

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

121B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
November 9, 2009

SUBJECT: GENERAL PLAN AMENDMENT NO. 903 – Foundation-Regular – Applicant: Donald L. Richart – Engineer/Representative: Donald L. Richart - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Area Plan: Rural: Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) – Location: Northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd. - 5.3 Gross Acres - Zoning: Rural Residential (R-R) - **REQUEST:** This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio) - APN: 476-010-010

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors adopt an order initiating proceedings for 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

Ron Goldman
Planning Director

RG:mh
[Handwritten initials]

REVIEWED BY EXECUTIVE OFFICE

DATE 11/23/09
Tina Grande
Departmental Concurrence

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

ATTACHMENTS FILED District: Third Agenda Number:
WITH THE CLERK OF THE BOARD

15.1

The Honorable Board of Supervisors
RE: General Plan Amendment No. 903
Page 2 of 2

and the Board of Supervisors pursuant to this application does not require a 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.

**PLANNING COMMISSION
MINUTE ORDER OCTOBER 28, 2009
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

AGENDA ITEM 8.10: GENERAL PLAN AMENDMENT NO. 903 – Foundation-Regular – Applicant: Donald L. Richart – Engineer/Representative: Donald L. Richart - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Area Plan: Rural: Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) – Location: Northwesterly of Highway 79, easterly of Pourroy Rd., and southerly of Keller Rd. - 5.3 Gross Acres - Zoning: Rural Residential (R-R) - **REQUEST:** This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio) - APN: 476-010-010.

VII. PROJECT DESCRIPTION

This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural (RUR) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio)

VIII. MEETING SUMMARY

The following staff presented the subject proposal:

Project Planner, Tamara Harrison at 951-955-9721 or e-mail tharriso@rctlma.org

No one spoke in favor, neutral, or in opposition of the subject proposal.

IX. CONTROVERSIAL ISSUES

NONE

X. PLANNING COMMISSION ACTION

The Planning Commission recommended to the Board of Supervisors;

INITIATION of the GENERAL PLAN AMENDMENT.

XI. 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@rctlma.org.

Agenda Item No.: 8.10
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: October 28, 2009

General Plan Amendment No. 903
Applicant: Donald L. Richart
Engineer/Representative: Donald L. Richart

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisors adopt an order initiating proceedings for General Plan Amendment No. 903 from Rural: Rural Residential to Community Development: Commercial Retail and the Planning Commission made the comments below. The Planning Director continues to recommend to adopt an order initiating proceedings. 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: Commissioner Roth inquired as to where General Plan Amendment No. 951 is in relation to the subject site. Staff indicated that General Plan Amendment No. 951, which was initiated by the Board of Supervisors from Rural: Rural Residential to Community Development Specific Plan on March 31, 2009 is located to the north of the subject site directly across Keller Road

Commissioner John Snell: No Comments

Commissioner John Petty: Commissioner Petty recommended initiation at the subject site from Rural: Rural Residential to Community Development: Commercial Retail with some hesitation. Mr. Petty expressed that he was somewhat hesitant due to the possibility of concerned homeowners to the west of the site.

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: No Comments

Agenda Item No.: 8.10
Area Plan: Southwest
Zoning District: Rancho California Area
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: October 28, 2009

General Plan Amendment No. 903
Applicant: Donald L. Richart
Engineer/Representative: Donald L. Richart

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation Component from "Rural" (RUR) to "Community Development" (CD) and the General Plan Land Use designation from "Rural Residential" (RR) (5 acre min.) to "Commercial Retail" (CR) for an approximately 5.3 acre site. The project is located southerly of Keller Road, westerly of Winchester Road, and easterly of Pourroy Road.

POTENTIAL ISSUES OF CONCERN:

The subject site is located in the "French Valley" community within the Southwest Area Plan. The site is also located within the City of Murrieta's Sphere of Influence and also falls within the General Plan's Highway 79 Policy Area. The site abuts Winchester Road which has been defined under the General Plan's Circulation Element as an expressway with a right-of-way that ranges between 184' and 220'. Many of the lots found to the south, east and southeast of the subject site, that abut Winchester Road as well are currently within the Community Development Foundation Component. This proposal would continue the existing Community Development land use pattern along Winchester Road and would be consistent with the "Land Use Concept" for the "Southwest" area plan which focuses urban development near the incorporated cities of Murrieta and Temecula and also in French Valley.

The site is surrounded by the Rural Residential designation to the north, south and west of the site. The Commercial Retail designation exists just east of the subject site across Winchester Road. The majority of the commercial lots directly across Winchester Rd are vacant with the exception of a lot that sits at the corner of Winchester and Keller Road. (APN: 476-010-047). This lot contains an existing Contractor's Storage Yard which has not been entitled to date. Temporary Use Permit (TUP) No. 197 is currently being reviewed by the Planning Department for temporary use of the site as a storage yard. A commercial center is also being proposed under Plot Plan No. 24054 (PP24054), to the south of the site at the southwest corner of Koon Street and Winchester Road (APN: 476-010-015). PP24054 is currently in the review stages with the Planning Department. General Plan Amendment No. 1050 and Change of Zone No. 7709 are being processed concurrently with PP24054 and were both approved by the Planning Commission on September 30, 2009.

GPA00951 which is also a Foundation Change General Plan Amendment is located directly north of the subject site across Keller Road. The Planning Commission commented that adopting an order initiating GPA00951 from Rural: Rural Residential to Community Development: Specific Plan would be appropriate on November 5, 2008. GPA00951, as proposed by the applicant, proposes 13.3 acres for Commercial Retail.

The current proposal is inconsistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The policy did not include provisions to increase potential densities within the Policy Area as proposed by this amendment. A workshop was held at the Planning Commission meeting on September 30, 2009 in order to discuss the Highway 79 Policy area and the regular Foundation General Plan Amendments that fall within the policy. As a result of the workshop, the Planning Commission recommended that those Foundation General Plan Amendments within the policy area be brought forward on a case by case basis in order to determine the appropriateness of each proposal and that the Highway 79 policies be reviewed during the General Plan update for potential amendments.

RECOMMENDATION:

The Planning Director recommends the adoption of an order initiating proceedings for General Plan Amendment No. 903 from Rural: Rural Residential to Community Development: Commercial Retail. The adoption of such an order does not imply that the proposed GPA will be approved.

INFORMATIONAL ITEMS:

1. This project was filed with the Planning Department on January 15, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$3435.67.
3. The project site is currently designated as Assessor's Parcel Number: 476-010-010.

GPA00903

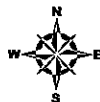
Proposed General Plan



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T6SR2W
Section: 28

Assessors
Bk.Pg. 476-01
Thomas
Bros. Pg. 899 E3



Supervisor Stone
District 3
Date Drawn: 01/30/08

GPA00903

EXISTING ZONING

Planner: Amy Aldana
Date: 02/05/08
Exhibit 2

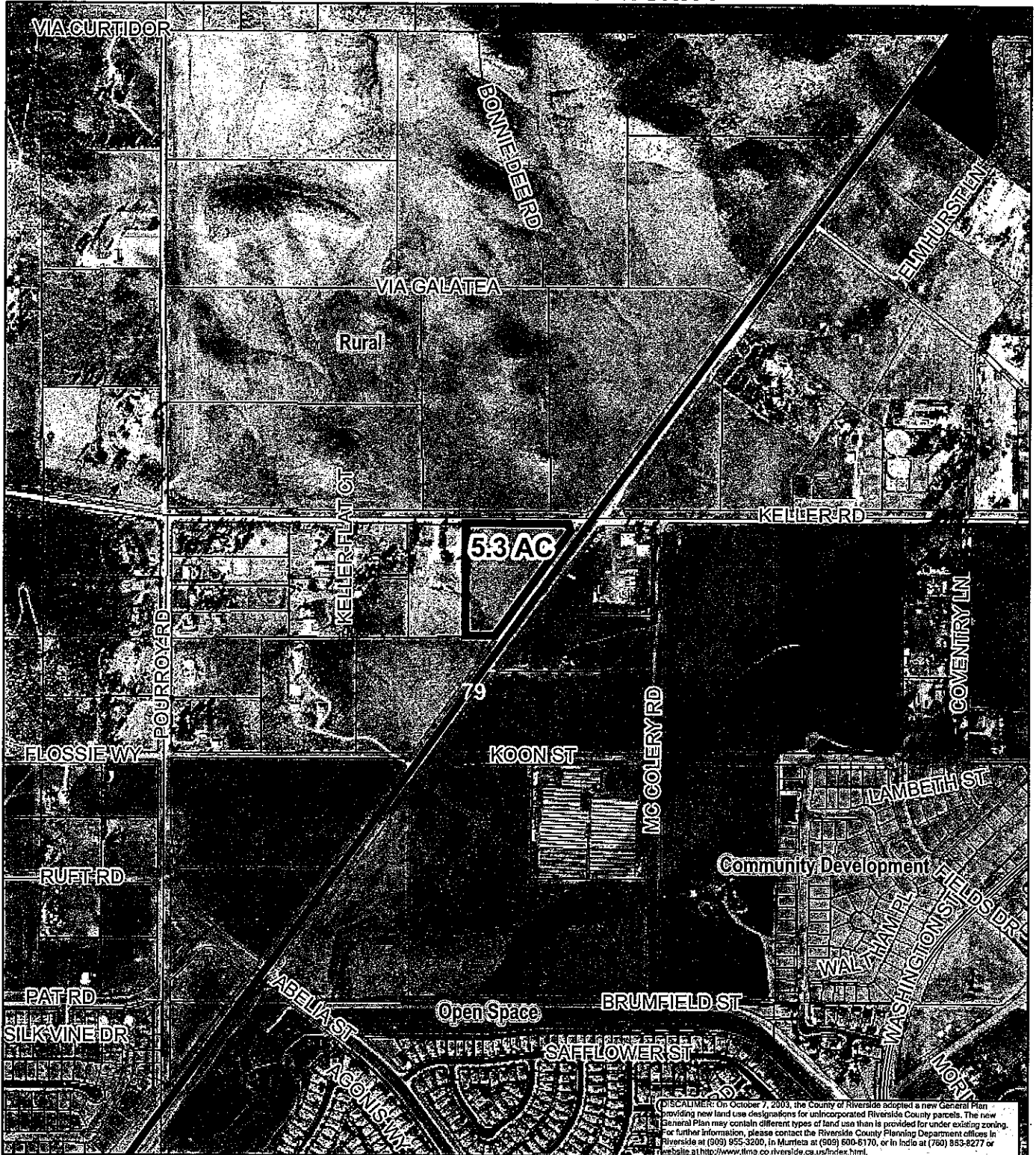


Zone
Area: Rancho California
Township/Range: T6SR2W
Section : 28

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
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RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: Rancho California
Township/Range: T6SR2W
Section: 28



Assessors
Bk. Pg. 476-01
Thomas
Bros. Pg. 899 E3

Supervisor Stone
District 3
Date Drawn: 1/30/08

GPA00903

Land Use

Planner: Amy Aldana
Date: 02/05/08
Exhibit 1



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) 955-3200, in Murietta at (909) 500-6170, or in Indio at (760) 863-6277 or website at <http://www.lfmsa.co.riverside.ca.us/index.html>.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T6SR2W
Section: 28

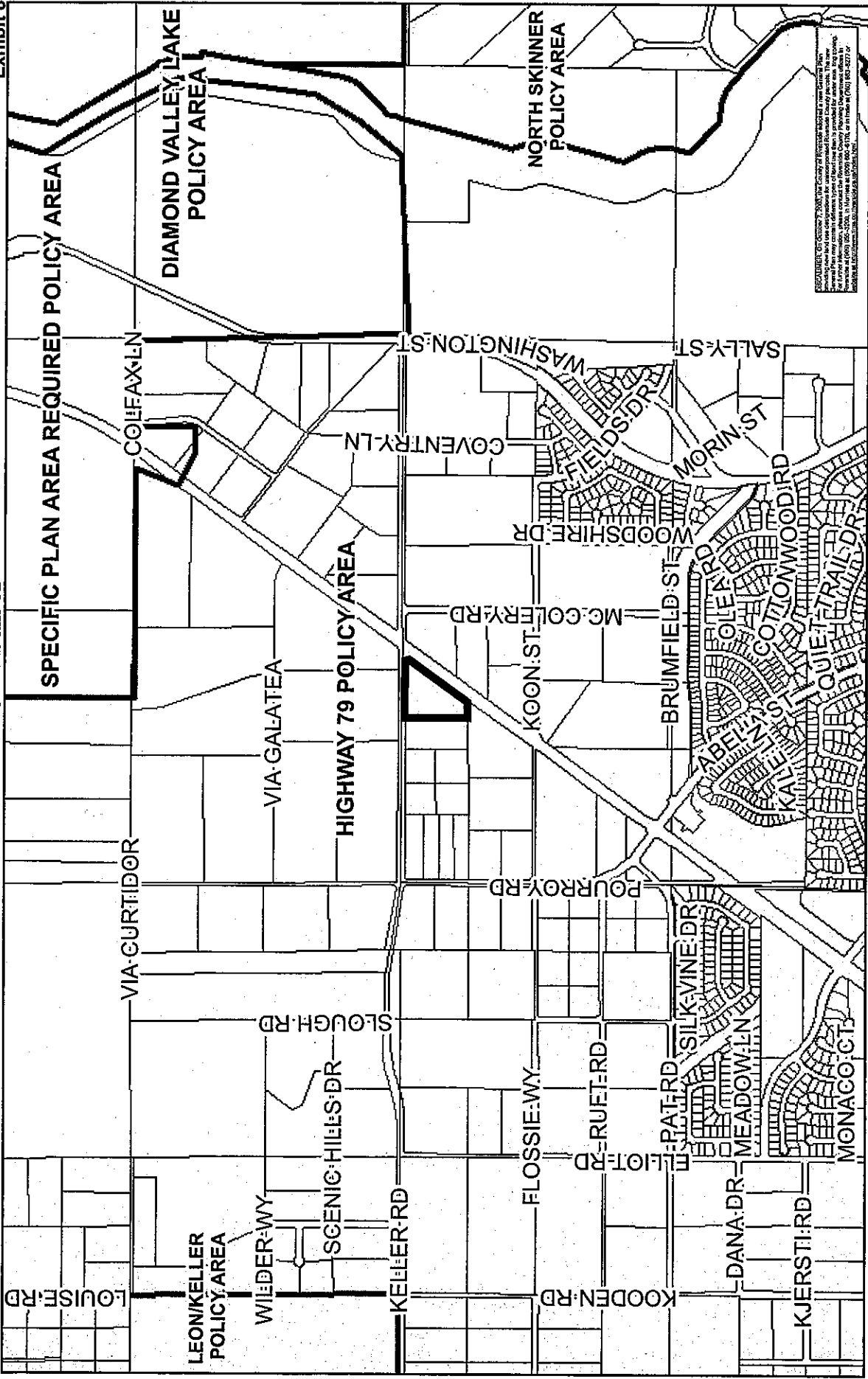


Assessors
Bk. Pg. 476-01
Thomas
Bros. Pg. 899 E3

Supervisor Stone
 District 3
 Date Drawn: 01/30/08

GPA00903
POLICY AREAS

Planner: Amy Aldana
 Date: 02/05/08
 Exhibit 8



Zone: Rancho California
 Area:
 Township/Range: T6SR2W
 Section: 28

RIVERSIDE COUNTY PLANNING DEPARTMENT



Assessors
 Bk. Pg. 476-01
 Thomas
 Bros. Pg. 899 E3

Feet

RECORDATION ACT SECTION 77: THIS MAP HAS BEEN RECORDED IN THE PUBLIC RECORDS OF RIVERSIDE COUNTY, CALIFORNIA. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A WARRANTY OF ANY KIND. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF RIVERSIDE COUNTY PLANNING DEPARTMENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

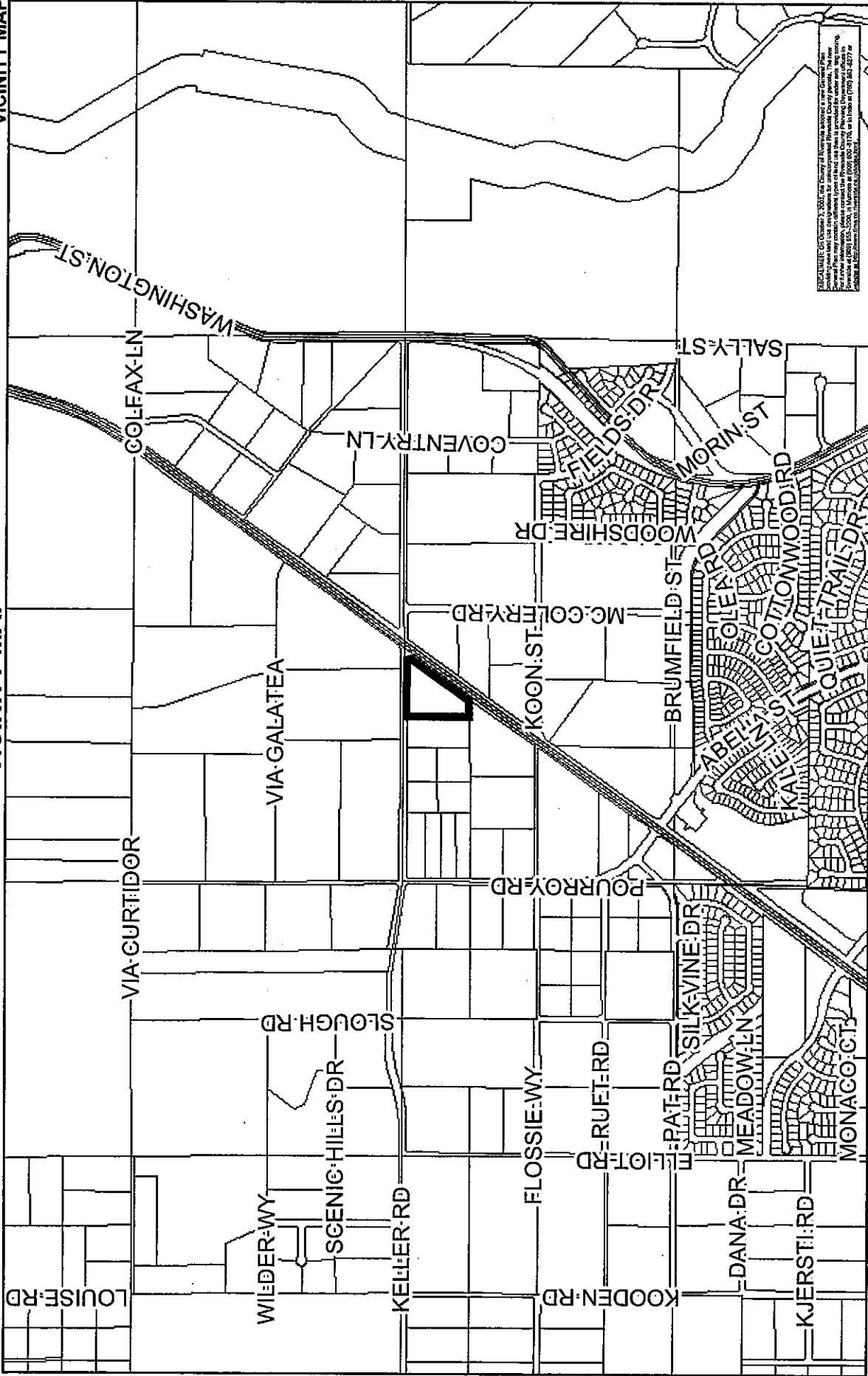
Supervisor Stone
District 3

Date Drawn: 01/30/08

GPA00903

VICINITY MAP

Planner: Amy Aldana
Date: 02/05/08
VICINITY MAP



RECALCULATE: On October 7, 2008, the County of Riverside adopted a new assessment plan. Parcel values may contain differences from what is shown on this map. The County Assessor's Office is responsible for the accuracy of the information shown on this map. For more information, please contact the Riverside County Assessor's Office at (951) 865-1000 or visit the Riverside County Assessor's Office website at www.riversidecountyassessor.com.

Zone Rancho California
Area: T6SR2W
Township/Range: T6SR2W
Section : 28

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 476-01
Thomas
Bros. Pg. 899 E3

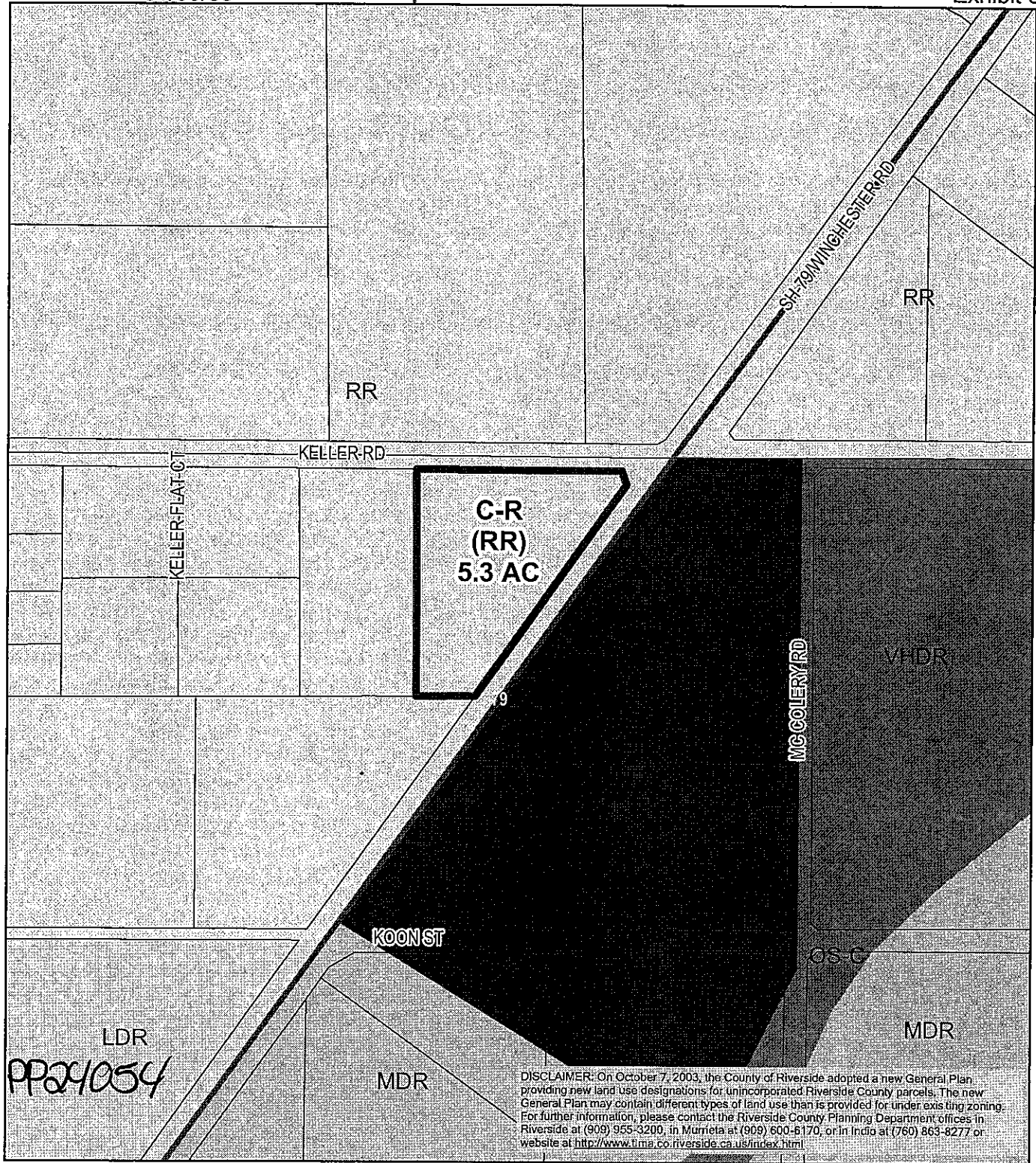


Supervisor Stone
District 3
Date Drawn: 01/30/08

GPA00903

Proposed General Plan

Planner: Amy Aldana
Date: 02/05/08
Exhibit 6



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T6SR2W
Section : 28



Assessors
Bk.Pg. 476-01
Thomas
Bros. Pg. 899 E3



APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

Thomas Brothers map, edition year, page number, and coordinates: 2008 PG. 899 (E3)

Existing Zoning Classification(s): R-R RURAL RESIDENTIAL

Existing Land Use Designation(s): RR RURAL RESIDENTIAL (5 AC. MIN.)

Proposal (describe the details of the proposed general plan amendment):

REVISE THE GENERAL PLAN FROM R-R RURAL RESIDENTIAL TO C-1/C-P ZONE/USE TO ALLOW DEVELOPMENT OF MUCH NEEDED MEDICAL OFFICES & SELF-STORAGE W/IN A COMMERCIAL-RETAIL ZONE LAND USE DESIGNATION

Related cases filed in conjunction with this request:

NONE

Has there been previous development applications (parcel maps, zone changes, plot plans, etc.) filed on the project site? Yes No

Case Nos. _____

E.A. Nos. (if known) _____

E.I.R. Nos. (if applicable): _____

Name of Company or District serving the area the project site is located (if none, write "none.")	Are facilities/services available at the project site?	
	Yes	No
Electric Company	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gas Company	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Telephone Company	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Company/District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sewer District	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Is water service available at the project site: Yes No

If "No," how far away are the nearest available water line(s)? (No. of feet/miles) 3000' APPROX.

Is sewer service available at the site? Yes No

If "No," how far away are the nearest available sewer line(s)? (No. of feet/miles) 3000' APPROX.

Is the project site located in a Recreation and Park District or County Service Area authorized to collect fees for park and recreational services? Yes No

Is the project site located within 8.5 miles of March Air Reserve Base? Yes No

October 22, 2009

VIA ELECTRONIC MAIL AND FACSIMILE

Riverside County Planning Commission
ATTN: Mike Harrod
County of Riverside
4080 Lemon St., 9th Floor
Riverside, CA 92501

**RE: Item 8.0, General Plan Amendment Initiation Proceedings
(October 28, 2009)**

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on these landowner-initiated GPA proposals.

Item 8.1, GPA 1086 (Highgrove)

Concur with staff recommendation to initiate. This amendment will utilize Community Development land more efficiently and provide for a range of housing types.

Item 8.2, GPA 1087 (Highgrove)

No position.

Item 8.3, GPA 1081 (Lake Mathews)

Disagree with staff recommendation for initiation pending MSHCP analysis. The staff report notes that the project is within MSHCP Criteria Cell 2028 but does not evaluate the effect of the change in land use upon MSHCP assembly. If such effect is neutral or positive, EHL would have no position on the amendment.

Item 8.4, GPA 1017/ A/B (Jurupa)

No position.

Item 8.5, GPA 1043 (Rancho California)

Concur with staff recommendation to deny initiation. This 629-acre property in rugged terrain is remote from infrastructure and services and is at high fire risk. Uses should not be intensified here. Furthermore, the Riverside County Fire Hazard Reduction Task Force made the following recommendation:

Update the Riverside County General Plan and complete consistency zoning actions to limit residential growth within or adjacent to high fire hazard areas.

As staff notes, the proposal would be inconsistent with the General Plan vision for the area, create internal inconsistencies in the General Plan, and reflects no changed circumstances.

Item 8.6, GPA 1038 (Lake Mathews)

Disagree with staff recommendation to initiate, including as a modified project. This is a massive proposal to redesignate 365 acres of intact Rural land to highly inefficient, greenhouse gas-intensive 2-acre estate lots. The staff-recommended modification would convert a portion of the site to such lots. Mostly surrounded by other Rural lands, such conversion would not reflect a substantial change in circumstances, and thus *does not meet* the criteria for a Foundation change. Staff's recommendation demonstrates a lack of commitment to the integrity of the Rural designations, and as in the case above, would grant a special *exception* for one applicant and set a precedent that would lead to progressive loss of Rural lands. *Furthermore, the staff report is highly deficient in failing to indicate whether MSHCP Criteria Cells are affected. Whether or not MSHCP assembly would be prejudiced by intensified uses is critical information, and such an analysis should be provided prior to consideration.*

Item 8.7, GPA 988 (Elsinore)

Concur with staff recommendation to deny initiation. This proposal responds to no changed circumstances to justify conversion of OS-R to RR. It would intensify residential uses within a remote and very high fire hazard area, contrary to the recommendation of the Fire Hazard Reduction Task Force. The current designation correctly reflects the viewshed and buffer characteristics of the area, and should not be altered. According to staff, "Increasing the intensity of uses on the site could also potentially create inconsistencies amongst the Land Use element and the Safety element of the General Plan."

Item 8.8, GPA 916 (Winchester)

Concur with staff recommendation to deny initiation. The site is outside the existing commercial core and no changed circumstances justify the proposal. As staff notes, future "Rural Commercial Policies" may apply, however.

Item 8.9, GPA 907 (Rancho California)

NO CELLS

Disagree with staff recommendation for initiation pending MSHCP analysis. The French Valley is a complex location for MSHCP assembly. The staff report does not analyze whether MSHCP assembly would be affected.

Item 8.10, GPA 903 (Rancho California)

CELL 5275

Disagree with staff recommendation for initiation pending additional analysis.
There is no MSCHP analysis. There is also no evidence that additional commercial capacity is needed here or that this is the optimal location for new commercial that reduces vehicle miles traveled and consequent GHG emission for nearby communities.

In conclusion, we ask that you uphold the integrity of the Foundation System, the General Plan, and the MSHCP.

Sincerely,

Dan Silver, MD
Executive Director

Electronic cc: Board Offices
George Johnson, TLMA
Ron Goldman, Planning Dept.

Carolyn Luna, EPD
Interested parties