Density Residential (RC:EDR) (2-AC MIN) to Rural: Rural Residential (R:RR) (5-AC MIN). This change was

Ron Goldman
Planning Director

RG:jd

REVIEWED BY EXECUTIVE OFFICE

DATE 7/27/08
Tina Grande
Departmental Concurrence

Policy
 Policy

Consent
 Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Fourth

Agenda Number:

15.8

submitted to the Planning Commission for consideration.

Issues of concern presented to the Planning Commission by the Planning Department on May 14, 2008, included agricultural conversion of lands, limited lot access upon subdivision of lands, water supply limitations, and compatibility between agricultural and residential development.

The proposed GPA involves a change from the Agriculture Foundation Component to the Rural Community Foundation Component. The total acreage of land converted for this area is well within its baseline limit of 7% so the request for change in land use designation is consistent with standards.

Applicant submitted a justification statement, attached, indicating that project lands are no longer viable for agriculture. The department independently verified that at least one-half of the project area lies within an old streambed with elevation changes and topography that would preclude agriculture production. Applicant agreed, at the request of the department, to amend his request for lot size from two-acre minimum to five-acre minimum in order to remain consistent with the agricultural surroundings.

At the May 14, 2008, Planning Commission meeting, after listening to staff and the applicant's presentations, Commissioners Petty, Porrás, and Snell noted, after looking at aerials of the project site, that the applicant's land is not currently in agricultural production, that the land does not appear amenable to agriculture production, and that the requested lot size of five-acres appears compatible with single-family residential homes in the agricultural area. Applicant's property is approximately 1 ½ - 2 miles from Interstate 10, State Highway 78, and the community of Blythe.

The Planning Director has reviewed the application for the proposed general plan amendment and the comments of the Planning Commission. The Planning Director recommends that Rural: Rural Residential (R:RR) (5-Acre Minimum) is the most appropriate land use designation at this time for initiation. The Planning Director recommends that your Board adopt an order initiating proceedings for the proposed general plan amendment.

**PLANNING COMMISSION
MINUTE ORDER MAY 14, 2008
CITY OF LA QUINTA COUNCIL CHAMBERS**

- I. AGENDA ITEM 7.2: GENERAL PLAN AMENDMENT NO. 1051 (Agricultural)**
– EA41928 – Applicant: Robert S McCall - Engineer/Representative: Michael D. Reilly – Fourth Supervisorial District – South Palo Verde Zoning District – Agriculture: Agriculture (AG) (10 AC min.) – Location: Northerly of Seeley, southerly of I-10, easterly of KEIM Blvd – 20.0 Gross Acres – Zoning: Light Agriculture (A-1-10) Zone – APN(s): 863-070-010. (Legislative)
- II. PROJECT DESCRIPTION**
The General Plan Amendment proposes to amend the Palo Verde Valley Area Plan from Agriculture: Agriculture (AG) to Rural Community: Estate Density Residential (RC:EDR).
- III. MEETING SUMMARY**
The following staff presented the subject proposal:
Project Planner, Judith Deertrack, Ph: (760) 863-8277 or email jdeertra@rctlma.org.
- No one spoke in favor or in opposition to the subject proposal.
- IV. CONTROVERSIAL ISSUES**
NONE
- V. PLANNING COMMISSION ACTION**
The Planning Commission, by a vote of 5-0, recommended to the Board of Supervisors;
- VI. CD**
The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Sophia Nolasco, Planning Commission Secretary, at (951) 955-3251 or E-mail at snolasco@rctlma.org.

Agenda Item No.: 7.2
Area Plan: Palo Verde Valley
Zoning District: South Palo Verde
Supervisory District: Fourth
Project Planner: Judith E. Deertrack
Planning Commission: May 14, 2008

General Plan Amendment No. 1051
E.A. Number: 41928
Applicant: Robert S. McCall
Engineer/Rep.: Michael D. Reilly

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan from "Agriculture" (AG:AG) (10 acre min.) to "Rural Community: Estate Density Residential" (RC:EDR) (2 acre min.) for an approximately 20-acre property. The project is located northerly of Seeley Avenue, southerly of I-10, and easterly of Keim Boulevard south of the community of Blythe.

BACKGROUND:

A proposed General Plan Amendment (GPA) shall not be processed unless the Board of Supervisors (Board) adopts an order initiating proceedings for the proposed GPA. The Planning Director is required to prepare and submit to the Board a report and recommendation concerning initiation.

Before submitting his report and recommendation to the Board, the Planning Director must request comments on the proposed GPA from the Planning Commission (Commission) and must include the Commission's comments, if any, in his report. The Commission may make its comments in any form it deems appropriate. For example, the Commission may recommend that the Board adopt or decline to adopt an order initiating proceedings for the proposed GPA. A recommendation is not, however, required and the Commission may choose instead to simply identify its concerns regarding the proposed GPA. In addition to any comments the Commission may make as a group, the Planning Director will include the comments of individual Commission members in his report to the Board.

A noticed public hearing is not required for the Commission to comment on the initiation of a proposed GPA. Nor is such a hearing required for the Board to actually initiate or decline to initiate proceedings for the proposed GPA. The Planning Department did, however, notify the applicant by mail that the Commission would consider the initiation of this proposed GPA on this date, at this time and at this place.

After reviewing the Planning Director's report and recommendation, which as noted above, must include the Commission's comments, the Board may either adopt or decline to adopt an order initiating proceedings for the proposed GPA.

If the Board adopts an order initiating proceedings, the proposed GPA will thereafter be processed, reviewed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Commission and the Board. The adoption of an order initiating proceedings does not imply that the proposed GPA will be approved.

If the Board declines to adopt an order initiating proceedings, the proposed GPA shall not be processed.

The Board established the initiation procedures for proposed GPAs in Ordinance No. 348.4573 which was effective May 8, 2008. Proposed GPA No. 1051 is considered an Agricultural GPA as described in Section 2.7 of that ordinance.

Proposed GPA No. 1051 is not associated with any other cases.

For additional information, refer to the attached Worksheet for General Plan Amendment Initiation Consideration Analysis.

ISSUES OF CONCERN:

The applicant submitted a report entitled, "Justification for Amendment," on April 14, 2008, attached to this report. The applicant maintains that the 20-acre parcel subject to this request is no longer viable for crops or agricultural uses for several reasons: the parcel size was reduced from 40 acres to 20 acres in 1966 when Southern California Edison acquired the westerly 20 acres of the original 40-acre parcel; a large portion of the remaining twenty acres has an elevation change of approximately ninety feet from east to west in less than 650 feet; and within a 1 ½ mile range of the property, other parcels are zoned RC:EDR. Applicant does admit that most properties in the immediate region remain viable agriculture operations.

The Planning Department has verified that the parcel directly west of the project is owned by Southern California Edison. A topographical map produced from the Riverside County Land Information System (RCLIS) supports that the southeast one-half portion of applicant's land appears to be within an old streambed with an elevation change approximately matching that described by the applicant. There are two areas zoned Estate Density Residential (RC:EDR) within 1 ½ to 2 miles of applicant's property. Those parcels abut Interstate 10 and State Highway 78. Applicant has verified that the nearest available sewer line is six miles.

Estate Density Residential allows a two-acre minimum parcel size, which would support a maximum of 10 single-family residences on the applicant's parcel. If the land use designation remains Agriculture and the zoning classification remains A-1-10, 2 single-family residences as would be allowed on the parcel. The A-1-10 zone also allows for other conditional uses, including farm labor housing, which is designated a high-priority use by the County of Riverside, as well as other uses supporting agriculture.

The proposed GPA involves a change from the Agriculture Foundation Component to the Rural Community Foundation Component. Under the provisions of Ordinance 348.4573, the Board cannot authorize agricultural conversion of lands in excess of 7% from the base year of January 1, 2004. The total acreage of land converted within the Agricultural Foundation Component as of May 14, 2008, is well under the 7% base acreage figure, and does not impose a limitation to this request for conversion of agriculture lands.

The proposed GPA may be detrimental to or fail to further the basic planning objectives of the Riverside County General Plan and Agricultural Preservation Policies, particularly where the County has expressed a desire to eliminate or mitigate land uses that are potentially incompatible with the support environment needed in the agricultural areas.

The General Plan Principles for the Agriculture Foundation Component emphasize the preservation of areas where agricultural uses are the long term desirable use, which appears to be the nature of agriculture lands immediately south of the community of Blythe. It is a general plan principle to "...provide for the continued and even expanded production of agricultural products by conserving areas appropriate for agriculture and related infrastructure and supporting services," *"In addition, the intent of these policies is to minimize the conflicts between agricultural and urban/suburban uses." "Areas designated for Agriculture generally lack an infrastructure that is supportive of urban development."*

Based upon these principles, the Board prescribed an area density of one single-family residence per ten (10) acres for the agricultural area, with additional provision for farm worker dwellings and other agricultural support uses. There is no evidence that the Board has changed its intent or policy to maintain a low density use area in the viable agricultural area south of Blythe. Estate Density Residential does exist close to the urban line of Blythe, but the higher density residential uses appear to be limited to the community of Blythe and the Interstate 10 and State Highway 78 corridors.

For additional information, refer to the attached Worksheet for General Plan Amendment Initiation Consideration Analysis.

SUMMARY OF FINDINGS:

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| 1. Existing Land Use (Ex. #1): | Vacant |
| 2. Surrounding Land Use (Ex. #1): | Agriculture to the North; Vacant Land in the adjoining parcels to the South, West, and East; Agriculture in the extended area. |
| 3. Existing Zoning (Ex. #2): | A-1-10 |
| 4. Surrounding Zoning (Ex. #2): | A-1-10 to the north, south, east, and west. |
| 5. Riverside County General Plan (Exh. #6) | Land Use: Agriculture (AG) (10 AC MIN.) |
| 6. Project Data: | Total Acreage: 20 |
| 7. Environmental Concerns: | Not applicable at this time |

RECOMMENDATIONS:

Comment that adoption of an order initiating proceedings for General Plan Amendment No. 1051 would not be appropriate.

INFORMATIONAL ITEMS:

1. As of this writing, no letter in opposition or in favor of this project has been received.
2. The project site is not located within:
 - a. Fringe Toed Lizard sand source area, fee area, or preserve
 - b. Conservation area or fee area
 - c. General Plan overlay area
 - d. Redevelopment area
 - e. Agricultural preserve
 - f. Flood district
3. The project site is located within:
 - a. The boundaries of the Palo Verde Valley Unified School District.
 - b. Farmland of local importance
4. The project site is currently designated as Assessor's Parcel Number 863-070-010.