

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

408 B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
February 3, 2009

SUBJECT: GENERAL PLAN AMENDMENT NO. 980 – (Agricultural Amendment) – Applicant: Michael Foutz – Engineer / Representative: Keith Suchow - Third Supervisorial District – Hemet – San Jacinto Zoning District – San Jacinto Valley Area Plan: Agricultural (AG) (10 Acre Minimum) – Location: Westerly of Sage Road, southerly of Old SW Road, easterly of Sage Road – 20.62 Gross Acres - Zoning: Heavy Agricultural – 10 Acre Minimum (A-2-10) - **REQUEST:** Proposes to amend the Riverside County General Plan Land Use designation from Agriculture: Agriculture (AG: AG) (10 Acre Minimum) to Rural Community: Very Low Density Residential (RC:VLDR) (One Acre Minimum).

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors decline to adopt an order initiating proceedings for the above referenced amendment of the General Plan 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:

February 3, 2009

The proposal was presented to the Board of Supervisors with a recommendation of Continuance without Discussion to February 10th, 2009 to allow Planning Staff to further analyze the consistency of the proposal with existing land uses within the project's vicinity.

(Continued next page)

(Damian Meins, Asst. Director for)

Ron Goldman
Planning Director

RG:db

REVIEWED BY EXECUTIVE OFFICE

DATE 2/9/09
Tina Grande
Departmental Conference

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

Prev. Agn. Ref.

District: Third

Agenda Number:

15.4

Agenda Item No.:
Area Plan: San Jacinto Valley
Zoning District: Hemet-San Jacinto
Supervisory District: Third
Project Planner: Jeff Horn
Planning Commission: September 3, 2008
BOS Continued From: September 30, 2008,
February 3, 2009
Board of Supervisors: February 10, 2009

General Plan Amendment No. 980
Type of GPA: Agriculture Foundation
Applicant: Michael Foutz
Engineer/Rep.: Keith Suchow

ADDENDUM TO COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 980 proposes to amend the Riverside County General Plan Land Use designation from Agriculture: Agriculture (AG: AG) (10 Acre Minimum) to Rural Community: Very Low Density Residential (RC:VLDR) (One Acre Minimum).

The proposed amendment is located westerly of Sage Road, southerly of Old SW Road, easterly of Sage Road in the San Jacinto Valley Area Plan.

FURTHER PLANNING CONSIDERATION:

February 3, 2009

The proposal was presented to the Board of Supervisors with a recommendation of Continuance without Discussion to the February 10th, 2009 Board of Supervisors' hearing to allow Staff to analyze the existing land uses within the project's vicinity.

September 30, 2008

The General Plan Amendment Initiation was presented to the Board of Supervisors with comments provided by the Planning Commission and a recommendation from the Planning Director that the appropriate findings per the General Plan Administration Element can be made to adopt an order **not initiating** proceedings for General Plan Amendment No. 980 on September 30, 2008. The proposed project received a Tentative Denial by the Board of Supervisors. Staff was directed to conduct further research and present the project with updated findings of denial.

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 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. This particular GPA application is an Agriculture GPA, under Section 2.4.

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

REQUIRED FINDINGS:

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. 980 falls into the **Agriculture Foundation** category, which involves amendments to property designation in the General Plan as Agriculture.

The Administration Element of the General Plan explains that two required findings must be made; the required findings are:

- 1) The amendment would contribute to the achievement of the purposes of the General Plan; and
- 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 (The area covered by the Palo Verde and Desert Center Area Plan and have Eastern Desert Land Use Plan; The area covered by the Eastern Coachella Valley and Western Coachella Valley Area Plans; and, The area by all other Area Plans) to be converted to other Foundation and Land Use designations during a two and a half (2½) year cycle. In the event that the seven percent threshold has been exceeded, an Agricultural Task Force would review the project.

The proposed Amendment is in the San Jacinto Valley Area Plan, which is included in the area covered by all other Area Plans. The seven percent threshold is triggered when the project is placed on a Board agenda. A total of 20,602 acres of land in western Riverside County was designated Agriculture as of October 2003. During the first 2½ year period, ending April 6, 2006, a total of 14.5 acres was removed. Therefore, a maximum of 1,581.13 acres of land may be converted from Agriculture to other designations during the second 2½ year period. With the proposed amendment, 20.62 acres of land in the Western Riverside County will be removed. As a result, the proposed Amendment will not trigger the seven percent threshold.

FINDINGS FOR DENIAL OF THE PROPOSED GENERAL PLAN AMENDMENT INITIATION:

(excerpts are taken from the RCIP and SJVAP):

1) First Required Finding: The proposed Amendment would not contribute to the achievement of the purposes of the General Plan. The General Plan intends to "Provide for the continued and even expanded production of agricultural products by conserving areas appropriate for agriculture and related infrastructure and supporting services." The project site is located in the lower San Jacinto Valley Area Plan, which is "characterized by agricultural uses and mountainous terrain, and contains a portion of Bautista Creek as well as the eastern end of the Diamond Valley Lake. Agricultural land is limited in western Riverside County, and this is one area in which it could be sustained for a considerable period of time." (SJVAP Page 31) The proposed Amendment to Rural Community: Very Low Density Residential (RC:VLDR) would conflict with the existing Agriculture (AG) designated parcels adjacent to and in the vicinity of the proposed project site, and therefore will not contribute to the purpose of the General Plan as contained in the San Jacinto Valley Area Plan.

2) Second Required Finding: The proposed Amendment would be detrimental to the purposes of the General Plan. The San Jacinto Valley Area Plan "seeks to recognize existing and future agricultural activities as important and vital components of the land use pattern. Residential uses and agriculture are potentially incompatible and often times lead to complaints by local residents of offending odors, noise, flies and the like." (SVJAP Page 31) The proposed Amendment to Rural Community: Very Low Density Residential (RC:VLDR) would conflict with the existing Agriculture (AG) designated parcels adjacent to and in the vicinity of the proposed project site, and therefore would be detrimental to the goals of the General Plan and the San Jacinto Valley Area Plan. The General Plan serves as a guide for orderly development in the county. The proposed land uses are neither orderly nor logical development in the county and would cause a great detriment to the purposes of the General Plan.

Further analysis of the existing parcels within the project site's vicinity concluded that the surrounding parcels have a minimum lot size of ten (10) gross acres, therefore an amendment to allow parcels with a minimum lot size of one (1) gross acre would be inconsistent.

SUMMARY OF FINDINGS:

- | | |
|------------------------------------|--|
| 1. General Plan Land Use (Ex. #5): | Agriculture (AG) (10 Acre Minimum) |
| 2. Proposed General Plan Land Use: | Rural Community: Very Low Density Residential (RC:VLDR) (One Acre Minimum) |
| 3. Existing Zoning (Ex. #2): | Heavy Agricultural – 10 Acre Minimum (A-2-10) |
| 4. Surrounding Zoning (Ex. #2): | Heavy Agricultural – 10 Acre Minimum (A-2-10) to the north, south, east, and west. |
| 5. Existing Land Use (Ex. #1): | Agriculture (AG) (10 Acre Minimum) |
| 6. Surrounding Land Use (Ex. #1): | Agriculture (AG) (10 Acre Minimum) to the north, south, east, and west. |
| 7. Project Data: | Total Acreage: 20.62 Gross Acres |

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisors adopts a denial of an order initiating proceedings for the above referenced amendment of the general plan based on the attached report.

General Plan Amendment No. 980

Planning Commission Staff Report: September 3, 2008

BOS Continued From: September 30, 2008, February 3, 2009

Board of Supervisors: February 10, 2009

Page 4 of 4

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 City sphere of influence;
 - b. A fault zone; or
 - c. A dam inundation area.
3. The project site is located within:
 - a. The San Jacinto Valley Area Plan;
 - b. The boundaries of the Hemet Unified School District;
 - c. HANS Cell Groups: P and Q;
 - d. HANS Cell NOs: 4796 and 4797;
 - e. Zone B ORD. 655: 21.22 miles; and
 - f. A high fire area.
4. The subject site is currently designated as Assessor's Parcel Number 469-120-048

Y:\Planning Case Files-Riverside office\GPA00980\Staff Report for GPA980_BOS.doc

Date Prepared: 7/16/08

Date Revised: 7/28/08

Agenda Item No.:
Area Plan: San Jacinto Valley
Zoning District: Hemet-San Jacinto
Supervisory District: Third
Project Planner: Jeff Horn
Planning Commission: September 3, 2008

General Plan Amendment No. 980
Type of GPA: Agriculture Foundation
Applicant: Michael Foutz
Engineer/Rep.: Keith Suchow

COUNTY OF RIVERSIDE PLANNING DEPARTMENT ADENDUM STAFF REPORT

PLANNING COMMISSION DIRECTION TO THE BOARD OF SUPERVISORS:

The following comment(s) have been provided by the Planning Commission for the Board of Supervisors:

Commissioner John Roth: Surface features should require slope analysis, concerns with possible watercourses and compatibility with surrounding properties. More appropriate as Estate Density Residential (RC:EDR) or Rural Residential (RR).

Commissioner John Snell: Proposal is an extreme change in intensity.

Commissioner John Petty: Agriculture viability on the project site is nonexistent, as well properties west the existing Sage Road and north of the proposed Sage Road. Area most likely received designation due to a once existing Chicken Ranch in the vicinity. Potential issues of compatibility with surrounding properties. In support of applicants proposal of an amendment to Rural Community: Very Low Density Residential (RC:VLDR) (1 acre minimum).

Commissioner Jim Porras: No comments

Commissioner Jan Zappardo: No comments



September 30, 2008

The General Plan Amendment Initiation was presented to the Board of Supervisors with comments provided by the Planning Commission and a recommendation that the appropriate findings per the General Plan Administration Element can be made to adopt an order **not initiating** proceedings for General Plan Amendment No. 980. The proposed project received a **Tentative Denial** by the Board of Supervisors. Staff was directed to conduct further research and present the project with updated findings of denial.

September 3, 2008

Staff recommended that the appropriate findings per the General Plan Administration Element can not be made and that the Planning Commission recommend to the Board of Supervisors to adopt an order **not initiating** proceedings as modified for General Plan Amendment No. 980.

The following comments were been provided by the Planning Commission for the Board of Supervisors:

Commissioner John Roth: Surface features should require slope analysis, concerns with possible watercourses and compatibility with surrounding properties. More appropriate as Estate Density Residential (RC:EDR) or Rural Residential (RR).

Commissioner John Snell: Proposal is an extreme change in intensity.

Commissioner John Petty: Agriculture viability on the project site is nonexistent, as well properties west the existing Sage Road and north of the proposed Sage Road. Area most likely received designation due to a once existing Chicken Ranch in the vicinity. Potential issues of compatibility with surrounding properties may exist. In support of applicant's proposal of an amendment to Rural Community: Very Low Density Residential (RC:VLDR) (1 acre minimum).

Commissioner Jim Porras: No comments

Commissioner Jan Zappardo: No comments

AGRICULTURE AMENDMENT

CYCLE: 2½ YEAR

Case No. GPA00980 Supervisorial District: Third Existing Zoning: A-2-10

Area Plan: San Jacinto Valley Acreage: 20.62

EXISTING GENERAL PLAN DESIGNATIONS

Existing General Plan Foundation: Agriculture

Existing General Plan Land Use Designation: Agriculture (AG) (10 Acre Minimum)

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

Existing Map(s) of Issue (cite GP figure # and page #): Figure 3, Page 15

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: Rural Community

Proposed General Plan Land Use Designation: Very Low Density Residential (VLDR) (One Acre Minimum)

Proposed Change to Policy Area or Overlay: N/A

Proposed Change to Map (cite GP map name): San Jacinto Valley Area Plan Land Use Plan

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		Groups P and Q, Cell Nos. 4796 and 4797
Agricultural Preserve		X	
Airport Compatibility Zone		X	
Flood Plain (Zone A – 100 Year)		X	
FLT Sand Source Area or FLT Preserve		X	
Fault Zone		X	
Faults within 1/2 Mile		X	
Liquefaction Potential; Subsidence	X		
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)			

*** OTHER ISSUES:**

Item	Policy	Discussion
Surrounding Land Uses	SJVAP 7.1 The project site is surrounded by parcels with a Land Use Designation of Agriculture (AG) (10 acre minimum).	The proposed GPA would create land uses that were inconsistent and incompatible with the surrounding properties and the vision of the SJVAP.

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	"The lower San Jacinto Valley area is characterized by agricultural uses and mountainous terrain, and contains a portion of Bautista Creek as well as the eastern end of the Diamond Valley Lake. Agricultural land is limited in western Riverside County, and this is one area in which it could be sustained for a considerable period of time." (SVJAP Page 31)
The amendment would not be detrimental to the purposes of the General Plan.		X	"This area plan, while limiting intense forms of urban development, also seeks to recognize existing and future agricultural activities as important and vital components of the land use pattern. Residential uses and agriculture are potentially incompatible and often times lead to complaints by local residents of offending odors, noise, flies and the like." (SVJAP Page 31)

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

STAFF COMMENTS:

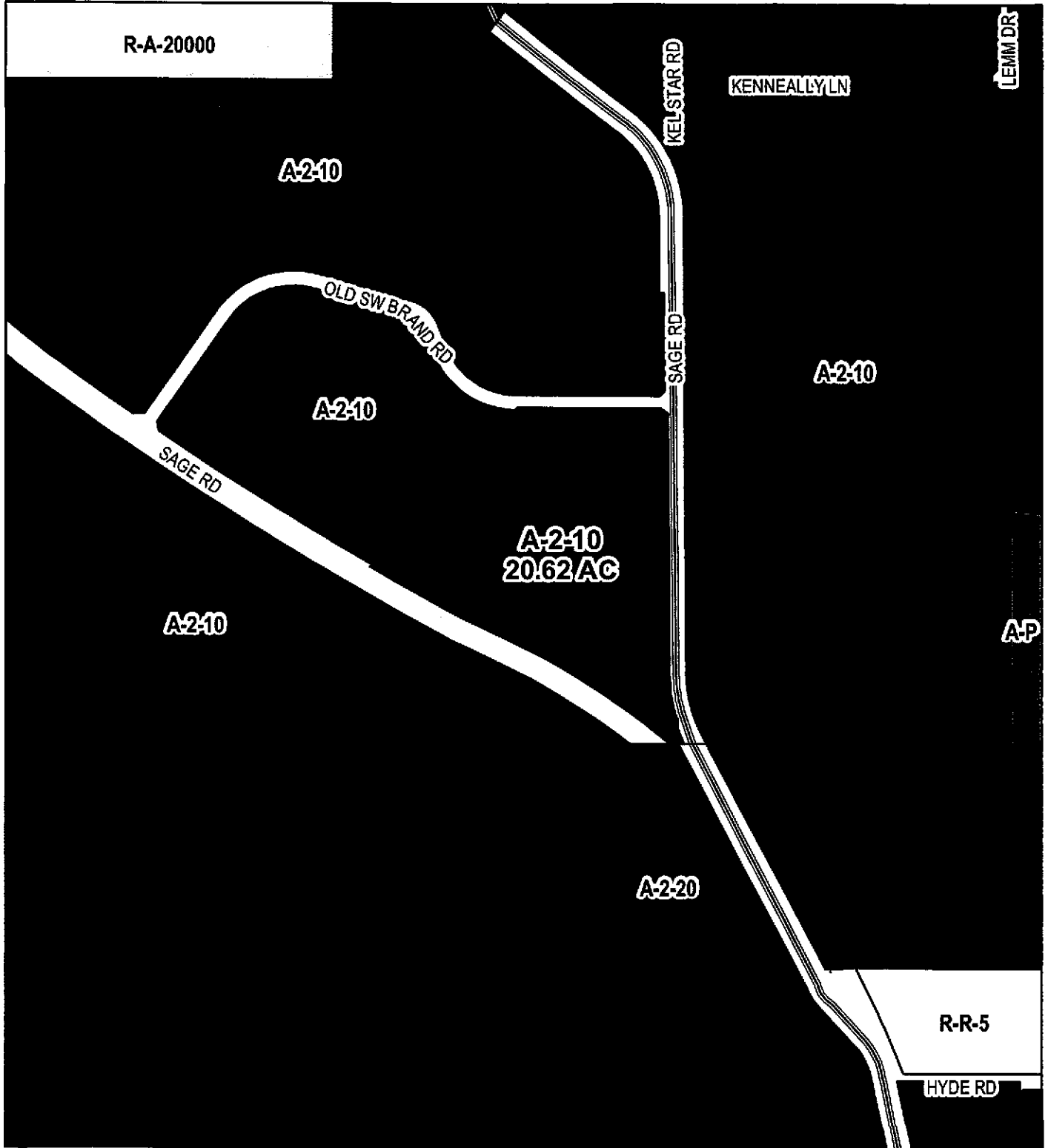
Department	Comments
Planning	<p>Staff recommends that the appropriate findings per the General Plan Administration Element can be made and that the Planning Commission recommend to the Board of Supervisors to adopt an order <u>not initiating</u> proceedings as modified for General Plan Amendment No. 980. 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.</p> <p>Alternatively, Staff could support land use designations of Rural: Rural Mountainous (RR) (10 acre minimum) or possibly Rural: Rural Residential (RM) (5 acre minimum) with the completion of a satisfactory slope analysis.</p>
Transportation	
EPD	
Fire	
Flood	
Building and Safety	
Geologist	

Supervisor Stone
District 3
Date Drawn: 8/11/08

GPA00980

EXISTING ZONING

Planner: Jeff Horn
Date: 9/03/08
Exhibit 2

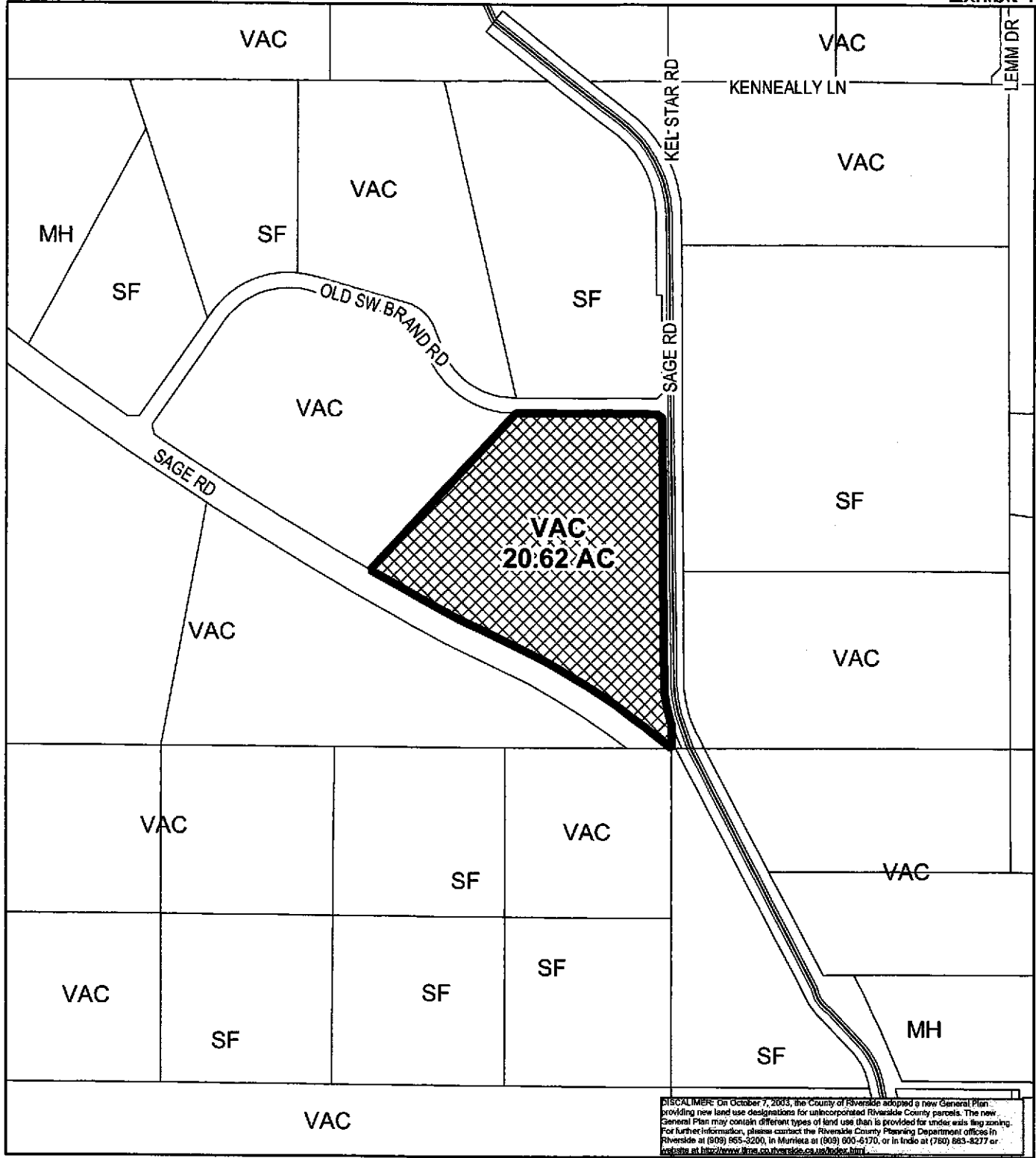


RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Hemet-San Jacinto
Township/Range: T6SR1W
Section : 11



Assessors
Bk. Pg. 469-12
Thomas
Bros. Pg. 871 D5



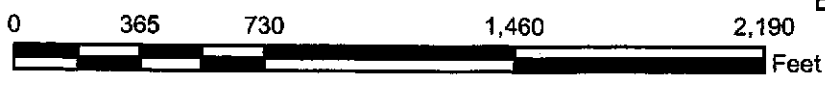
DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 865-3200, in Murietta at (909) 600-6170, or in Indio at (760) 863-8277 or visit us at <http://www.ltrm.co.riverside.ca.us/index.html>.

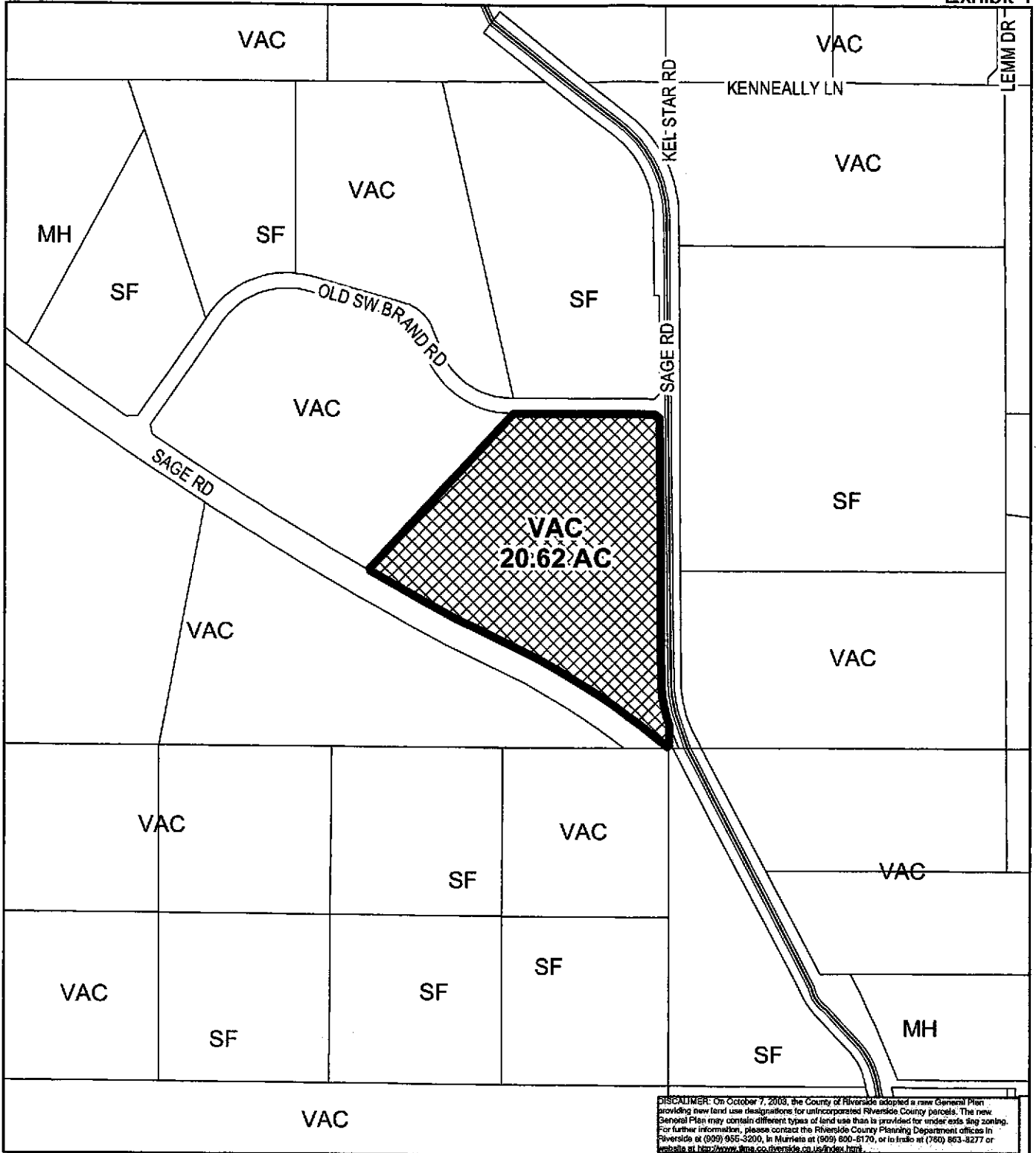
RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Hemet-San Jacinto
Township/Range: T6SR1W
Section : 11



Assessors
Bk. Pg. 469-12
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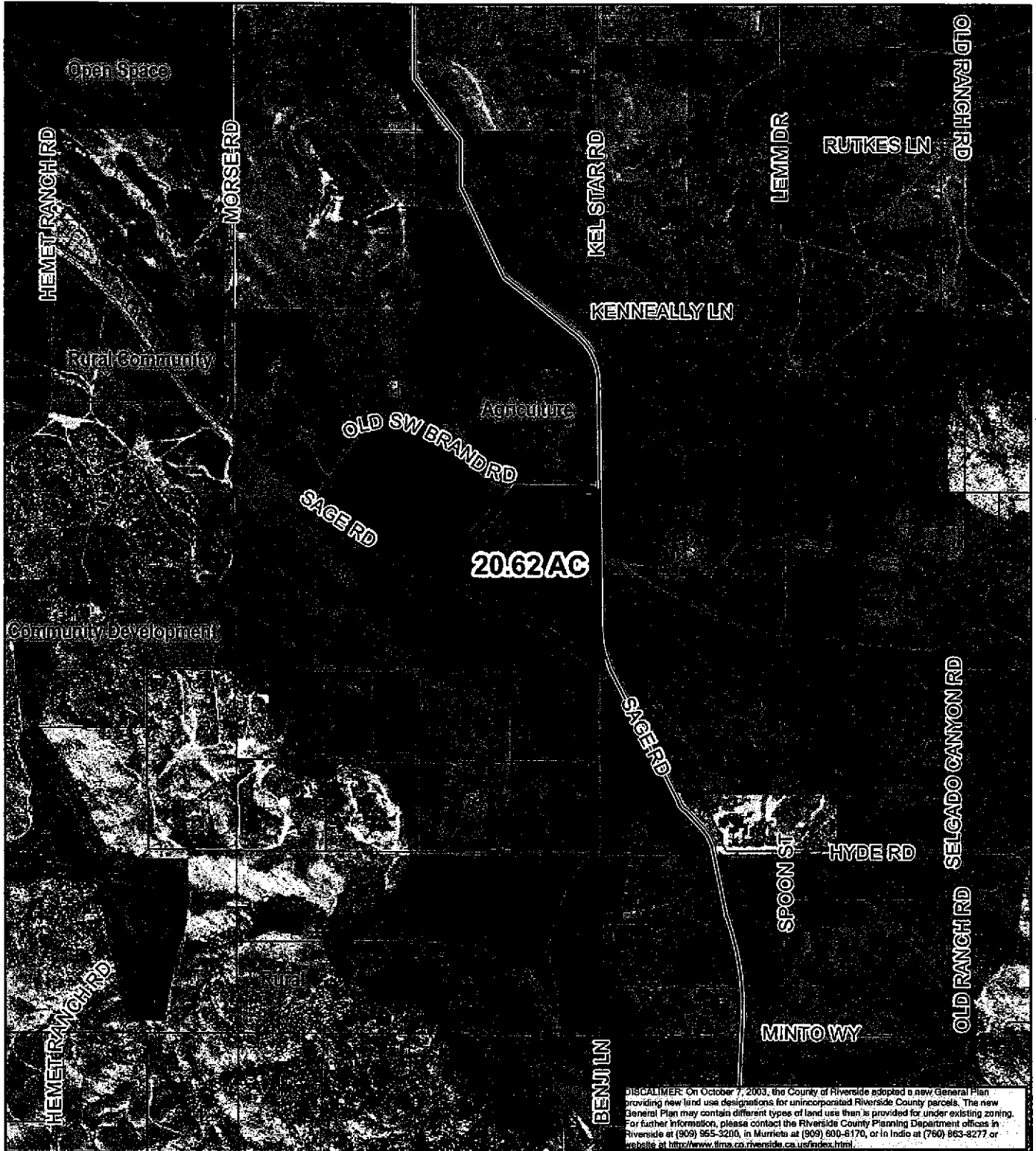
RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Hemet-San Jacinto
Township/Range: T6SR1W
Section : 11



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District
Plan: Hemet-San Jacinto
Township/Range: T6SR1W
Section: 11

RIVERSIDE COUNTY PLANNING DEPARTMENT



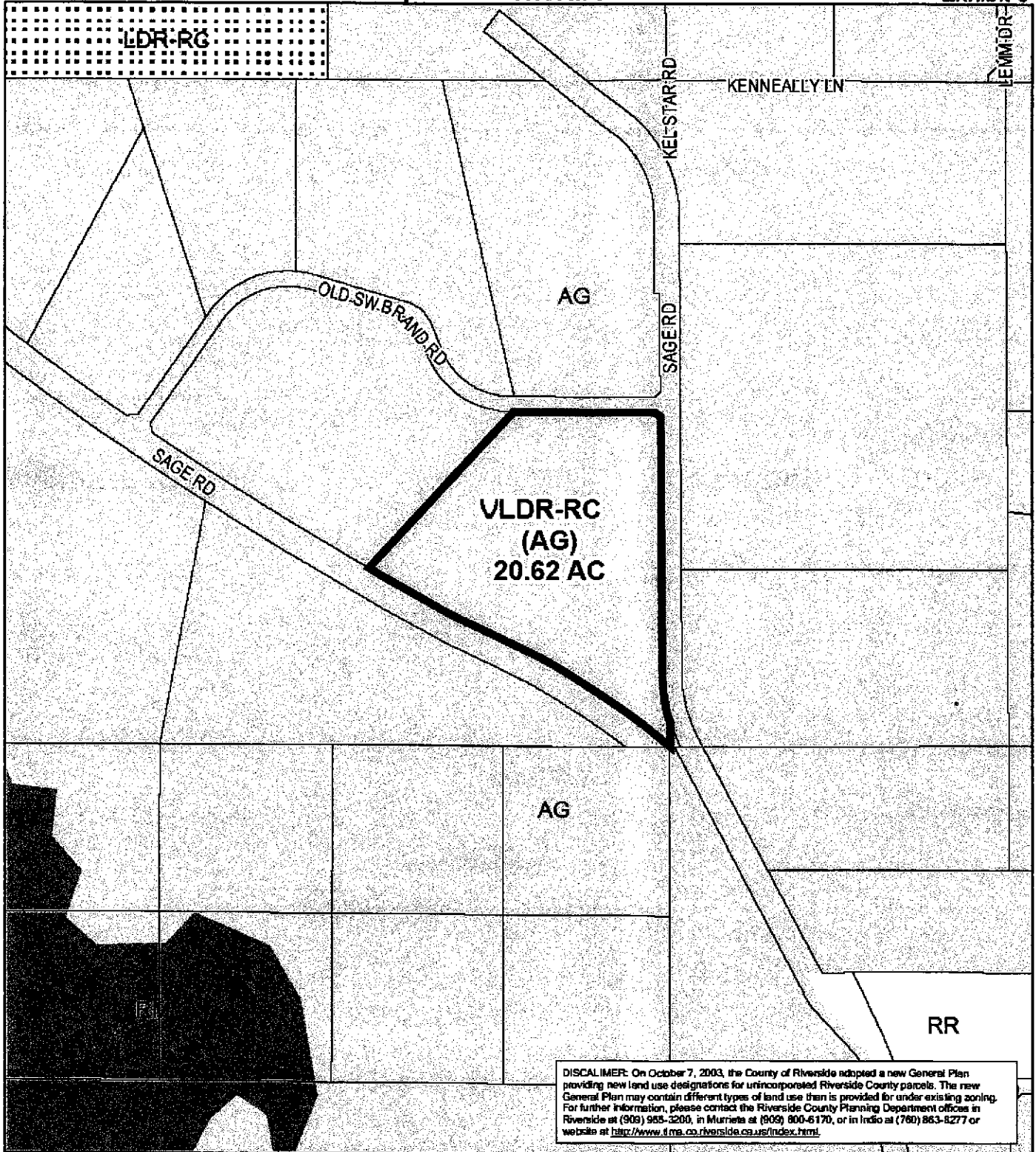
Assessors
Bk. Pg. 469-12
Thomas
Bros. Pg. 871 D5

Supervisor Stone
District 3
Date: 8/11/08

GPA00980

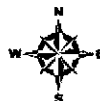
Proposed General Plan

Planner: Jeff Horn
Date: 9/03/08
Exhibit 6



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
District: Hemet-San Jacinto
Township/Range: T6SR1W
Section: 11

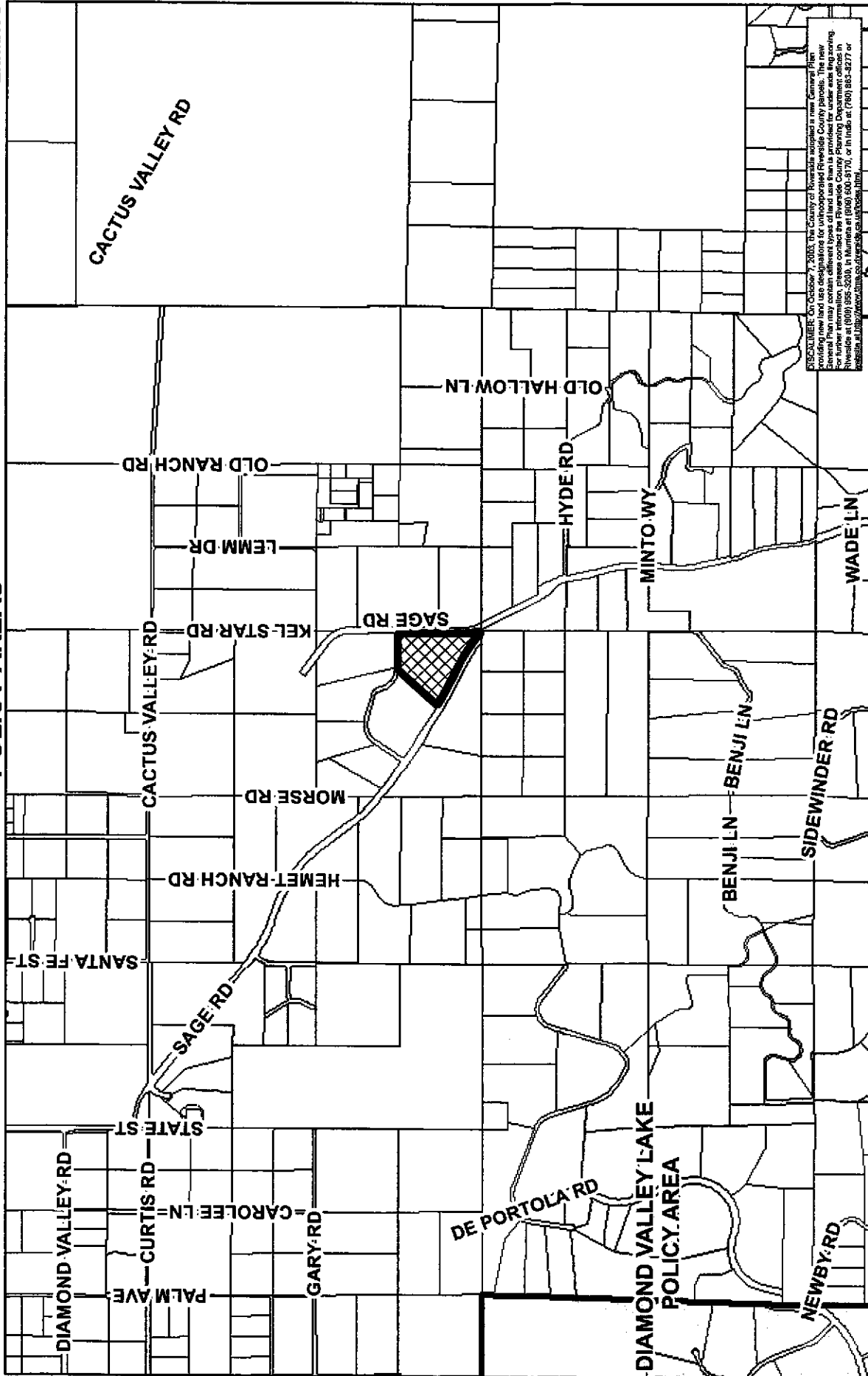


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Supervisor Stone
District 3
Date Drawn: 8/11/08

GPA00980 POLICY AREAS

Planner: Jeff Horn
Date: 9/03/08
Exhibit 8



DISCLAIMER: On October 7, 2008, The County of Riverside accepted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan is effective January 1, 2009. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-5200, in Murietta at (951) 500-8170, or in Inland at (951) 883-8277 or visit us at <http://www.countyofriverside.ca.us/planning>.

Zone
District: Hemet-San Jacinto
Township/Range: T6SR1W
Section : 11

RIVERSIDE COUNTY PLANNING DEPARTMENT

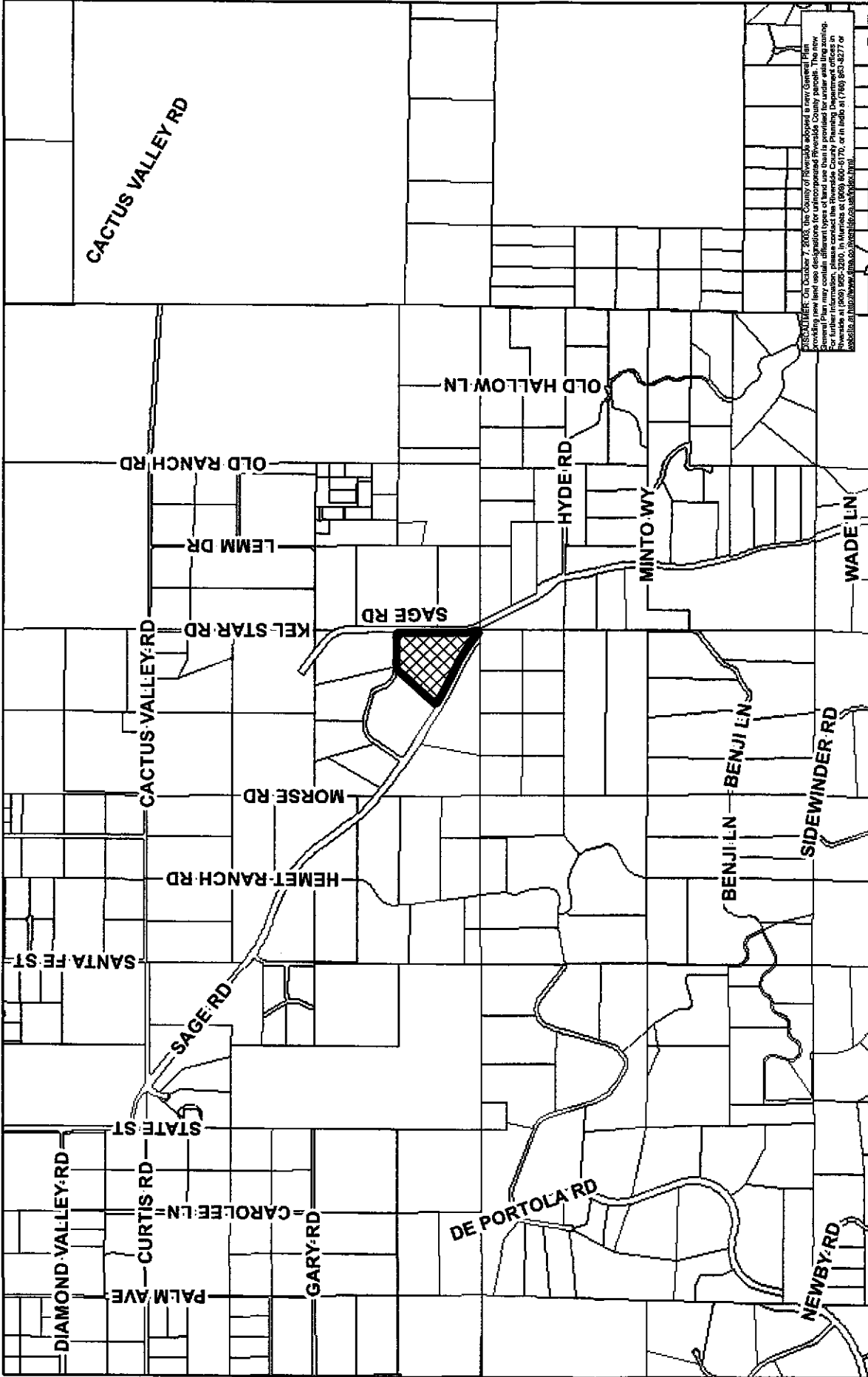
Assessors
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Thomas
Bros. Pg. 871 D5



Supervisor Stone
District 3
Date Drawn: 8/11/08

GPA00980 VICINITY MAP

Planner: Jeff Horn
Date: 9/03/08
VICINITY MAP



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 designations are available on the County's website at www.riverside.ca.gov/planning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200, in Murietta at (951) 800-6170, or in Indio at (760) 953-4377 or info@riversideplanning.com.

Zone
District: Hemet-San Jacinto
Township/Range: T6SR1W
Section: 11

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
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Bros. Pg. 871 D5



OWNER/APP

ENG/REP

Michael Foutz
1045 E Morton Place
Hemet CA 92543

Keith Suchow
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Hemet CA92544

Michael Foutz
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