

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

903B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
January 12, 2009

SUBJECT: SUBJECT: GENERAL PLAN AMENDMENT NO. 961 – (Agricultural Amendment)
– Applicant: Gerald R. Allowger – Engineer / Representative Forkert Engineering - Fifth
Supervisory District – Cherry Valley Area – The Pass Area Plan: Agriculture: Agriculture
(AG:AG) (10 Acre Minimum) – Location: Westerly of Nancy Avenue, and southerly of Cherry
Valley Boulevard – 36.74 Gross Acres – Zoning: Light Agriculture (20 Acre Minimum) (A-1-20) -
REQUEST: General Plan Amendment proposes to amend 36.7 acres of the Riverside County
General Plan Land Use Element from Agriculture: Agriculture (A:AG) (10 Acre Minimum) to
Community Development: Commercial Retail (CD:CR) (0.20 – 0.35 Floor Area Ratio) (19.7
acres) and Community Development: Very Low Density Residential (CD: VLDR) (1 Acre
Minimum) (17.0 acres) land use designation.

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors adopt an order initiating the
above referenced general plan amendment based on the attached report. The initiation of
proceedings by the Board of Supervisors for the amendment of the General Plan, or any
element thereof, shall not imply any such amendment will be approved.

BACKGROUND:

The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of
an order by the Board of Supervisors. The Planning Director is required to prepare a report and
recommendation on every GPA application and submit it to the Board of Supervisors. Prior to
the submittal to the Board, comments on the application are requested from the Planning
Commission, and the Planning Commission comments are included in the report to the Board.
The Board will either approve or disapprove the initiation of proceedings for the GPA requested
in the application. The consideration of the initiation of proceedings by the Planning
Commission and the Board of Supervisors pursuant to this application does not require a

Ron Goldman
Planning Director

RG:db

(CONTINUED ON ATTACHED PAGE)

REVIEWED BY PLANNING DEPARTMENT OFFICE

DATE: 1/12/09
Tina Grande
Departmental Conference

Policy

Consent

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

noticed public hearing. However, the applicant was notified by mail of the time, date and place when the Planning Commission and the Board of Supervisors would consider this GPA initiation request.

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings on this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance.

Agenda Item No.: 7.3
Area Plan: The Pass
Zoning District: Cherry Valley
Supervisorial District: Fifth
Project Planner: Russell Brady
Planning Commission: December 3, 2008

General Plan Amendment No. 961
Applicant: Gerald R. Allowger
Engineer/Rep.: Forkert Engineering /
Surveying

COUNTY OF RIVERSIDE PLANNING DEPARTMENT ADENDUM STAFF REPORT

RECOMMENDATIONS:

The Planning Director recommended to initiate the proposed General Plan Amendment and the Planning Commission made the comments below. The Planning Director continues to recommend to initiate the General Plan Amendment. For additional information regarding this case, see the attached Planning Department Staff Report(s).

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

The following comment(s) were provided by the Planning Commission to the Planning Director:

Commissioner John Roth: No comment

Commissioner John Snell: No comment

Commissioner John Petty: No comment

Commissioner Jim Porras: No comment

Commissioner Jan Zuppardo: Agreed with the proposed General Plan Amendment

~~NO~~ 1-13

Agenda Item No.: 7.3
Area Plan: The Pass
Zoning District: Cherry Valley
Supervisorial District: Fifth
Project Planner: Russell Brady
Planning Commission: December 3, 2008

General Plan Amendment No. 961
Applicant: Gerald R. Allowger
Engineer/Rep.: Forkert Engineering /
Surveying

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 961 proposes to amend 36.7 acres of the Riverside County General Plan Land Use Element from Agriculture: Agriculture (A:AG) (10 Acre Minimum) to Community Development: Commercial Retail (CD:CR) (0.20 – 0.35 Floor Area Ratio) (19.7 acres) and Community Development: Very Low Density Residential (CD: VLDR) (1 Acre Minimum) (17.0 acres) land use designation.

The proposed project is located in the Cherry Valley Community of The Pass Area Plan of Western Riverside County; more specifically, westerly of Nancy Avenue and southerly of Cherry Valley Boulevard.

BACKGROUND:

The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on all GPA applications and submit them to the Board of Supervisors. Prior to the submittal to the Board, comments on the applications will be requested from the Planning Commission, and the Planning Commission comments will be included in the report to the Board. The Board will either approve or disapprove the initiation of the proceedings for the GPA requested in the applications.

The consideration of the initiation of proceedings pursuant to this application by the Planning Commission and the Board of Supervisors will not involve a noticed public hearing. The Planning Department, however, did notify the applicant by mail of the time, date and place when the Planning Commission will consider this GPA initiation request.

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings of this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance. General Plan Amendment 961 is an Agriculture GPA, under Section 2.4.

Additionally, refer to the attached Worksheet for General Plan Amendment Initiation Consideration Analysis.

RR-13

Consideration Analysis:

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal could possibly satisfy certain required findings. The Administration Element of the General Plan explains that there are four categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings.

General Plan Amendment No. 961 falls into the Agriculture Foundation Amendment category since it is changing 19.0 Gross Acres of land that is designated as Agriculture: Agriculture (AG:AG) (10 Acre Minimum) to a Community Development: Commercial Retail (CD:CR) (0.20 – 0.35 Floor Area Ratio) land use designation and 17.74 Gross Acres of land designated in the General Plan as Agriculture: Agriculture (AG:AG) (10 Acre Minimum) to a Community Development: Very Low Density Residential (CD:VLDR) (1 Acre Minimum) land use designation.

Agriculture Amendment:

The Agriculture Amendment findings can be made for the portion of the proposal that will be changing from an Agriculture Foundation to a Community Development Foundation. The required findings for this section of the analysis are as follows:

- 1) The amendment would contribute to the achievement of the purposes of the General Plan.
- 2) The amendment would not be detrimental to the purposes of the General Plan.

Additionally, the Agriculture foundation allows up to seven percent (7%) of all the land within one of three designated areas to be converted to another Foundation and land use designations during a two and a half year cycle. In the event that the seven percent (7%) threshold has been exceeded, an Agricultural Task Force would review the project.

The proposed Amendment is in The Pass Area Plan, which is part of the third designated area which includes all Area Plans with the exception of the Palo Verde, Desert Center, Eastern Desert, Western Coachella, and Eastern Coachella Area Plans. This designated area contained over 22,000 acres of land with an Agriculture Foundation Component according to the 2003 Riverside County Integrated Project (RCIP). Given the size (36.74 acres) of the portion of the project site proposing an Agriculture Foundation Component change, it is not expected that the proposed Amendment will exceed the seven percent (7%) threshold. The 36.74 acres of land would constitute approximately 0.1 percent (0.1%) of the total 22,000 acres. The proposed Amendment will, therefore, not require review by the Agricultural Task Force.

Each of the required findings are analyzed below:

First Agriculture Finding: This proposal would change the Land Use designation from Agriculture (AG) to Community Development (CD). Therefore, it must be established that this designation would contribute to the achievement of the purposes of the General Plan.

The Pass Area Plan is experiencing growth that was not foreseen or accounted for in the 2003 General Plan. The project site is located in an area where properties are designated Rural Community: Very low Density Residential (RC:VLDR) to the north, east, and south. The conversion of the portion of the project site from Agriculture (AG) to Community Development (CD) would be an extension of the properties that surround the project site.

The General Plan Land Use Element is implemented through policies that are guided by the General Plan Vision. The policies are generally arranged into different categories intended to first create policies that cater to an area plan level, then a community level and finally down to a specific project level, such as subdivisions or use permits. The General Plan explains these as macro, medium and micro levels.

At the macro level, the General Plan has only one policy for the "efficient use of land," LU 2.1. Policy LU 2.1(e) reads as follows:

LU 2.1 Concentrate growth near or within existing urban and suburban areas to maintain the rural and open space character of Riverside County to the greatest extent possible.

It can be argued that the proposed Agriculture Foundation Amendment would satisfy this policy, since the proposed change would occur at the eastern edge of a large area of land where the majority of properties are designated as Rural Community: Very Low Density Residential (RC:VLDR) (1 Acre Minimum). Also, the area will need commercial development in order to serve the immediate and future residents and visitors of the area.

Second Agriculture Finding: The Agricultural Foundation changes of the proposed Amendment must not be detrimental to the purposes of the General Plan. The intent of the Agricultural Foundation is to protect the agricultural industry in the County. As previously mentioned, the General Plan uses a seven percent (7%) threshold before the Agricultural Commission review is required (RCIP, Chapter 10, and Administrative Element). The Agriculture Commission is composed of members of the Agriculture industry. The intent is to ensure that the industry members themselves help guide the future of their agriculture within the County.

The seven percent threshold is applied as the project is approved by discretionary action by the Board of Supervisors. It is very likely that the proposed Amendment will not exceed the seven percent (7%) threshold due to its size relative to the overall acreage of land designated as Agriculture (AG) within all of the Area Plans excluding the Palo Verde, Desert Center, Eastern Desert, Western Coachella, and Eastern Coachella Area Plans. A review by the Agricultural Commission, however, can be required at the direction of the Board.

SUMMARY OF FINDINGS:

- | | |
|---|--|
| 1. Existing General Plan Land Use (Ex. #5): | Agriculture: Agriculture (AG:AG) (10 Acre Minimum) |
| 2. Proposed General Plan Land Use (Ex.#5): | Community Development: Commercial Retail (CD:CR) (0.20 – 0.35 Floor Area Ratio) (19.00 Gross Acres) and Community Development: Very Low Density Residential (CD:VLDR) (1 Acre Minimum) (17.74 Gross Acres) |
| 3. Existing Zoning (Ex. #3): | Light Agriculture – 20 Acre Minimum (A-1-20) |
| 4. Surrounding Zoning (Ex. #3): | Residential Agricultural – 1 Acre Minimum (R-A-1) to the north, Light Agricultural – 1 Acre Minimum (A-1-1) to the east, and Light Agriculture – 20 Acre Minimum (A-1-20) to the south and west |
| 5. Existing Land Use (Ex. #1): | Vacant Land |
| 6. Surrounding Land Use (Ex. #1): | Single Family Residential to the north, east and west, |

a Horse Ranch to the west, and Vacant Land to the south

7. Project Data:

Total Acreage: 36.74 Gross Acres

RECOMMENDATIONS:

The Planning Director recommends that the above-referenced findings per the General Plan Administration Element can be made pursuant to the development review and CEQA process and that the Planning Commission recommend to the Board of Supervisors to adopt an order initiating proceedings for General Plan Amendment No. 961. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. A Specific Plan
 - b. A City Sphere of Influence;
 - c. A General Plan Policy Area;
 - d. An Airport Influence Area;
 - e. A Redevelopment Area;
 - f. A MSHCP criteria cell or cell group;
 - g. A Fault Zone;
 - h. A Flood Zone; or,
 - i. A High Fire Area.
3. The project site is located within:
 - a. The San Geronio Agricultural Preserve # 6;
 - b. Land designated as Farmland of Local Importance;
 - c. The Community of Cherry Valley;
 - d. The Beaumont Unified School District;
 - e. The Ordinance No. 655 Mount Palomar Lighting Influence Area, Zone B (42.58 miles);
 - f. An area of low liquefaction potential;
 - g. A County Service Area (Cherry Valley # 27);
 - h. An area susceptible to subsidence;
 - i. A County Fault Zone.
4. The subject site is currently designated as Assessor's Parcel Numbers 405-250-006 and 405-250-007

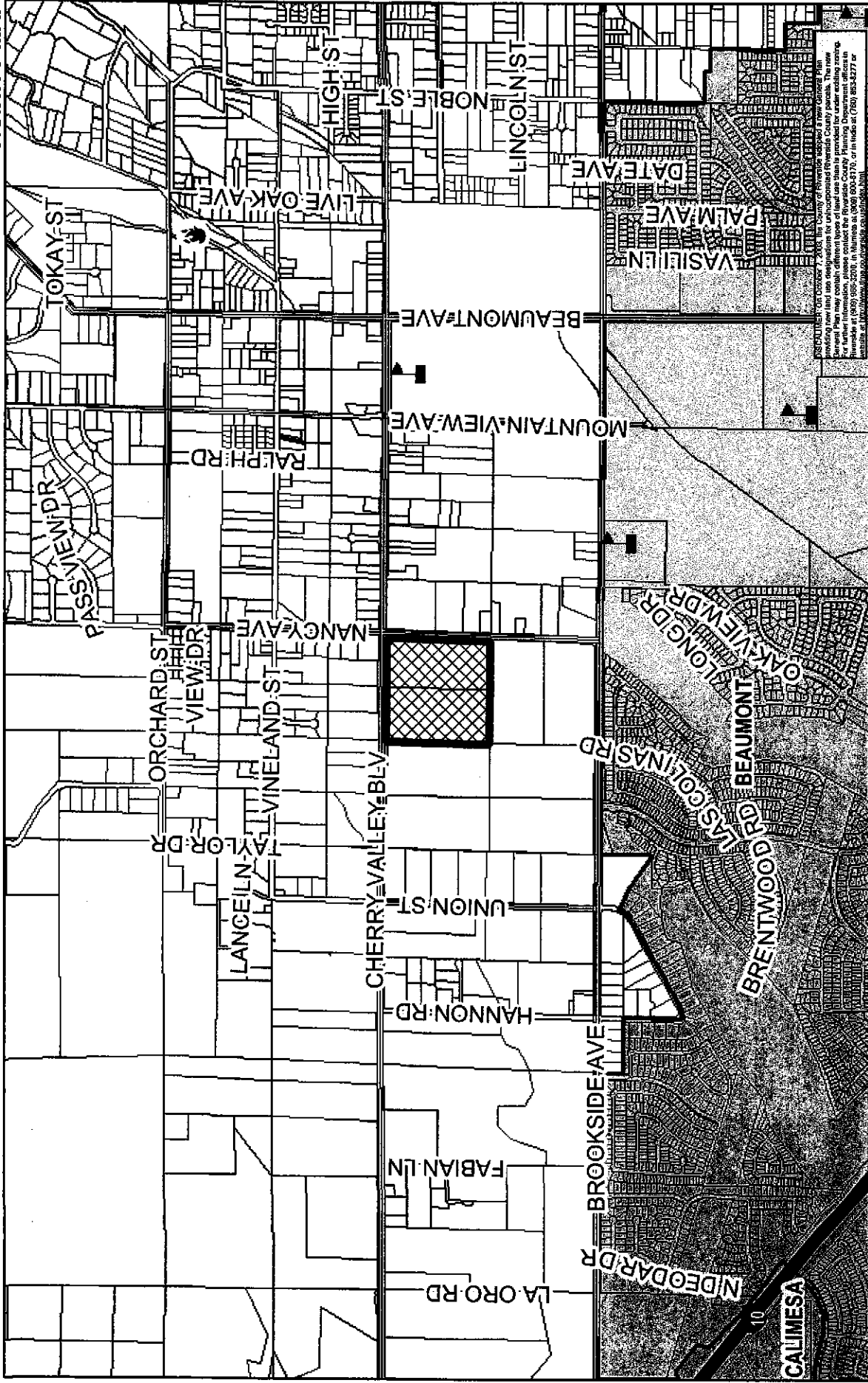
RB:bc

Y:\Planning Case Files-Riverside office\GPA00961\GPIP 11-5-08 PC\GPA00961-GPIP Staff Report-(10-16-08).doc

Supervisor Ashley
District 5
Date Drawn: 3/1 1/08

GPA00961
VICINITY MAP

Planner: Amy Aldana
Date: 3/12/08
VICINITY MAP



This map is provided for informational purposes only. It is not intended to be used for any other purpose. The user assumes all responsibility for the use of this map. For further information, please contact the Riverside County Planning Department at (951) 952-4277 or visit us at www.riversidecountyplanning.com.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Cherry Valley
Township/Range: T2SR1W
Section : 28

Assessors
Bk. Pg. 405-25
Thomas
Bros. Pg. 690 F5

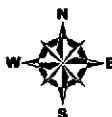


DEVELOPMENT OPPORTUNITY

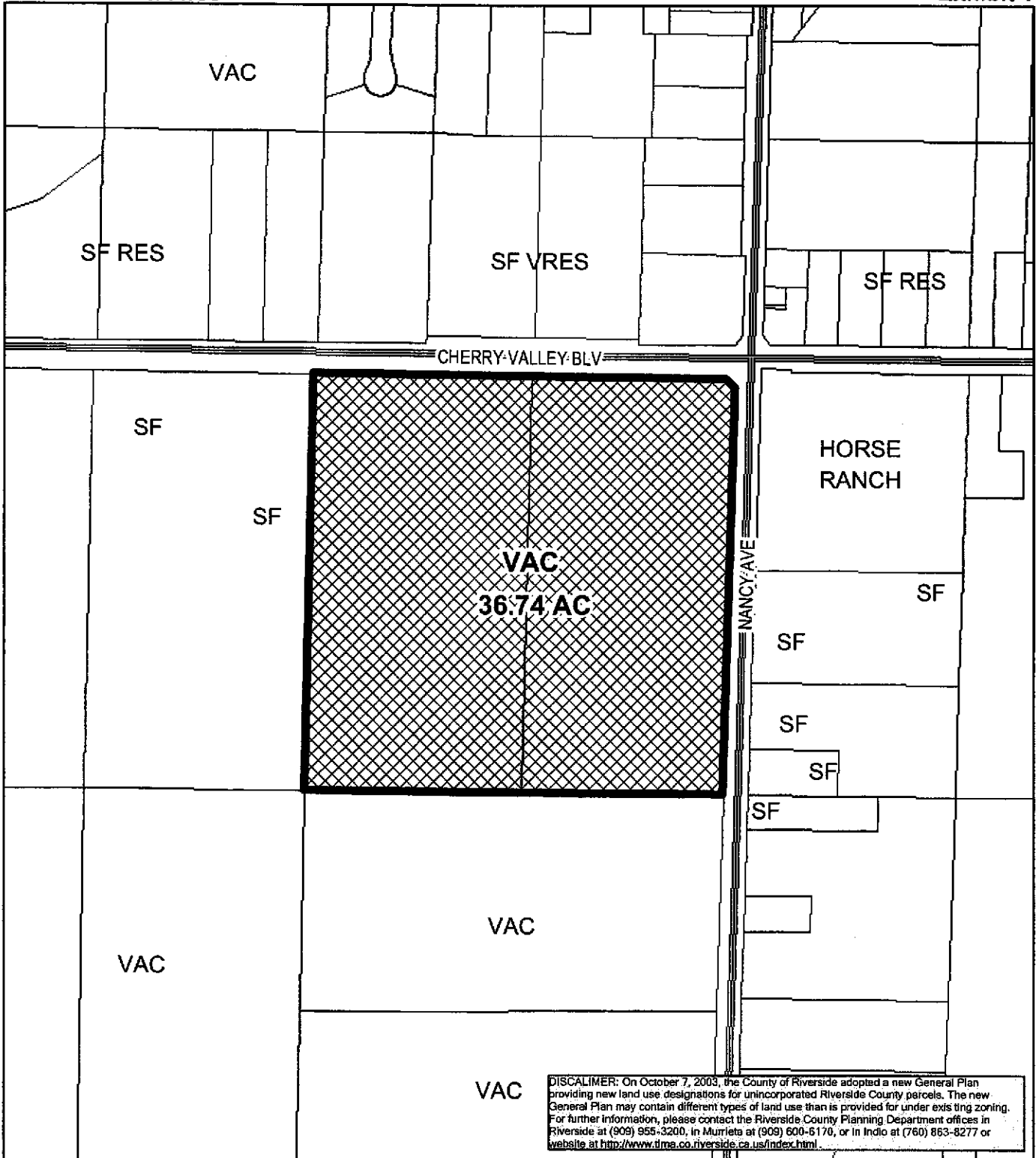


RIVERSIDE COUNTY PLANNING DEPARTMENT

District
 Plan: Cherry Valley
 Township/Range: T2SR1W
 Section: 28



Assessors
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RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Cherry Valley
Township/Range: T2SR1W
Section : 28

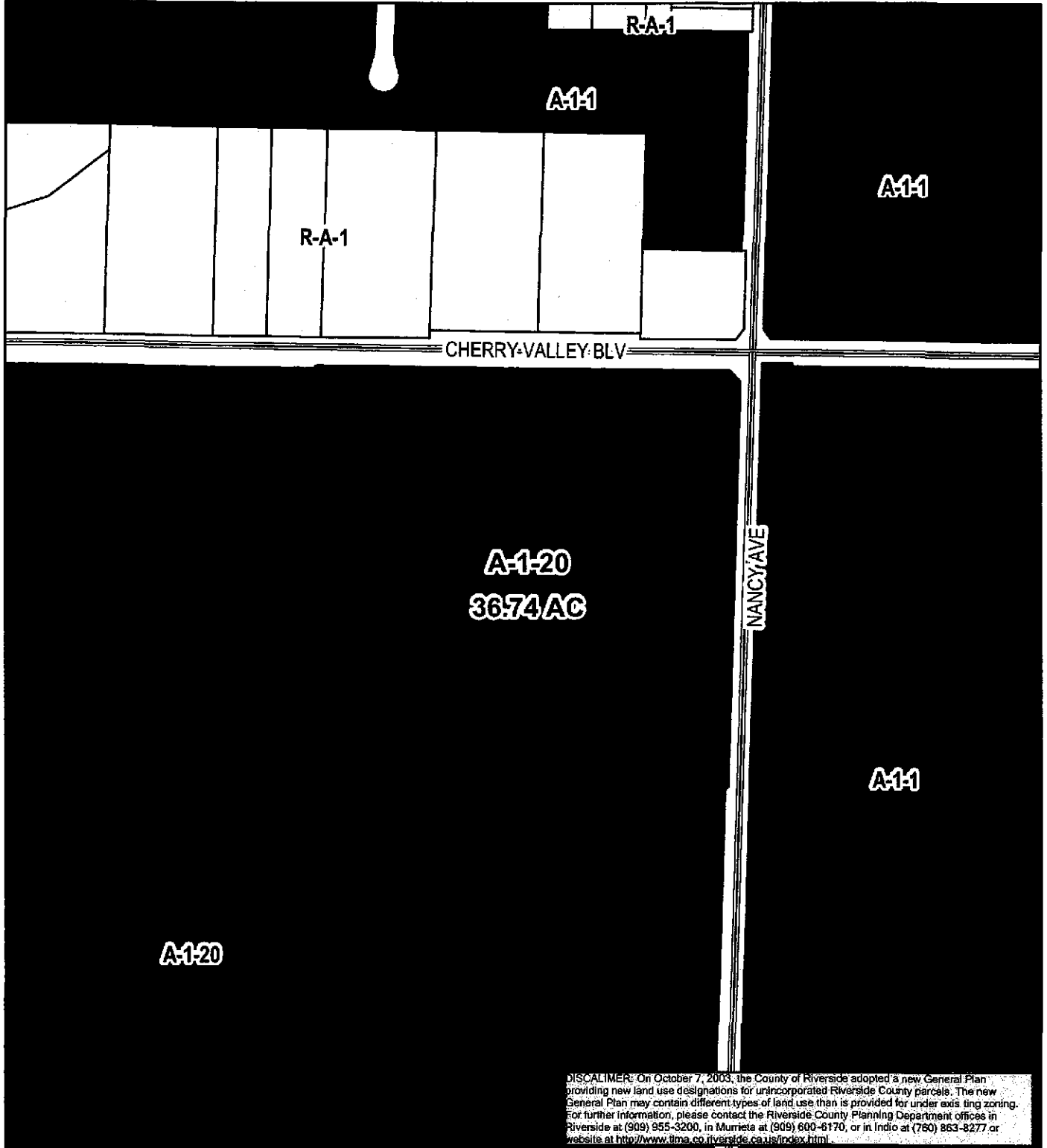


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Supervisor Ashley
District 5
Date Drawn: 3/11/08

GPA00961
EXISTING ZONING

Planner: Amy Aldana
Date: 3/12/08
Exhibit 2

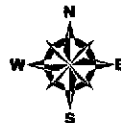


DISCLAIMER: On October 7, 2008, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 955-3200, in Murrieta at (909) 600-8170, or in Indio at (760) 863-8277 or website at <http://www.rma.co.riverside.ca.us/index.html>

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Cherry Valley
Township/Range: T2SR1W
Section : 28

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Supervisor Ashley
District 5

GPA00961

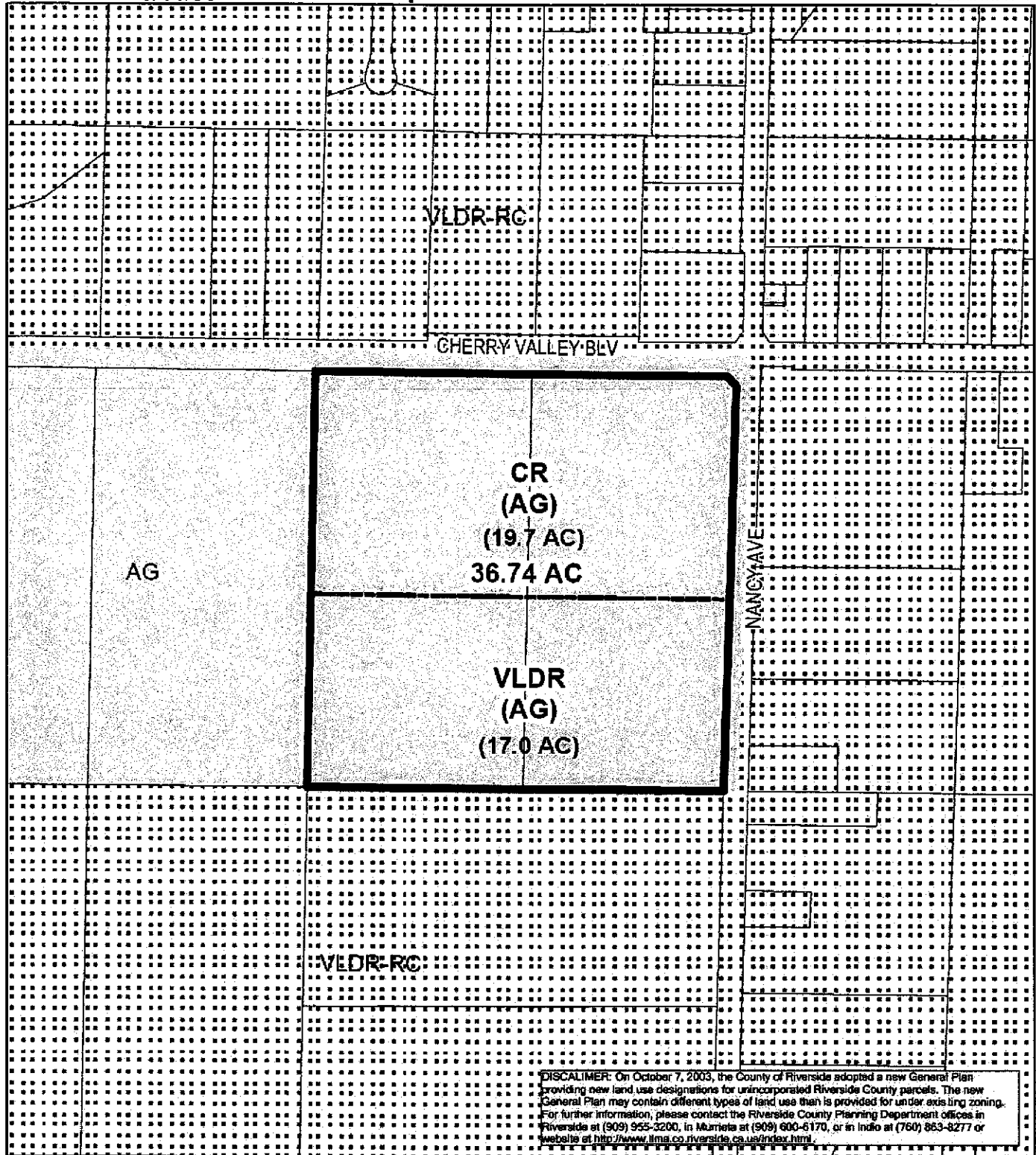
Planner: Amy Aldana

Date Drawn: 3/11/08

Proposed General Plan

Date: 3/12/08

Exhibit 6



Zone
District: Cherry Valley
Township/Range: T2SR1W
Section : 28

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
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Thomas
Bros. Pg. 690 F5



AGRICULTURE AMENDMENT

CYCLE: 2½ YEAR

Case No. GPA00961
- 20 Acre Minimum (A-1-20)

Supervisory District: Fifth

Existing Zoning: Light Agriculture

Area Plan: The Pass Acreage: 36.74 Gross Acres

EXISTING GENERAL PLAN DESIGNATIONS

Existing General Plan Foundation: Agriculture

Existing General Plan Land Use Designation: Agriculture - 10 Acre Minimum

Existing Policy Area(s) or Overlay(s): N/A

Existing Map(s) of Issue (cite GP figure # and page #): N/A

Existing Text of Issue (cite GP page #, plus policy #, if applicable): N/A

PROPOSED GENERAL PLAN CHANGES (For categories with no proposed change, write "N/A" on applicable line.)

Proposed General Plan Foundation: Community Development

Proposed General Plan Land Use Designation: Commercial Retail (CR) (0.20 - 0.35 Floor Area Ratio) and Very low Density Residential (VLDR) (1 Acre Minimum)

Proposed Change to Policy Area or Overlay: N/A

Proposed Change to Map (cite GP map name): N/A

Proposed Revision(s) to GP Text: (Attach redline/strike-out of text): N/A

CHECK LIST

| Affected by | Yes | No | Comments |
|--|-----|----|---|
| Coachella Valley MSHCP Conservation Area | | X | |
| Western Riverside County MSHCP Cell | | X | |
| Agricultural Preserve | X | | San Geronio Pass # 6 |
| Airport Compatibility Zone | | X | |
| Flood Plain (Zone A – 100 Year) | | X | |
| FLT Sand Source Area or FLT Preserve | | X | |
| Fault Zone | X | | County Fault Zone |
| Faults within ½ Mile | X | | Beaumont Plain Fault Zone; Cherry Valley Fault Zone |
| Liquefaction Potential; Subsidence | X | | Low potential for liquefaction; susceptible to subsidence |
| High Fire Area | | X | |
| Code Compliant | | X | |
| MSHCP Conserved Land | | X | |
| Access / Alternate Access Issues | | X | |
| Water / Sewer Issues | | X | |
| City Sphere of Influence | | X | |
| Proposed Annexation/Incorporation Area | | X | |
| Other Issues* (see below) | | X | |

AGRICULTURE FINDINGS*(Check all that apply)*

Is there a reasonable possibility that the following findings can be made?*

| Finding | Yes | No | Comment |
|--|-----|----|------------------|
| The amendment would contribute to the achievement of the purposes of the General Plan. | X | | See Staff Report |
| The amendment would not be detrimental to the purposes of the General Plan. | X | | See Staff Report |

* THE ADOPTION OF AN ORDER BY THE BOARD OF SUPERVISORS INITIATING AMENDMENT PROCEEDINGS SHALL NOT IMPLY ANY SUCH AMENDMENT WILL BE APPROVED.

STAFF COMMENTS:

| Department | Comments |
|---------------------|------------------|
| Planning | See Staff Report |
| Transportation | N/A |
| EPD | N/A |
| Fire | N/A |
| Flood | N/A |
| Building and Safety | N/A |
| Geologist | N/A |

Applicant:

Gerald R. Allowger
33075 Yucaipa Boulevard
Yucaipa, CA 92399

Engineer/Representative:

Forkert Engineering / Surveying
22311 Brookhurst Street, Suite 203
Huntington Beach, CA 92646

Owner:

California Street Project, L.L.C.
33075 Yucaipa Boulevard
Yucaipa, CA 92399