

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

901B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
February 24, 2009

SUBJECT: GENERAL PLAN AMENDMENT NO. 1071 – Agricultural – Applicant: Robert Mainiero – Engineering/Representative: Robert Mainiero – Fourth Supervisorial District – Lower Coachella Valley Zoning District – Eastern Coachella Valley Area Plan: Agriculture: Agriculture (A-AG) (10 Acre Minimum) – Location: Northerly of Avenue 53, southerly of Avenue 52, westerly of Keene Lane, and easterly of Fillmore Street – 10 Gross Acres – Zoning: Heavy Agriculture (A-2-20) – REQUEST: The general plan amendment proposes to amend the General Plan from “Agriculture: Agriculture” (A-AG) (10 Acre Minimum) to “Rural Community: Estate Density Residential” (RC-EDR) (2 Acre Minimum) for an approximately 10-acre property.

RECOMMENDED MOTION: The Planning Director recommends adoption of an order initiating proceedings for General Plan Amendment No. 1071. 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 February 18, 2009. The Planning Commission provided comments in the form of a unanimous recommendation that the Board of Supervisors adopt an order initiating General Plan Amendment No. 1071 (GPA1071).

The proposal is expected to be accompanied by an application to change the zoning from Heavy Agriculture (A-2-20) to Light Agriculture (A-1-2) and a parcel map application to divide 10 acres into three parcels.

The Planning Director has reviewed the application for the proposed general plan amendment and the comments of the Planning Commission and recommends that your Board adopt an order initiating proceedings for the proposed general plan amendment.

Ron Goldman
Planning Director

RG:mb

REVIEWED BY EXECUTIVE OFFICE
DATE 2/24/09

Tina Grande
Departmental Concurrence

Policy

Policy

Consent

Consent

Dept's Recomm.:

Per Exec. Ofc.:

2009 FEB 24 10 08 AM
Tina Grande

Prev. Agn. Ref.

District: Fourth

Agenda Number:

15.9

Agenda Item No.:
Area Plan: Eastern Coachella Valley
Zoning District: Lower Coachella Valley
Supervisorial District: Fourth
Project Planner: Maurice Borrows
Planning Commission: February 18, 2009

General Plan Amendment No. 1071
Applicant: Robert Mainiero
Engineer/Rep.: Robert Mainiero

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisor's adopt an order initiating proceedings for the proposed General Plan Amendment No. 1071 from "Agriculture: Agriculture" (A-AG) (10 acre minimum) to "Rural Community: Estate Density Residential" (RC-EDR) (2 acre minimum) for an approximately 10-acre property.

The Planning Commission made the comments below. For additional information regarding this case, see the attached Planning Department Staff Report(s).

PLANNING COMMISSION DIRECTION TO THE BOARD OF SUPERVISORS:

The following comments have been provided by the Planning Commission to the Planning Director:

Commissioner John Roth: was concerned about the distance to the nearest 2.5-acre lot from the project. He also voiced concern about the loss of agricultural land.

Commissioner John Snell: No comment

Commissioner John Petty: No comment

Commissioner Jim Porras: was concerned about the City of Coachella's land use designation close to the project site.

Commissioner Jan Zuppardo: No comment

**PLANNING COMMISSION
MINUTE ORDER FEBRUARY 18, 2009
LA QUINTA COUNCIL CHAMBERS**

I. AGENDA ITEM 8.2: GENERAL PLAN AMENDMENT NO. 1071 – (Agricultural) – Applicant: Robert Mainiero – Engineering/Representative: Robert Mainiero – Fourth Supervisorial District – Lower Coachella Valley Zoning District – Eastern Coachella Valley Area Plan: Agriculture: Agriculture (A-AG) (10 Acre Minimum) – Location: Northerly of Avenue 53, southerly of Avenue 52, westerly of Keene Lane, and easterly of Fillmore Street – 10 Gross Acres – Zoning: Heavy Agriculture (A-2-20) – APN(s): 763-170-008. (Legislative)

II. PROJECT DESCRIPTION

The general plan amendment proposes to amend the General Plan from "Agriculture: Agriculture" (A-AG) (10 Acre Minimum) to "Rural Community: Estate Density Residential" (RC-EDR) (2 Acre Minimum) for an approximately 10-acre property.

III. MEETING SUMMARY

The following staff presented the subject proposal:

Principal Planner, Paul Clark for Project Planner, Maurice Borrows, 760-863-7063 or e-mail mborrows@rcilma.org.

The following spoke in favor of the subject proposal:
Robert Mainiero, Applicant

No one spoke in a neutral position or in opposition of 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;

INITIATION of the General Plan Amendment

VI. CD

The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rcilma.org.

Agenda Item No. **S. 2**
Area Plan: Eastern Coachella Valley
Zoning District: Lower Coachella Valley
Supervisory District: Fourth
Project Planner: Maurice Borrows
Planning Commission: February 18, 2009

General Plan Amendment No. 1071
Agriculture
Applicant: Robert J. Mainiero
Engineer/Rep.: Robert J. Mainiero

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan from "Agriculture: Agriculture" (A-AG) (10 acre minimum) to "Rural Community: Estate Density Residential" (RC-EDR) (2 acre minimum) for an approximately 10-acre property. The project is located northerly of Avenue 53, southerly of Avenue 52, and easterly of Filmore Street within the Thermal area.

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. 1071 is considered an Agricultural GPA as described in Section 2.7 of that ordinance.

Proposed General Plan Amendment No. 1071 is a stand alone case. Upon completion of the GPIIP, the proposal is expected to be accompanied by an application to change the zoning from Heavy Agriculture (A-2-20) to Light Agriculture (A-1-2) and a parcel map application to divide 10 acres into three parcels.

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

SUMMARY OF FINDINGS:

- | | |
|-----------------------------------|--|
| 1. Existing Land Use (Ex. #1): | Scattered mobile homes |
| 2. Surrounding Land Use (Ex. #1): | Scattered mobile homes to the north and west;
field crops to the south and east |
| 3. Existing Zoning (Ex. #3): | A-2-20 |
| 4. Surrounding Zoning (Ex. #3): | A-2-20 to the north, south, east, and west |
| 5. Riverside County General Plan | Agriculture |
| 6. Project Data: | Total Acreage: 10 |
| 7. Environmental Concerns: | Not applicable at this time |

RECOMMENDATIONS:

Comment that adoption of an order initiating proceedings for General Plan Amendment No. 1071 would be appropriate. The adoption of such an order does not imply that the proposed GPA will be approved.

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. General Plan Policy Overlay Area
 - b. California Gnatcatcher, Quino Checkerspot Butterfly habitat
 - c. FEMA designated Flood Zone
 - d. Redevelopment Area
3. The project site is located within:
 - a. The boundaries of the Coachella Valley Unified School District.
 - b. The boundaries of the Coachella Valley Water District.
 - c. The Coachella Valley MSHCP fee area.
4. The project site is currently designated as Assessor's Parcel Number 763-170-008.

AGRICULTURAL AMENDMENT

CYCLE: 2½ YEAR

Case No. GPA 1071 Supervisorial District: Fourth Existing Zoning: Heavy Agriculture (A-2-20)
 Area Plan: Eastern Coachella Valley Acreage: 10

EXISTING GENERAL PLAN DESIGNATIONS

Existing General Plan Foundation: Agriculture (A)
 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 #): 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: Rural Community (RC)
 Proposed General Plan Land Use Designation: Estate Density Residential (EDR) (2 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

Case: **AGRICULTURAL GPA 1071**

File: Y:\11_PLANNING Primary Folder\Planning Cases-Desert Office\GPA01071\DH-PC-BOS Hearings\GPA 1071 AG FINDINGS Checklist.doc

Affected by	Yes	No	Comments
Coachella Valley MSHCP Conservation Area		X	
Western Riverside County MSHCP Cell		X	
Agricultural Preserve		X	The project is located in an area designated as prime farmland
Airport Compatibility Zone		X	
Flood Plain (Zone A - 100 Year)		X	Not within a FEMA flood zone
FTL Sand Source Area or FTL Preserve		X	
Fault Zone		X	
Faults within 1/2 Mile		X	
Liquefaction Potential; Subsidence	X		Moderate liquefaction potential
High Fire Area		X	
Code Compliant		X	Currently, the land owner resides in a mobile home on the property. Additionally, eight unoccupied mobile homes and RV's are located on the property. The proposed amendment may be a medium to long term solution but not a short term solution that will satisfy code requirements. The Code Enforcement Department is working with the land owners to remove all unpermitted mobile homes and RV's from the property within six months, thus, bring the property into compliance. Code violations case #: CV0805439 for sub-standard mobile homes CV0805440 for sub-standard electrical power (currently on temporary power)
MSHCP Conserved Land		X	
Access / Alternate Access Issues	X		Primary access from Avenue 53
Water / Sewer Issues	X		Shared well with adjacent parcel for water; septic

City Sphere of Influence		X	
Proposed Annexation/ Incorporation Area		X	
Other Issues* (see below)			

AGRICULTURAL FINDINGS (Check all that apply)

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

Finding	Yes	No	Comment
<p>The amendment would contribute to the achievement of the purposes of the General Plan.</p>	<p>X</p>		<p>The proposed amendment would contribute to the achievement of the purposes of the General Plan as a property in close proximity has a land use designation of Rural Community: Estate Density Residential. The proposed amendment would allow the development of one-family dwellings that allow light agricultural uses and the rearing of farm animals on a small scale. Also, the property is located approximately 1,500 feet from the city limits of the City of Coachella and it's within the sphere of influence of the City of Coachella.</p>
<p>The amendment would not be detrimental to the purposes of the General Plan.</p>	<p>X</p>		<p>The proposed general plan amendment involves a change from Agriculture Foundation Component to the Rural Community Foundation Component. This would remove land from Agriculture Foundation Component; however, this would be within the scope and purpose of the General Plan which state that up to 7% of land designated Agriculture within the Eastern and Western Coachella Valleys may be removed from the Agriculture designation over the course of a 2 1/2 year period. Therefore, up to 3,278.7 acres of land may be converted from Agriculture to other designations during the first 2 1/2 year period. Approximately 848 acres of land have been removed from the Agriculture Foundation Component since the adoption of the General Plan on October 7, 2003. The next cycle ends in May, 2011.</p>

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

STAFF COMMENTS:

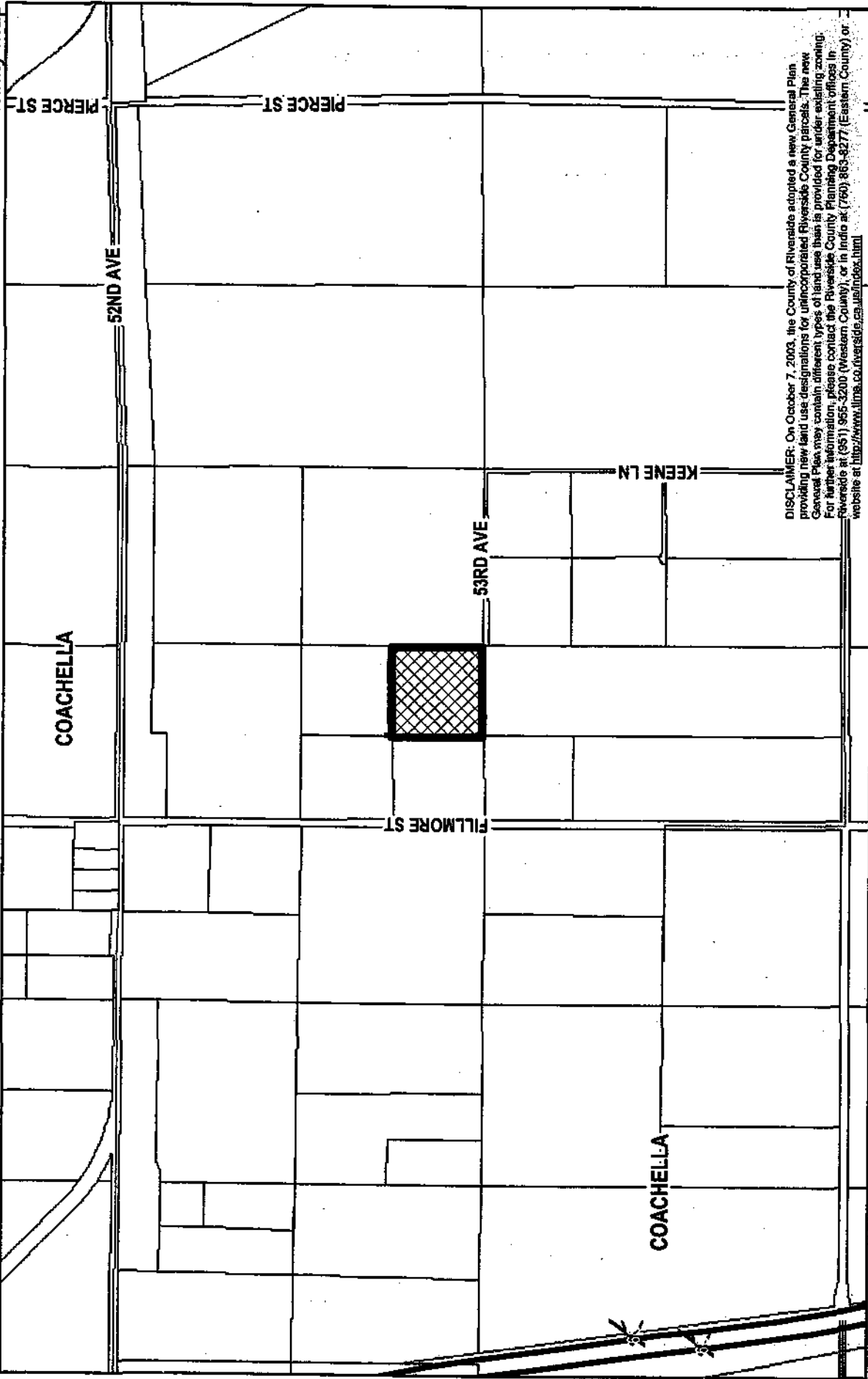
Department	Comments
Planning	The GPA initiation is currently being processed by the Planning Department
Transportation	None at this time
EPD	None at this time
Fire	None at this time
Flood	None at this time
Building and Safety	None at this time
Geologist	None at this time

Supervisor Wilson
District 4

Date Drawn: 12/9/08

GPA01071 VICINITY MAP

Planner: Maurice Borrows
Date: 12/18/08
Vicinity Map



District: Lower Coachella Valley
Township/Range: T6SR8E
Section : 11

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 763-17
Thomas
Bros. Pg. 5531 J1



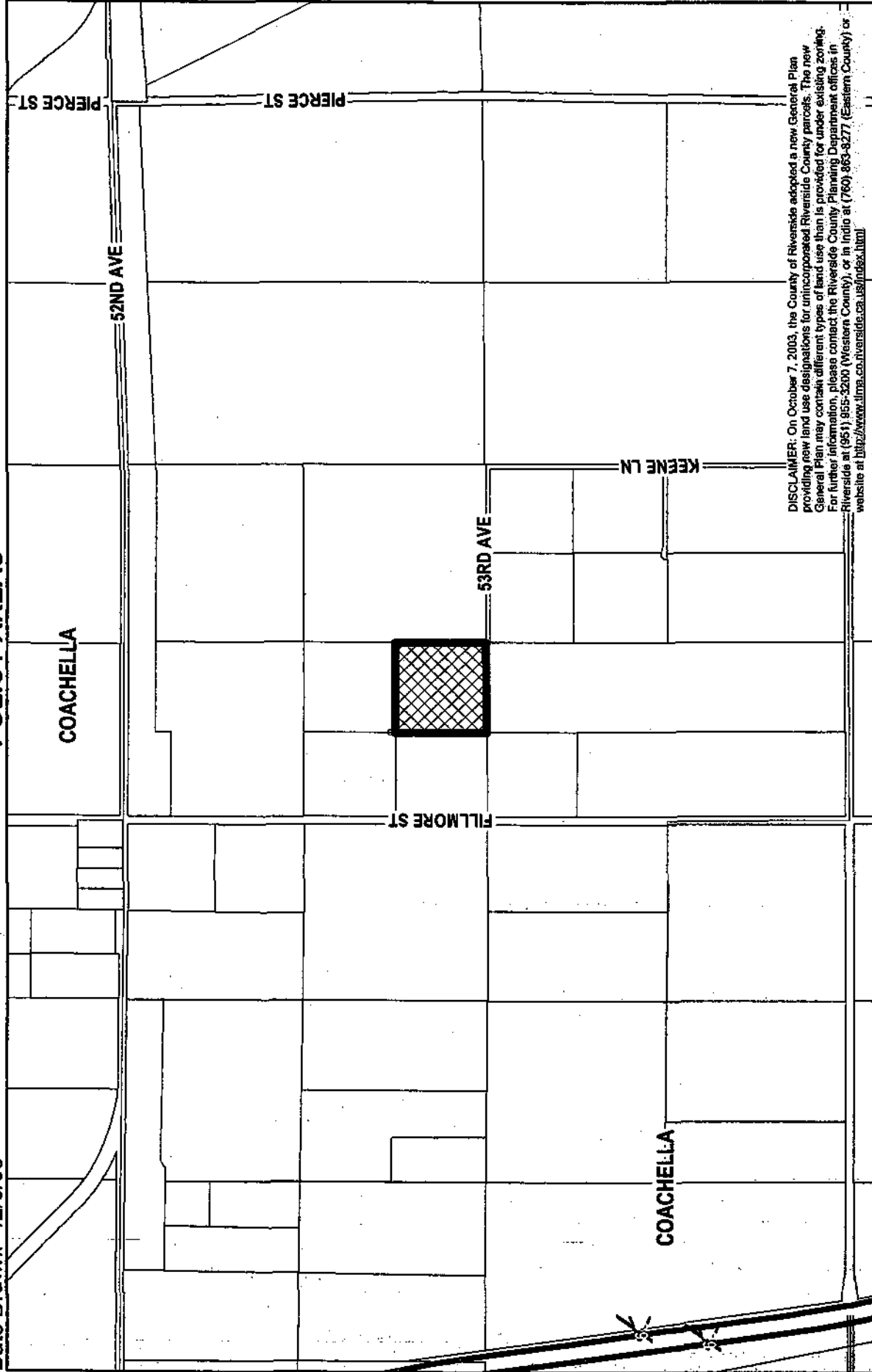
Supervisor Wilson
District 4

Date Drawn: 12/9/08

GPA01071

POLICY AREAS

Planner: Maurice Borrowes
Date: 12/18/08
Exhibit 8



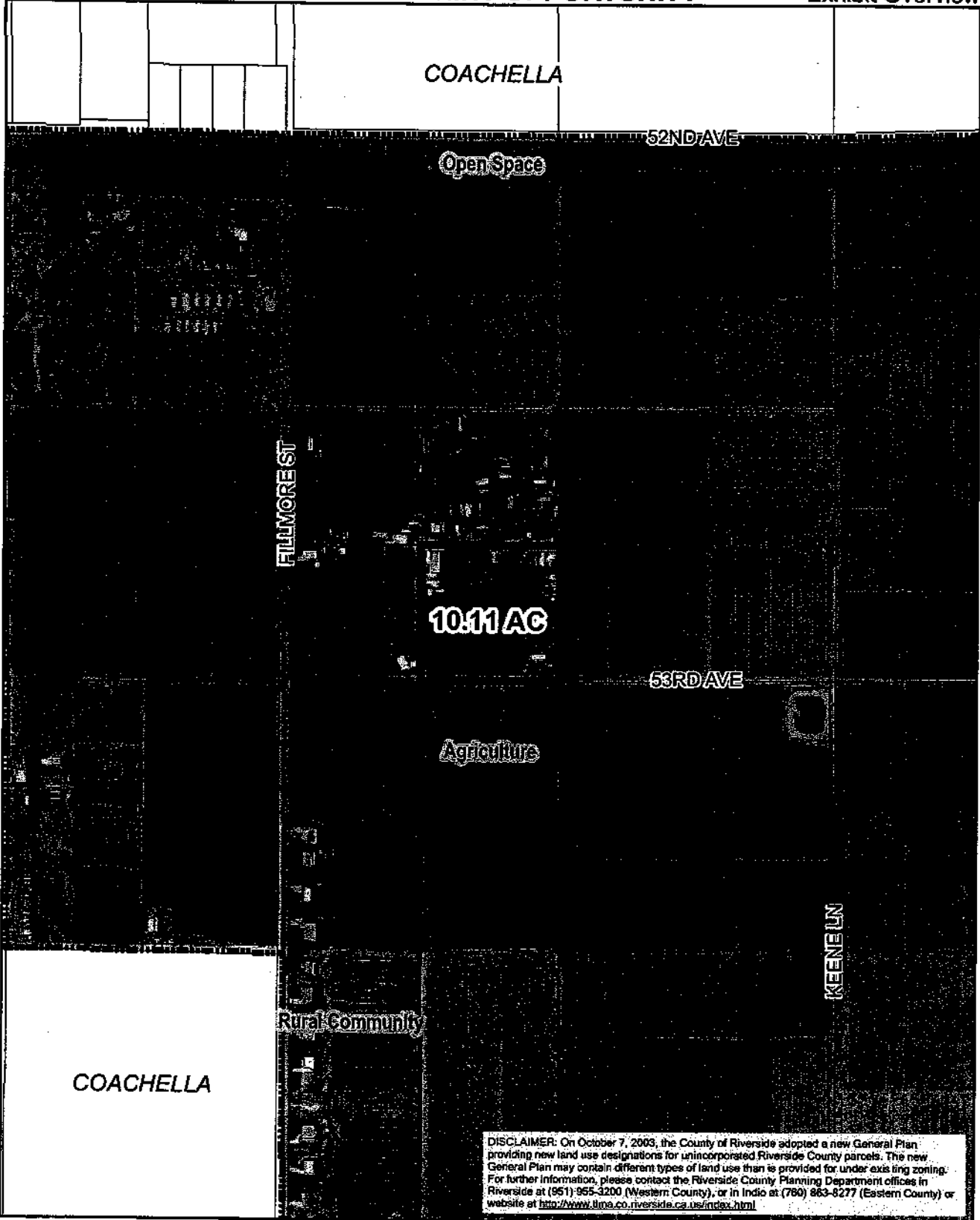
District: Lower Coachella Valley
Township/Range: T6SR8E
Section : 11

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
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Thomas
Bros. Pg. 5531 J1



DEVELOPMENT OPPORTUNITY



RIVERSIDE COUNTY PLANNING DEPARTMENT

District: Lower Coachella Valley
Township/Range: T6SR8E
Section: 11



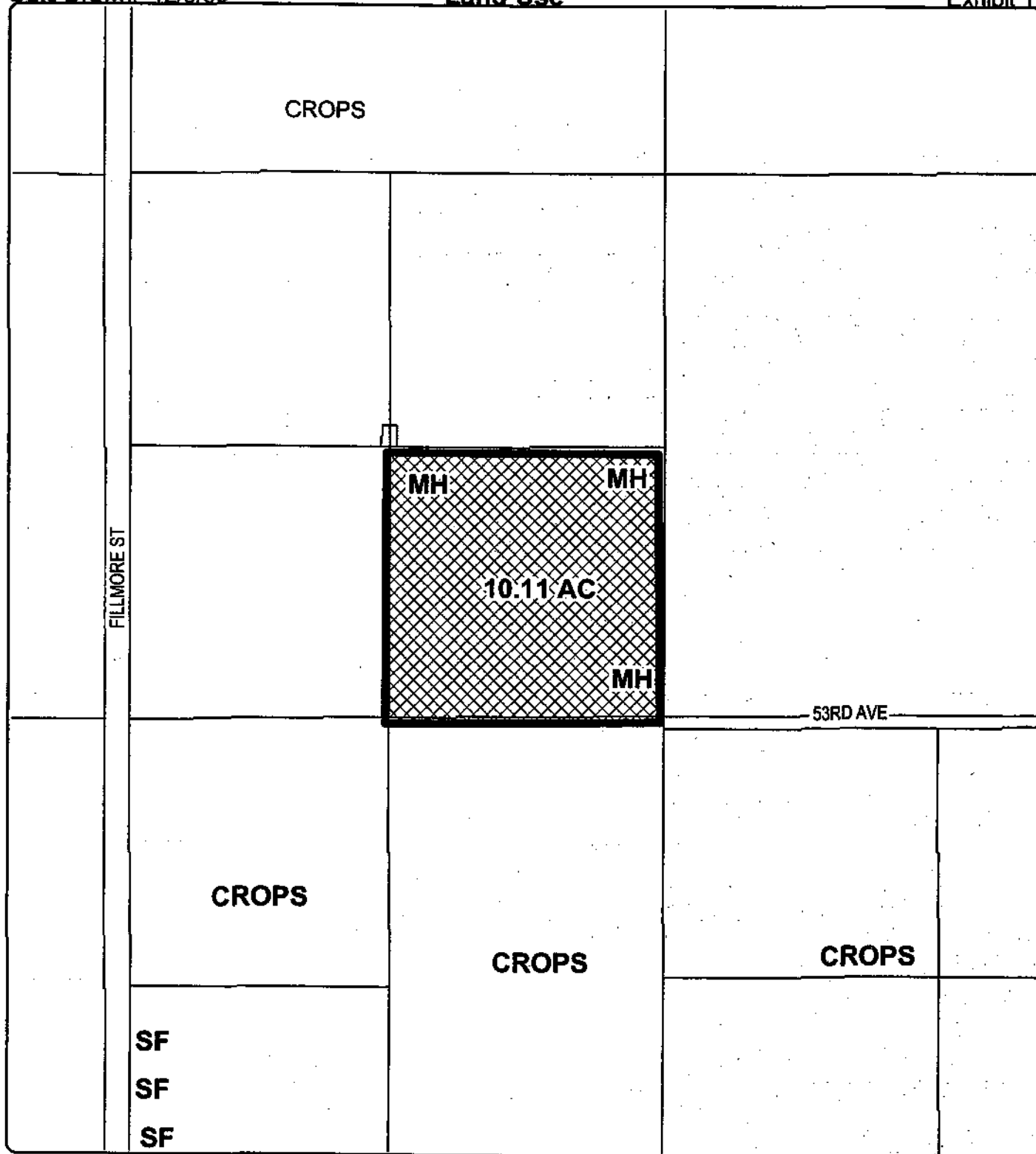
Assessors
Bk. Pg. 763-17
Thomas
Bros. Pg. 5531 J1
3,300

Supervisor Wilson
District 4
Date Drawn: 12/9/08

GPA01071

Land Use

Planner: Maurice Borrows
Date: 12/18/08
Exhibit 1



RIVERSIDE COUNTY PLANNING DEPARTMENT

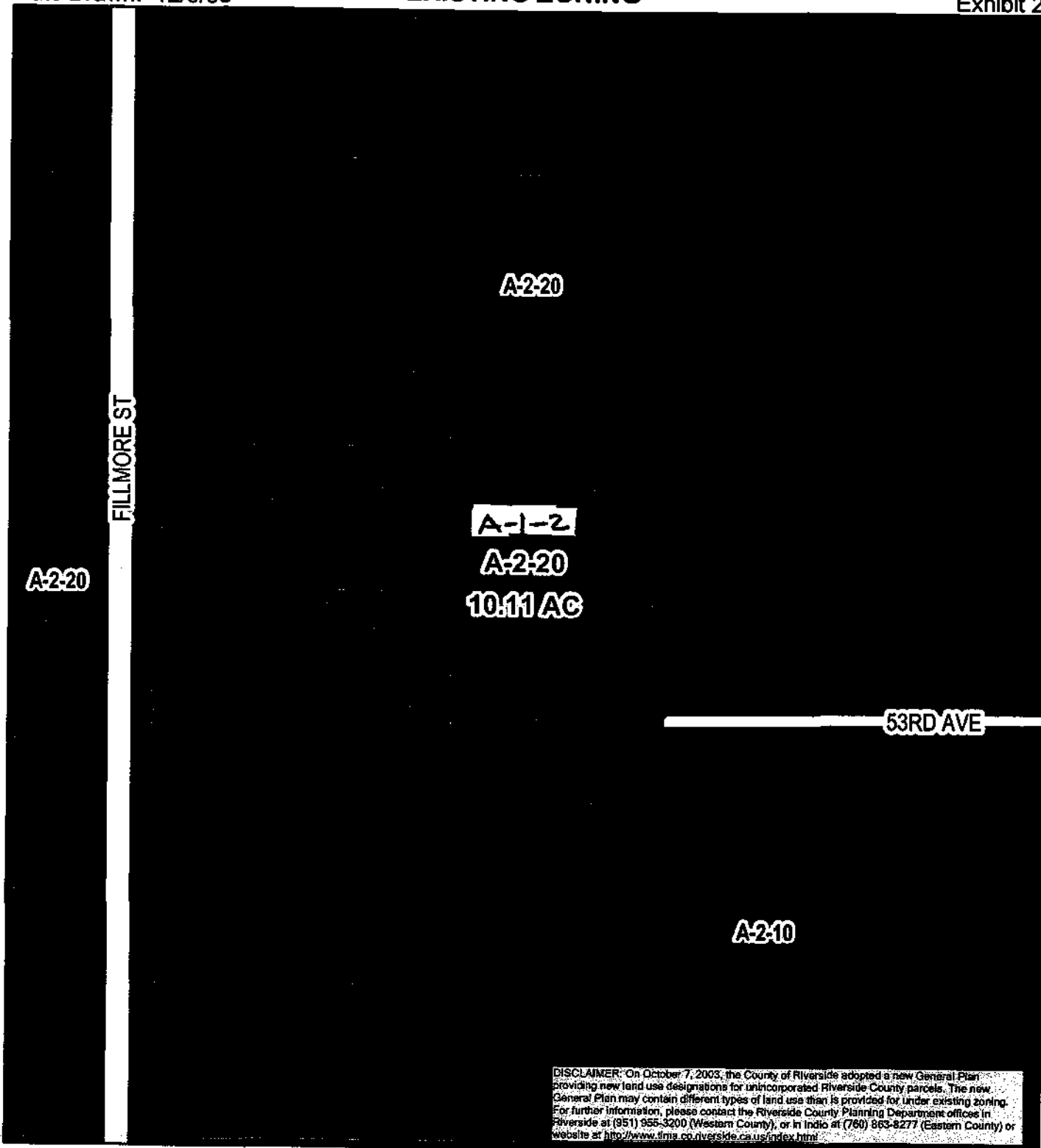
District: Lower Coachella Valley
Township/Range: T6SR8E
Section: 11

Assessors
Bk. Pg. 763-17
Thomas
Bros. Pg. 5531 J1

Supervisor Wilson
District 4
Date Drawn: 12/9/08

GPA01071
EXISTING ZONING

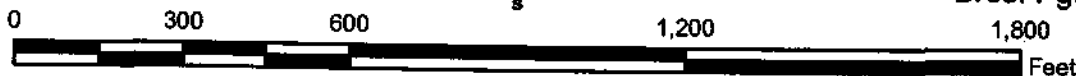
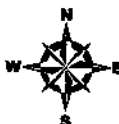
Planner: Maurice Borrows
Date: 12/18/08
Exhibit 2



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 (951) 956-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.rmc.ca.gov/riverside.ca.us/index.html>

RIVERSIDE COUNTY PLANNING DEPARTMENT

District: Lower Coachella Valley
Township/Range: T6SR8E
Section: 11



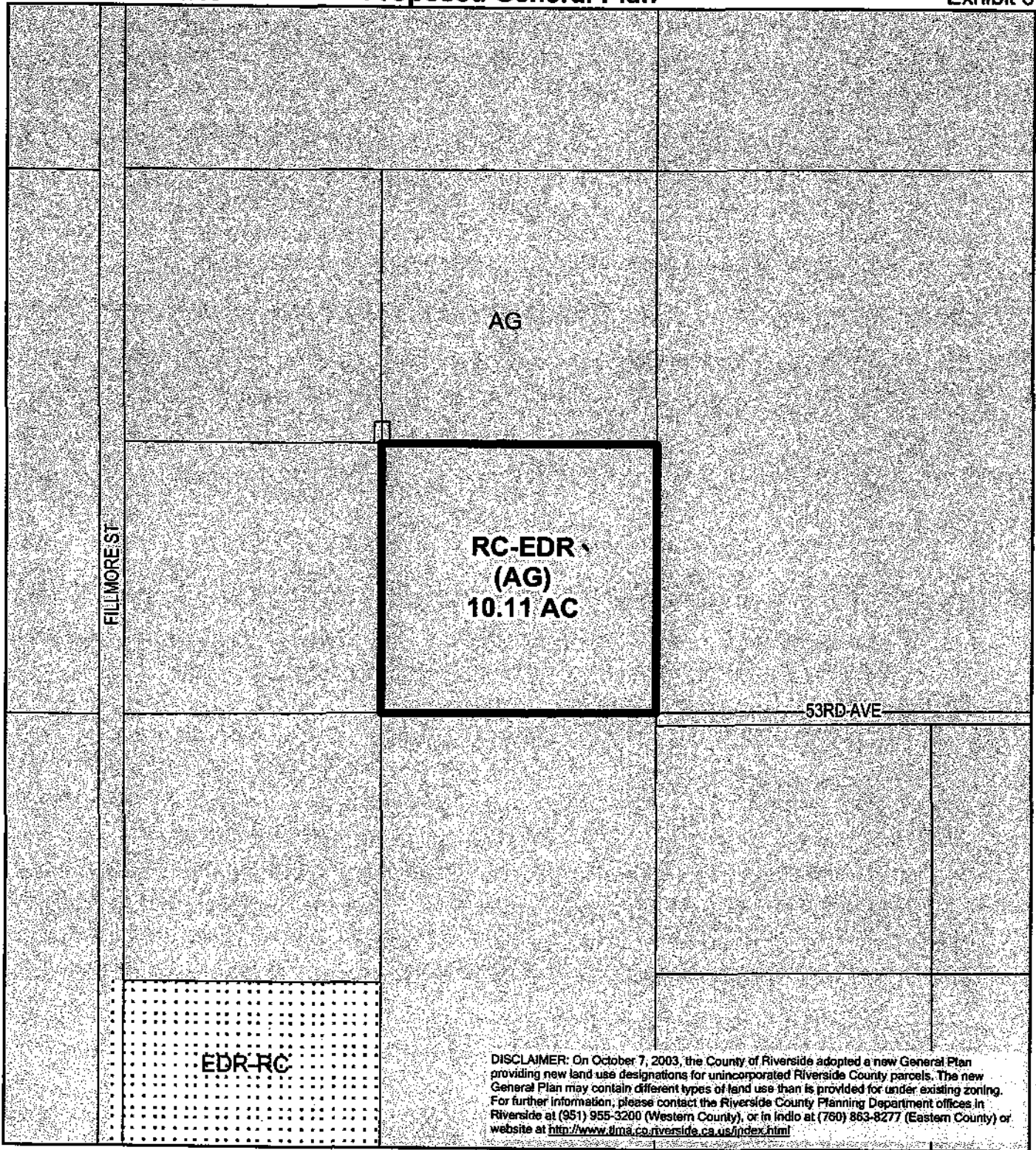
Assessors
Bk. Pg. 763-17
Thomas
Bros. Pg. 5531 J1

Supervisor Wilson
District 4
Date Drawn: 12/9/08

GPA01071

Proposed General Plan

Planner: Maurice Borrows
Date: 12/18/08
Exhibit 6



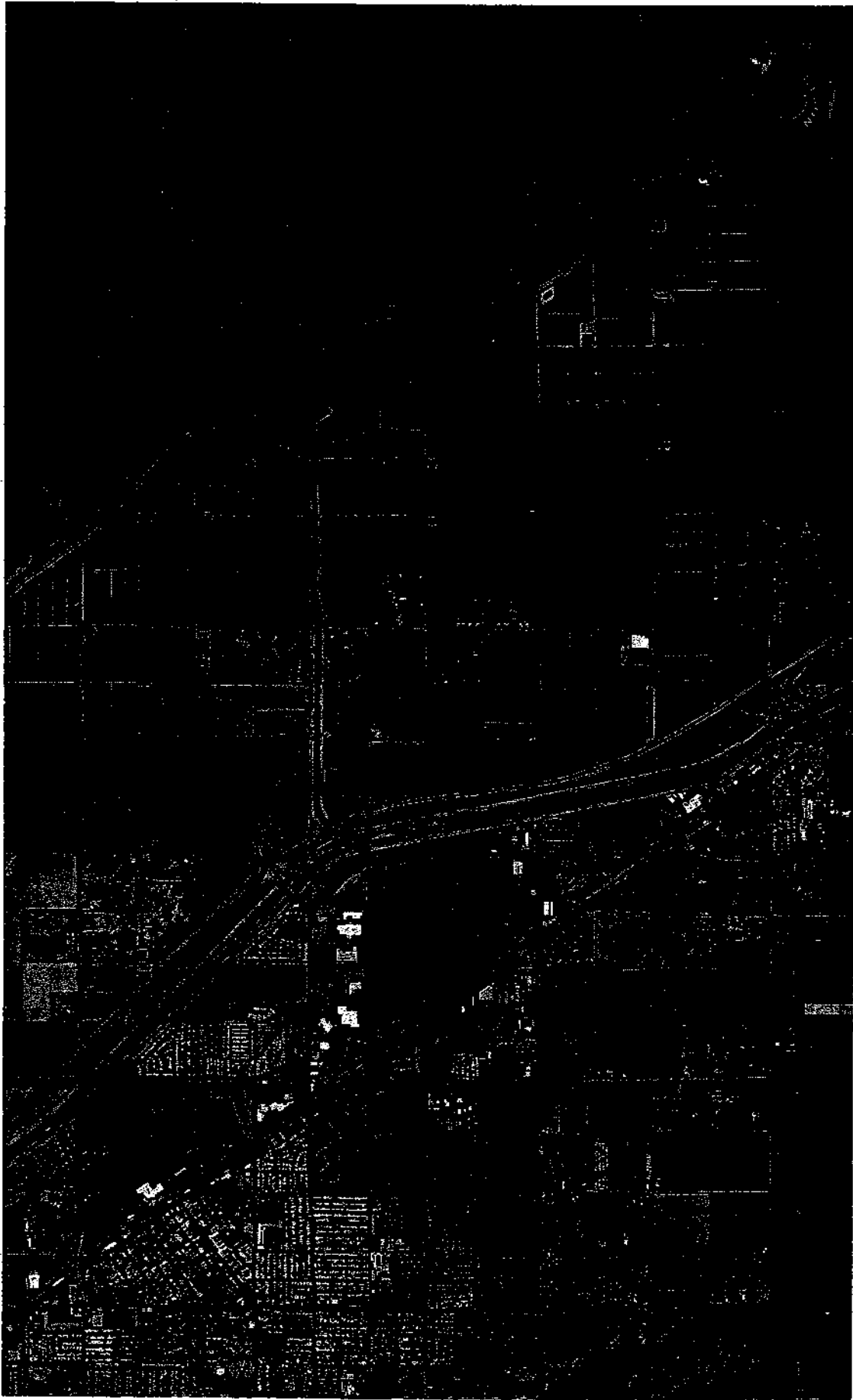
RIVERSIDE COUNTY PLANNING DEPARTMENT

District: Lower Coachella Valley
Township/Range: T6SR8E
Section: 11



Assessors
Bk.Pg. 763-17
Thomas
Bros. Pg. 5531 J1





AERIAL PHOTOGRAPH - AUGUST 2005
TENTATIVE PARCEL MAP NO. 36147
MARIA LUISA BLANDON/HILARIO GOMEZ/CESAR VERDUZCO

ROBERT J. WAINBERG, P.E.
Map Designer and Drafts Assistant
100 N. 11th St., Suite 100
Tulsa, Oklahoma 74103
Tel: (918) 242-8881

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY
Planning Department
Ron Goldman · Planning Director

**APPLICATION FOR AMENDMENT TO THE
RIVERSIDE COUNTY GENERAL PLAN**

SECTIONS I, II, AND VI BELOW MUST BE COMPLETED FOR ANY AMENDMENT TO THE AREA PLAN MAPS OF THE GENERAL PLAN.

FOR OTHER TYPES OF AMENDMENTS, PLEASE CONSULT PLANNING DEPARTMENT STAFF FOR ASSISTANCE PRIOR TO COMPLETING THE APPLICATION.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: GPA01071 DATE SUBMITTED: 11/12/08
EA42085/6F605437

I. GENERAL INFORMATION

APPLICATION INFORMATION

Applicant's Name: Robert J. Mainiero, P.R. E-Mail: psb06596@aol.com

Mailing Address: P.O. Box 2410
Palm Springs CA 92263
City State ZIP

Daytime Phone No: (760) 413-7127 Fax No: (760) 778-6904

Engineer/Representative's Name: _____ E-Mail: _____

Mailing Address: SAME AS APPLICANT
City State ZIP

Daytime Phone No: () _____ Fax No: () _____

Property Owner's Name: _____ E-Mail: _____

Mailing Address: SEE ATTACHED
City State ZIP

Daytime Phone No: () _____ Fax No: () _____

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary. Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

Robert J. Mainiero, P.E.
PRINTED NAME OF APPLICANT

Robert Mainiero
SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

Marie Goin
PRINTED NAME OF PROPERTY OWNER(S)

[Signature]
SIGNATURE OF PROPERTY OWNER(S)

Maria Luisa Blandon
PRINTED NAME OF PROPERTY OWNER(S)

[Signature]
SIGNATURE OF PROPERTY OWNER(S)

If the subject property is owned by persons who have not signed as owners above, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

PROPERTY INFORMATION:

Assessor's Parcel Number(s): APN 763-170-008

Section: 11 Township: 6 South Range: 8 East

Approximate Gross Acreage: 10 Acres

General location (nearby or cross streets): North of AVENUE 53, South of _____

East of FILLMORE STREET West of _____

County of Riverside
Planning Department Desert Office
38686 El Cerrito Rd
Palm Desert, CA 92211

ROBERT J MAINIERO
P.O. BOX 2410
PALM SPRINGS, CA 92263

FIRST CLASS

County of Riverside
Planning Department Desert Office
38686 El Cerrito Rd
Palm Desert, CA 92211

FIRST CLASS

CESAR VERDUZCO
P.O. BOX 157
INDIO, CA 92202

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38686 El Cerrito Rd
Palm Desert, CA 92211

FIRST CLASS

MARIA LUISA BLANDON
83594 DENVER AVE
INDIO, CA 92201

County of Riverside
Planning Department Desert Office
38686 El Cerrito Rd
Palm Desert, CA 92211

HILARIO GOMEZ
47-536 SEVILLE AVE
INDIO, CA 92201

FIDCT 71 ACC