

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

421 B



**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
February 4, 2009

**SUBJECT: CHANGE OF ZONE NO. 7694** – (No New Environmental Documents Required) – Applicant: Brad Gates – Engineer / Representative: Culbertson, Adams & Associates - Third Supervisorial District – Aguanga Area – Riverside Extended Mountains Area Plan: Rural: Rural Residential (R:R-R) (5 Acre Minimum) Open Space: Rural (OS:R) (20 Acre Minimum) – Location: Easterly of Sage Road, southerly of State Highway 79, and westerly of State Highway 371. – 195.16 Gross Acres – Zoning: Rural Residential (R-R) - **REQUEST:** The Change of Zone proposes to change to sites current zoning classification from Rural Residential (R-R) to Residential Agriculture - 2 acre minimum (R-A-2) for Lots 1 through 32, Open Area Combining Zone - Residential Development (R-5) for lots 33, 34, 35 and 36, and Watercourse, Watershed and Conservation Areas (W-1) for lots 37, 38 and 39.

**RECOMMENDED MOTION:**

The Planning Department recommended Approval; and,  
**THE PLANNING COMMISSION:**

**APPROVED CHANGE OF ZONE NO. 7694**, from Rural Residential (R-R) zoning classification to Residential Agricultural – 2 Acre Minimum (R-A-2), Open Space Combining Zone – Residential Development (R-5), and Watercourse, Watershed and Conservation (W-1), in accordance with Exhibit #3, based upon the findings and conclusions incorporated in the staff report.

Ron Goldman  
Planning Director

RG:db

REVIEWED BY EXECUTIVE OFFICE

DATE 2/9/09

Tina Grande  
Departmental Concurrence

Policy

Consent

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

Prev. Agn. Ref.

District: Third

Agenda Number:

16.4

Agenda Item No.: 4.1  
Area Plan: Riverside Extended Mountain  
(REMAP)  
Zoning Area: Aguanga  
Supervisory District: Third  
Project Planner: Jeff Horn  
Planning Commission: January 7, 2009

Change of Zone No. 7694  
No New Documents Required (EA37649)  
Applicant: Brad Gates  
Engineer/Rep.: Culbertson, Adams &  
Associates

**COUNTY OF RIVERSIDE PLANNING DEPARTMENT  
STAFF REPORT**

**PROJECT DESCRIPTION AND LOCATION:**

Change of Zone No. 7694 proposes to change to sites current zoning classification from Rural Residential (R-R) to Residential Agriculture - 2 acre minimum (R-A-2) for Lots 1 through 32, Open Area Combing Zone - Residential Development (R-5) for lots 33, 34, 35, and 36, and Watercourse, Watershed and Conservation Areas (W-1) for lots 37, 38 and 39.

The project site is located within the Riverside Extended Mountainous Area Plan (REMAP), more specifically, easterly of Sage Road, southerly of State Highway 79, and westerly of State Highway 371.

**BACKGROUND:**

The proposed Change of Zone is required to satisfy Condition of Approval 50.PLANNING.006 of Tentative Tract Map No. 29010:

"The subdivider shall file an application for consistency zoning from Rural Residential (R-R) to Residential Agriculture - 2 acre minimum (R-A-2) for Lots 1 through 32, and Open Area Combing Zone - Residential Development (R-5) for lots 33, 34, 35, and 36, and Watercourse, Watershed and Conservation Areas (W-1) for lots 37, 38 and 39. The required change of zone process is for planning only. No FINAL MAP shall be permitted to record unless and until this change of zone has been approved and adopted by the Board of Supervisors and is effective."

A Mitigated Negative Declaration for Environmental Assessment No. 37649 was adopted for the Board of Supervisors on July 15, 2008. After reviewing that E.A. in context of this project, staff has determined that the E.A. adequately addresses this project and therefore no new Environmental Assessment will be required.

**SUMMARY OF FINDINGS:**

- |                                   |   |
|-----------------------------------|---|
| 1. Existing Land Use (Ex. #1):    | Vacant Land   |
| 2. Surrounding Land Use (Ex. #1): | Scattered single family residential and vacant land   |
| 3. Existing Zoning (Ex. #2):      | Rural Residential (R-R)   |
| 4. Surrounding Zoning (Ex. #2):   | Rural Residential (R-R) to the south, and west, and Rural Commercial (C-R) and Rural Residential (R-R) to the north and east.                               |
| 5. General Plan Land Use:         | Rural: Rural Residential (R: RR) (5 Acre Minimum), Open Space: Rural (OS: RUR) (20 Acre Minimum)<br><b>Overlay/Policy:</b> Rural Village Overlay Study Area |
| 6. Project Data:                  | Total Acreage: 195.16 Gross Acres   |



**RECOMMENDATIONS:**

**TENTATIVE APPROVAL** of CHANGE OF ZONE No. 7694, from Rural Residential (R-R) zoning classification to Residential Agricultural – 2 Acre Minimum (R-A-2), Open Space Combining Zone – Residential Development (R-5), and Watercourse, Watershed and Conservation (W-1) based upon the findings and conclusions incorporated in the staff report.

**CONCLUSIONS:**

1. The proposed project is in conformance with the Rural: Rural Residential (R:RR) (5 Acre Minimum) and Open Space: Rural (OS: RUR) (20 Acre Minimum) General Plan Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the proposed Residential Agricultural – 2 Acre Minimum (R-A-2), Open Space Combining Zone – Residential Development (R-5), and Watercourse, Watershed and Conservation (W-1) zoning classifications of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The proposed project is consistent with all applicable provisions of Ordinance No. 460.
4. The public's health, safety, and general welfare are protected through project design.
5. The proposed project is compatible with the present and future logical development of the area.
6. The proposed project will not have a significant effect on the environment.
7. The proposed project will not preclude reserve design for the Multi-Species Habitat Conservation Plan (MSHCP).

**FINDINGS:** The following findings are in addition to those incorporated in the summary of findings and in the attached environmental assessment, which is incorporated herein by reference.

1. The project site is designated Rural: Rural Residential (R: RR) (5 Acre Minimum) and Open Space: Rural (OS: RUR) (20 Acre Minimum) in the Riverside Extended Mountain (REMAP) Area Plan.
2. The project site is within the Rural Village Overlay Study Area on the Riverside Extended Mountain Area Plan (REMAP).
3. The proposed zoning classifications of Residential Agricultural - 2 Acre Minimum (R-A-2), Open Space Combining Zone - Residential Development (R-5), and Watercourse, Watershed and Conservation (W-1) are highly or conditionally consistent with project site's Rural: Rural Residential (R: RR) (5 Acre Minimum) and Open Space: Rural (OS: RUR) (20 Acre Minimum) Land Use Designations.
4. The project site is surrounded by properties which are designated Rural: Rural Residential (R: RR) (5 Acre Minimum), Community Development: Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio) and Open Space: Rural (OS: RUR) (20 Acre Minimum).
5. The current zoning for the subject site is Rural Residential (R-R).

6. Approved Tentative Tract Map No. 29010, a residential subdivision of 32 residential lots with two (2) acre minimum lot size, four (4) open space lots, three (3) water utility lots, one (1) private road lot, and a 2.03 gross acre remainder lot is consistent with the development standards set forth in the proposed Residential Agriculture – 2 acre minimum (R-A-2), Open Area Combining Zone-Residential Development (R-5), and Water Course, Watershed and Conservation and Conservation Areas (W-1) zoning classifications.
7. The project site is surrounded by properties which are zoned Rural Residential (R-R) and Rural Commercial (C-R).
8. A Negative Declaration for Environmental Assessment No. 37649 was adopted at the Board of Supervisors on July 15, 2008. Pursuant to CEQA Guidelines 15162, the Riverside County Planning Department has determined that the proposed project would not have a significant effect on the environment and nothing further is required because all potentially significant effects have been adequately analyzed in a earlier Environmental Assessment (37649) pursuant to applicable legal standards; and have been avoided or mitigated pursuant to that earlier Environmental Assessment, including revisions or mitigation measures that are imposed upon the proposed project.

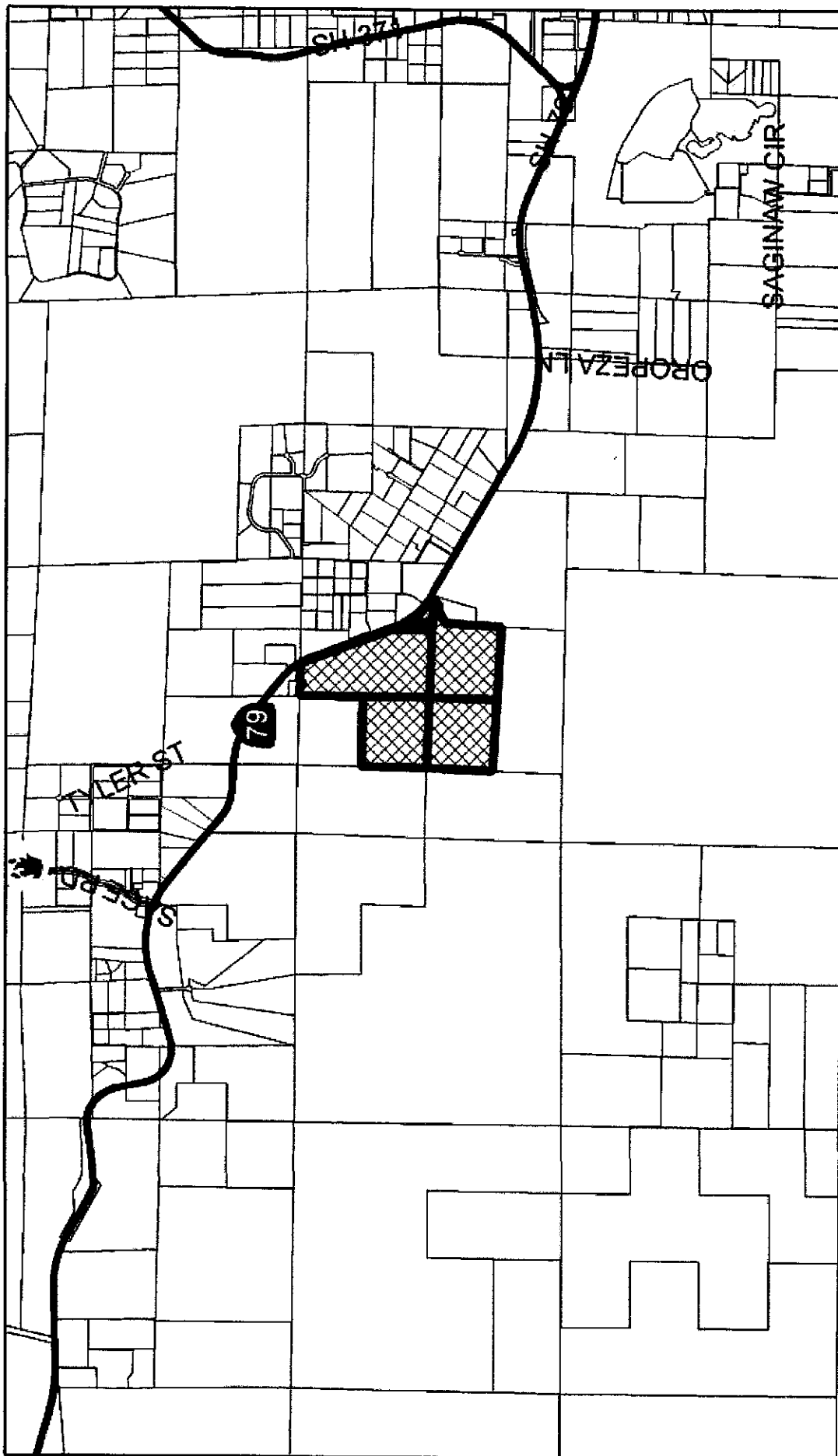
**INFORMATIONAL ITEMS:**

1. The project site is not located within:
  - a. The city sphere of influence;
  - b. A County Service Area;
  - c. A Flood zone;
  - d. A 100-year flood plain an area drainage plan, or dam inundation area; or
  - e. An Alquist-Priolo earthquake fault hazard study zone.
2. The project site is located within:
  - a. The boundaries of the Hemet Unified School District;
  - b. The Rural Village Overlay Study Area;
  - c. High fire area;
  - d. A County Fault Zone;
  - e. The Stephens Kangaroo Rat Fee Area or Core Reserve Area;
  - f. Zone A of the Mt. Palomar lighting ordinance (Ord. 655);
  - g. Subsidence susceptible area; and
  - h. WRMSHCP criteria cells (7558, 7641, 7653, 7721, and 7731).
3. The subject site is currently designated as Assessor's Parcel Number 583-120-003, 583-120-086, 583-130-003, 583-130-012, and 583-130-019.

Supervisor Stone  
District 3

CZ07694  
VICINITY MAP

Planner: Jeff Horn  
Exhibit 5



INFORMATION TO CONVEY: THIS IS A PRELIMINARY MAP AND SHOULD NOT BE USED FOR ANY PURPOSES WITHOUT THE APPROVAL OF THE RIVERSIDE COUNTY PLANNING DEPARTMENT. THE INFORMATION IS PROVIDED AS IS AND WITHOUT WARRANTY OF ANY KIND, INCLUDING MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

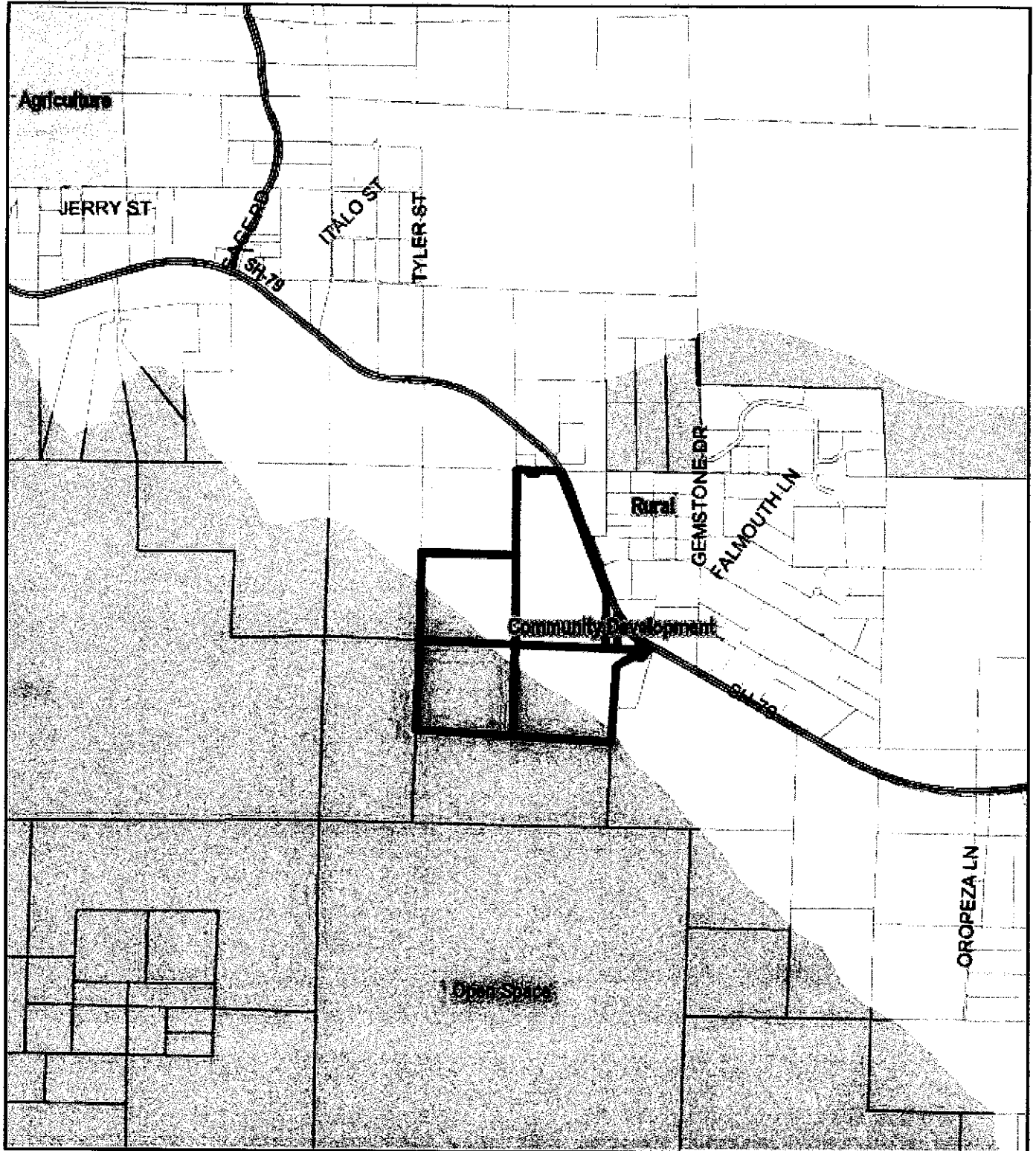
RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone  
District: Aguanga  
Township/Range: T8SR1E  
Section : 29

ASSESSORS 583-12  
BK. PG.  
THOMAS 982 A6  
BROS.PG



### DEVELOPMENT OPPORTUNITY



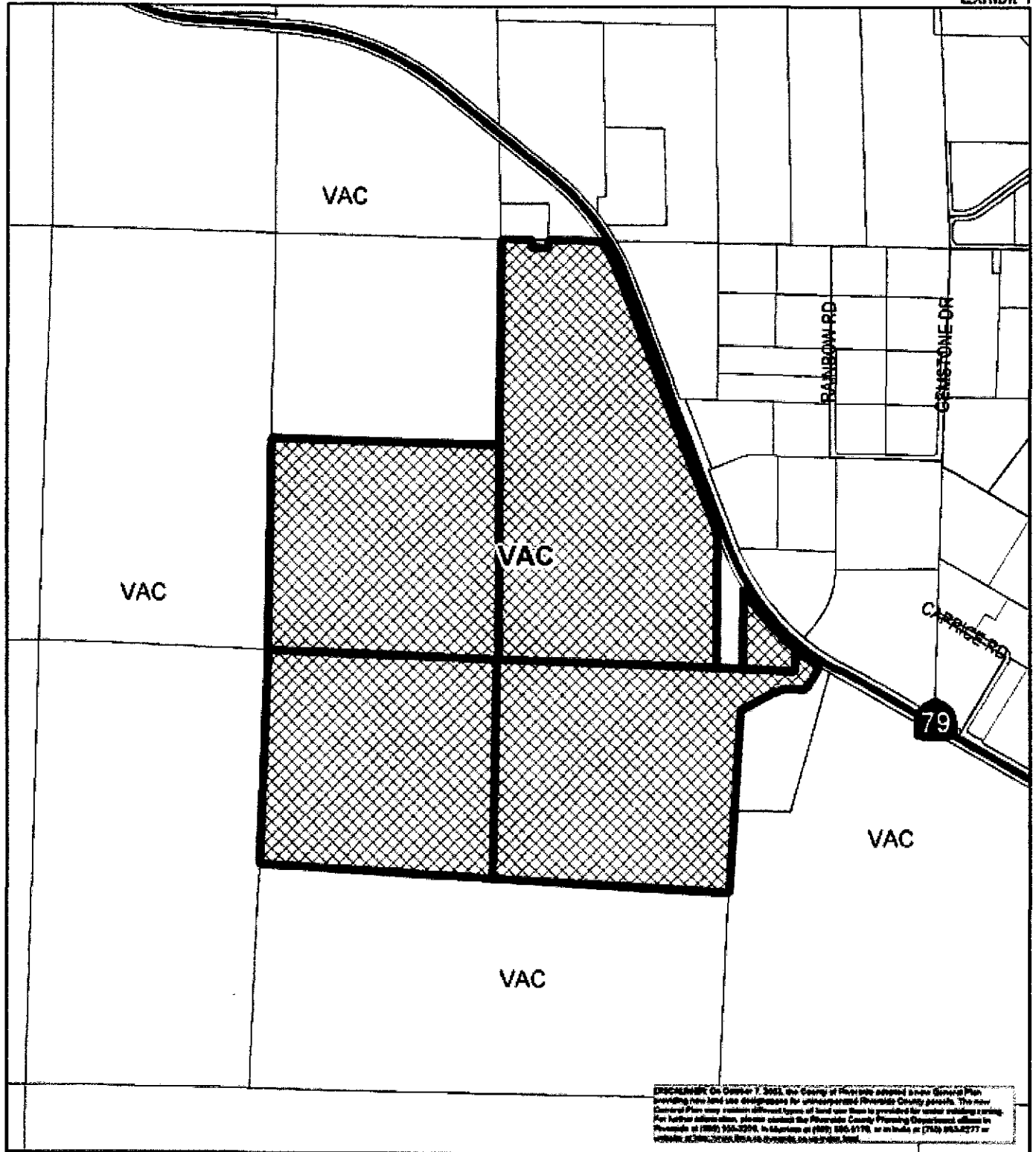
### RIVERSIDE COUNTY PLANNING DEPARTMENT

Area  
Plan: **Aguanga**  
Township/Range: T8SR1E  
SECTION: 29



ASSESSORS 583-12  
BK. PG.  
THOMAS 982 A6  
BROS.PG



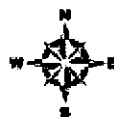


DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department, Office in Riverside at (951) 950-2290, in San Diego at (619) 595-9170, or in Los Angeles at (714) 963-2777 or website at [www.corrplanning.com](http://www.corrplanning.com).

**RIVERSIDE COUNTY PLANNING DEPARTMENT**

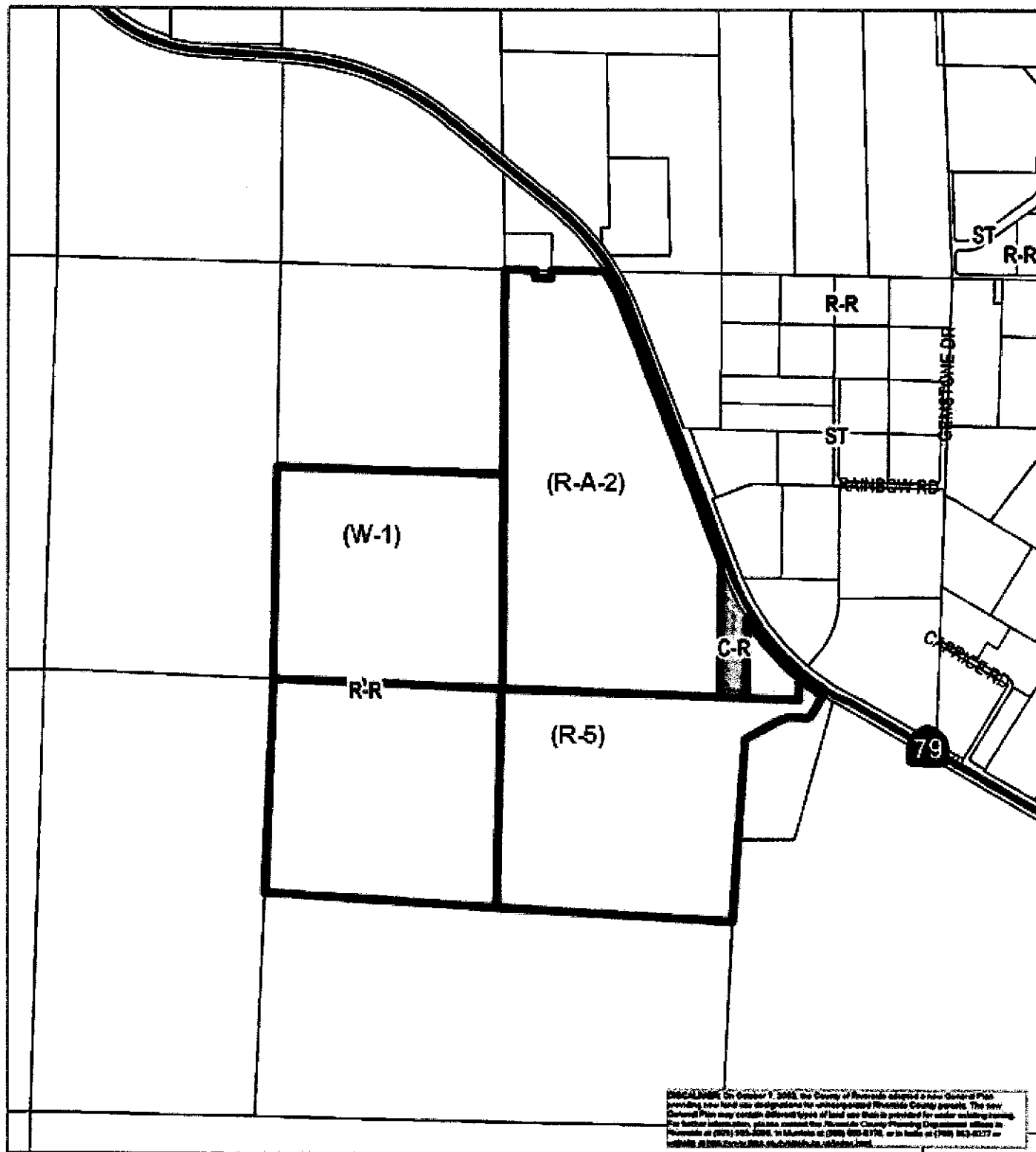
Zone  
District: **Aguanga**

Township/Range: **T8SR1E**  
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BROS. PG

PROPOSED ZONING



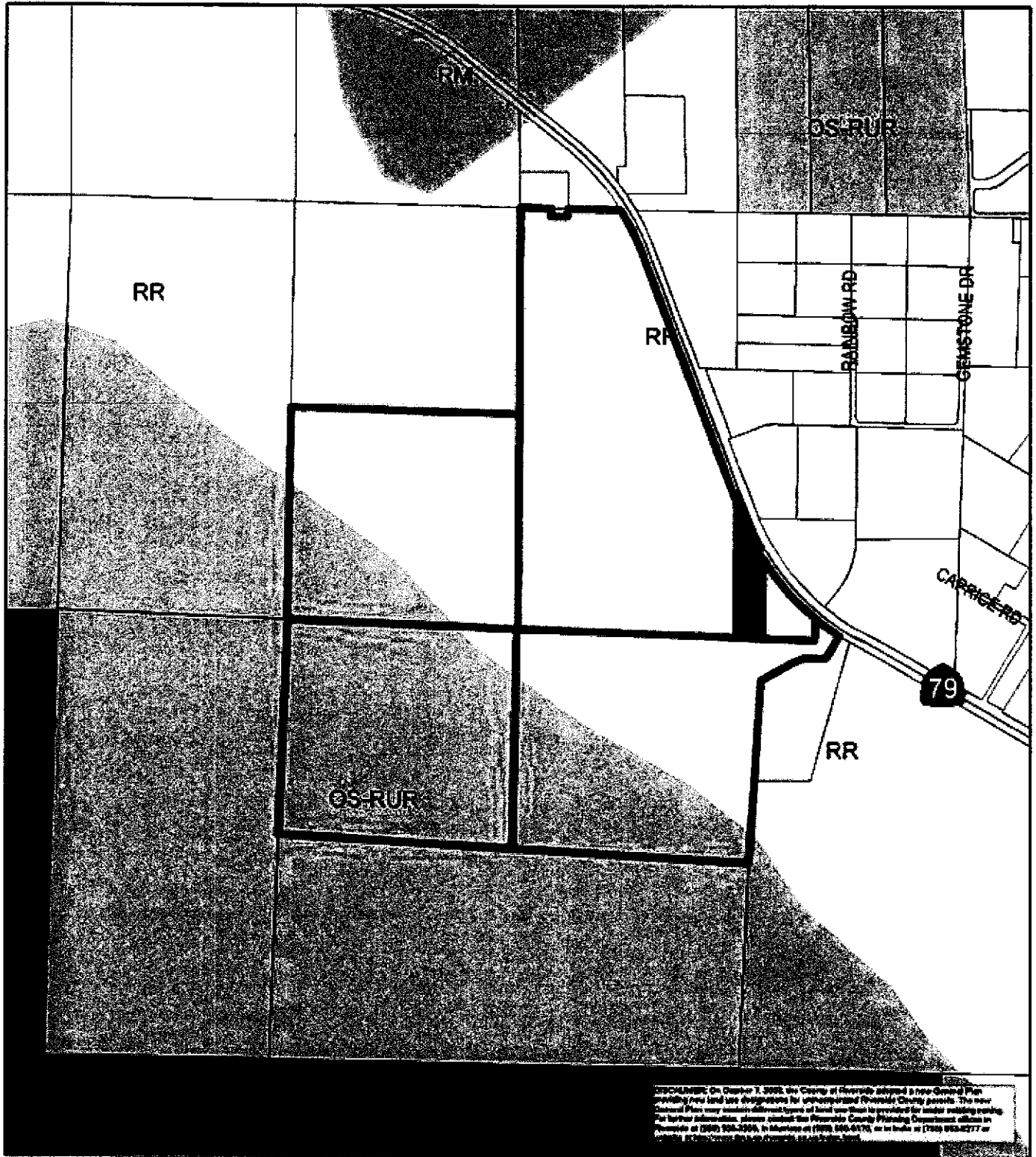
RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone  
District: **Aguanga**

Township/Range: T8SR1E  
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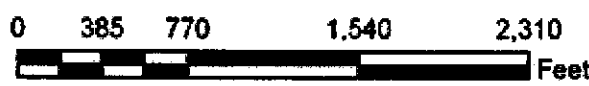
ASSESSORS	
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THOMAS	
BROS.PG	982 A6



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**RIVERSIDE COUNTY PLANNING DEPARTMENT**

Zone  
District: **Aguanga**  
Township/Range: **T8SR1E**  
Section : **29**

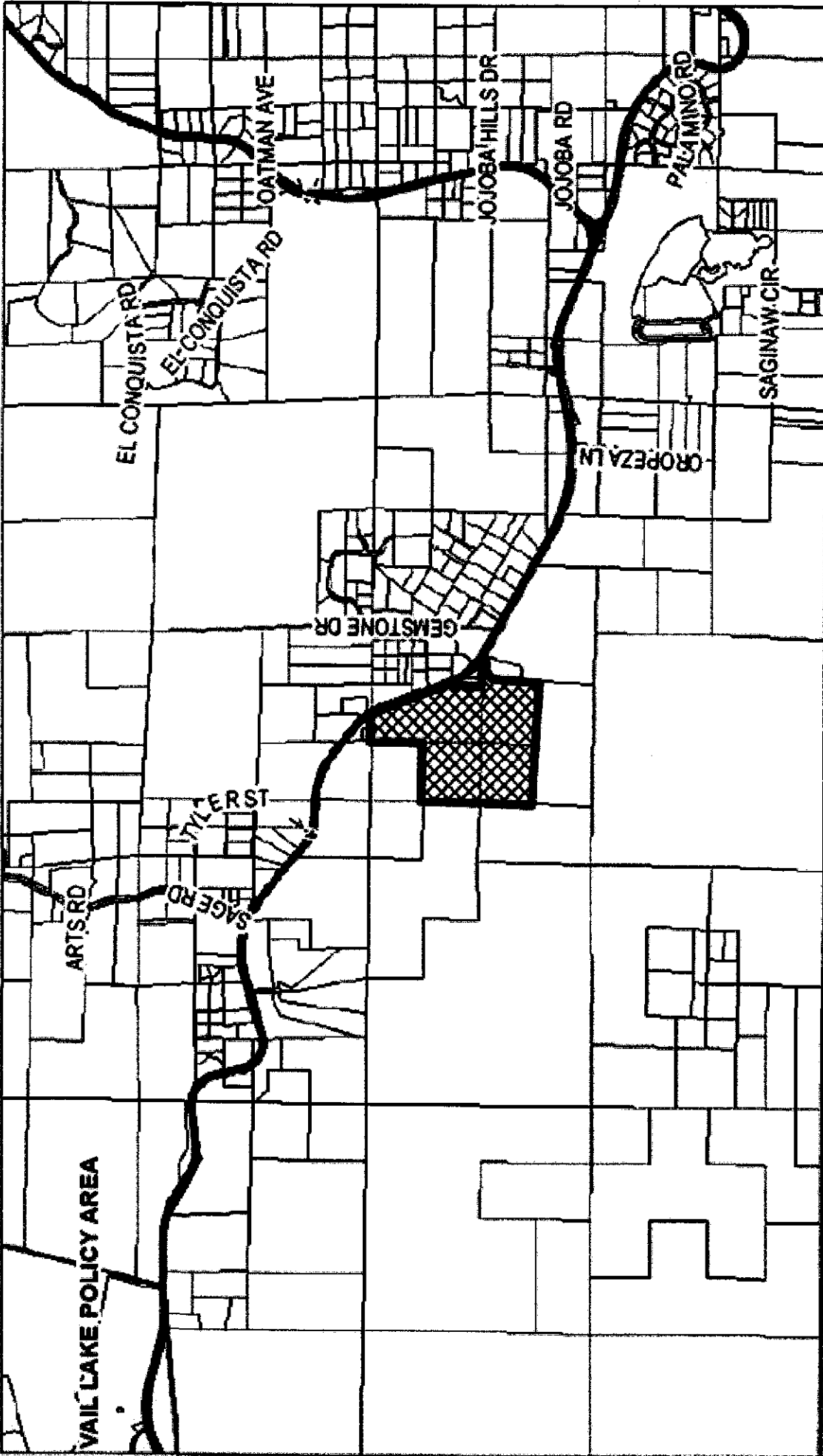


ASSESSORS  
BK. PG. **583-12**  
THOMAS  
BROS.PG **982 A6**

Planner: Jeff Horn  
Date: 5/28/08  
Exhibit 8

CZ07694  
POLICY AREAS

Supervisor Stone  
District 3  
Date Drawn: 5/29/08



NOT TO SCALE. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY. THE RIVERSIDE COUNTY PLANNING DEPARTMENT DOES NOT WARRANT THE ACCURACY OF THIS MAP. THE RIVERSIDE COUNTY PLANNING DEPARTMENT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE RIVERSIDE COUNTY PLANNING DEPARTMENT IS NOT A PROFESSIONAL ENGINEER OR ARCHITECT. THE RIVERSIDE COUNTY PLANNING DEPARTMENT IS NOT A PROFESSIONAL LAND SURVEYOR. THE RIVERSIDE COUNTY PLANNING DEPARTMENT IS NOT A PROFESSIONAL CITY PLANNER. THE RIVERSIDE COUNTY PLANNING DEPARTMENT IS NOT A PROFESSIONAL ENVIRONMENTAL SCIENTIST. THE RIVERSIDE COUNTY PLANNING DEPARTMENT IS NOT A PROFESSIONAL HISTORIC PRESERVATION SPECIALIST. THE RIVERSIDE COUNTY PLANNING DEPARTMENT IS NOT A PROFESSIONAL SOCIAL SCIENTIST. THE RIVERSIDE COUNTY PLANNING DEPARTMENT IS NOT A PROFESSIONAL POLITICAL SCIENTIST. THE RIVERSIDE COUNTY PLANNING DEPARTMENT IS NOT A PROFESSIONAL ECONOMIST. THE RIVERSIDE COUNTY PLANNING DEPARTMENT IS NOT A PROFESSIONAL GEOGRAPHER. 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Zone: District: Aguanga  
Township/Range: T8SR1E  
Section : 29

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors  
Bk. Pg. 583-12  
Thomas  
Bros. Pg. 982 A6  
24,900

0 4,150 8,300 16,600 Feet

12 March 2009

Dear Riverside County Supervisors:

This letter is written to express concerns regarding the proposed Change of Zone CZ 7694 before you on March 17, 2009 item 16.4. This project will greatly affect our community's welfare, safety and quality/quantity of water. It appears the Tract Map was approved prematurely and incorrectly for the following reasons:

The tract map was not based upon the proper zoning;

The splitting of the approvals led to an improper segmentation of the project preventing a public hearing on the Tract Map and associated environmental review;

Because the project was receiving its final approval, including required zoning, it was premature for the Planning Commission to adopt a Negative Declaration rather than the Board of Supervisors which was the ultimate approving authority;

The prior approval of the Tract Map was timely appealed by a Government Agency yet the Board failed to hold the public hearing as required.

Therefore, a new Environmental Assessment is warranted. In addition, the study was based on the basement complex rainfall recharge from 20 years ago and from a different parcel. It is not based on current conditions and is therefore insufficient, outdated and unacceptable. The project will clearly bring more people into the community and a demand for water, necessitating a thorough, current study.

Another area of concern involves the dangerous configuration of Highway 79 South. Although the Conditions of Approval do require left and right turn lanes, this will not remedy the highway's existing safety hazards. This highway will eventually have to be improved if projects of this size continue to be proposed. This cost should be the burden of the applicant, not the tax payers through bonds or state tax. The minimum requirement should request the applicant improve the highway with 4 lanes and turn lanes.

The Board has always been sensitive to the preservation of this community's unique character and the welfare and safety of the residents. I urge you to reconsider the signed approval of Tract Map 29010 and reject their request for a change of zone.

Sincerely,

Ida Martin  
President, Rural Communities United, Inc.  
Where's the Water