

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

903B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
January 14, 2010

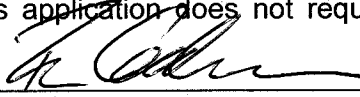
SUBJECT: GENERAL PLAN AMENDMENT NO. NO. 1015 –Foundation-Regular– Applicant: Victor Heimbach – Engineer/Representative: - Third Supervisorial District – Aguanga Zoning District – REMAP Area Plan: Rural: Rural Residential (RR) (5 Ac. min.) within the Rural Village Study Overlay Area – Location: North of Highway 79 and south of White Mountain Rd – 21.73 Gross Acres- Zoning: Rural Residential (R-R)- **REQUEST:** The General Plan Amendment proposes to amend the General Plan Foundation Component of the proposed site from “Rural” to “Rural Community” and “Community Development”; also to amend the General Plan Land Use Designation of the proposed site from “Rural Residential” (RR) (5 Ac. min.) to “Estate Density Residential” (EDR) (2 Ac. Min) and “Commercial Retail” (CR)– APN(s): 583-130-029, 583-130-030- Related Cases: n/a – Concurrent Cases: n/a

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors tentatively decline to 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 noticed public



Ron Goldman
Planning Director

RG:pn


REVIEWED BY EXECUTIVE OFFICE
DATE 2/10/10
Tina Grande
Departmental Concurrence

Policy
 Policy

Consent
 Consent

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

Prev. Agn. Ref.

District: Third

Agenda Number:

15.2

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 JANUARY 13, 2010
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

I. **AGENDA ITEM 5.1: GENERAL PLAN AMENDMENT NO. 1015** – Foundation / Regular – Applicant: Victor Heimbach – Engineer/Representative: - Third Supervisorial District - Aguanga Zoning District - REMAP Area Plan: Rural: Rural Residential (RR) (5 Acre Minimum) within the Rural Village Study Overlay Area – Location: Northeasterly of Highway 79, and southerly of White Mountain Rd. - 21.73 Gross Acres - Zoning: Rural Residential (R-R) - APN: (s): 583-130-029, 583-130-030.

II. **PROJECT DESCRIPTION**

This General Plan Amendment proposes to amend the General Plan Foundation Component of "Rural" to "Rural Community" and "Community Development"; also to amend the Land Use Designation of "Rural Residential" (RR) (5 Acre Minimum) to "Estate Density Residential" (RC-EDR) (2 Acre Minimum) and "Commercial Retail" (CR) (0.2-0.35 Floor Area Ratio).

III. **MEETING SUMMARY**

The following staff presented the subject proposal:

Project Planner, Phayvanh Nanthavongdouangsy at 951-955-6573 or e-mail pnanthav@rctlma.org.

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

IV. **CONTROVERSIAL ISSUES**

NONE

V. **PLANNING COMMISSION ACTION**

The Planning Commission, recommended to the Board of Supervisors;

TO TENTATIVELY DELINE 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@rctlma.org.

Agenda Item No.: 5.1
Area Plan: REMAP
Zoning District: Aguanga
Supervisory District: Third
Project Planner: Phayvanh Nanthavongdouangsy
Planning Commission: January 13, 2010

General Plan Amendment No. 1015
Applicant: Victor Heimbach
Engineer/Representative:

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisors tentatively decline to adopt an order initiating proceedings for General Plan Amendment No. 1015 to amend the general plan foundation component of "Rural" to "Community Development"; also to amend the Land Use Designation of "Rural Residential" (RR) to "Estate Density Residential" (EDR) and "Commercial Retail" (CR) based on the attached report. 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: Concerned about the availability of water.

Commissioner John Snell: No comment

Commissioner John Petty: After discussing the level of threshold to formalize comments to either support or oppose any General Plan Initiation Proposals, Commissioner Petty states he disagrees with recommendation due to limited information and also fairness to the property owner. Commissioner Petty supports this case to move forward to the next step of the development review process, citing the proposed land use designation of EDR is consistent with existing parcel size to the north. Also, countered staff's comments concerning green house gas emissions for the Rural Village Study Area by stating Commercial Retail opportunities at this site for local resident would limit green house gas emissions.

Commissioner Jim Porras: No comment

Commissioner Jan Zuppardo: No comment

Agenda Item No.: 5.1
Area Plan: REMAP
Zoning District: Aguanga Area
Supervisory District: Third
Project Planner: Phayvanh Nanthavongdouangsy
Planning Commission: January 13, 2010

General Plan Amendment No. 1015
(Foundation-Regular)
E.A. Number: N/A
Applicant: Victor Heimbach
Engineer/Rep.:

COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation Component of "Rural" to "Rural Community" and "Community Development"; also to amend the Land Use Designation of "Rural Residential" (RR) (5 Ac. min.) to "Estate Density Residential" (RC-EDR) (2 Ac. min.) and "Commercial Retail" (CR) (0.2-0.35 FAR). The project proposes approximately 12.80 acres for RC-EDR and 8.94 acres for CR on two contiguous parcels. The project borders State Route (SR) 79 to the north, is east of Rainbow Road, and south of White Mountain Road.

POTENTIAL ISSUES:

GPA01015 was previously presented to the Planning Commission on April 15, 2009- Agenda item 8.4, and was continued off calendar pending the inclusion of the Rural Incidental Commercial Policies into the General Plan Update Project (GPA 960). The request is to amend the General Plan Foundation Component and Land Use Designation for the subject parcels located in "Pauba Valley" community within the Riverside Extended Mountain Area Plan (REMAP) boundary. The applicant proposes to develop a gated community with 6 residential lots on the northern portion of the site with the lot size ranging from 2.00 to 2.29 gross acres. The proposed lot sizes are consistent with the parcels to the north. The applicant proposes to develop the southern portion of the site with four commercial lots with lot size ranging from 2.01 and 2.54 gross acres. The justification for which is that the growing community needs a local market and other retail options to serve the local community and tourist traffic. The site's access points are from Rainbow Road and South Hills Drive.

The proposed amendment area is within the Aguanga Rural Village Study Area (RVSA). The Aguanga RVSA, along with other RVSAs, is being examined as part of the 2008 5-year General Plan Update process by the County. An initial analysis finds the development opportunities within the Aguanga RVSA to be very limited due to various environmental factors (i.e. water availability, topography, environmental constraints, fault lines, lot sizes, transportation, etc.). Another limiting factor is the proposed project area's surrounding land use pattern. The project area is surrounded by land use designations of Rural Residential (RR) and Open Space-Rural (OS-RUR), with the exception of a 2.4 acre lot that is designated Commercial Retail (CR). There is an existing bar, restaurant and gas station operation located on the CR designated lot.

The site is located in three Multi-Species Habitat Conservation Plan (MSHCP) Criteria Cells, within a half a mile of the Aguanga Fault, and within an area flagged for moderate liquefaction and high fire. Other issues include water and sewer availability. These environmental constraints will subsequently be addressed through the Environmental Program Department's Habitat Assessment and Negotiation Strategy (HANS) process and an extensive environmental analysis by county staff.

ALTERNATIVE FOR CONSIDERATION:

In recognition of the importance of providing small local serving commercial opportunities to rural areas of the County, Staff has proposed, as part of the general plan update, additional policies in the Rural and Rural Community Foundation Components to allow for commercial uses in accordance with the development standards of the Rural Commercial Zone (Ord. 348, CR-Zone). Upon its adoption, the Rural Incidental Commercial Policies may allow the applicant to proceed with the request to develop commercial uses that would fit the character of the Community.

RECOMMENDATION:

Comment that adoption of an order initiating proceedings for General Plan Amendment No. 1015 to amend the General Plan Foundation Component of "Rural" to "Community Development"; also to amend the Land Use Designation of "Rural Residential" (RR) to "Estate Density Residential" (RC-EDR) and "Commercial Retail" (CR) **would not be appropriate at this time.**

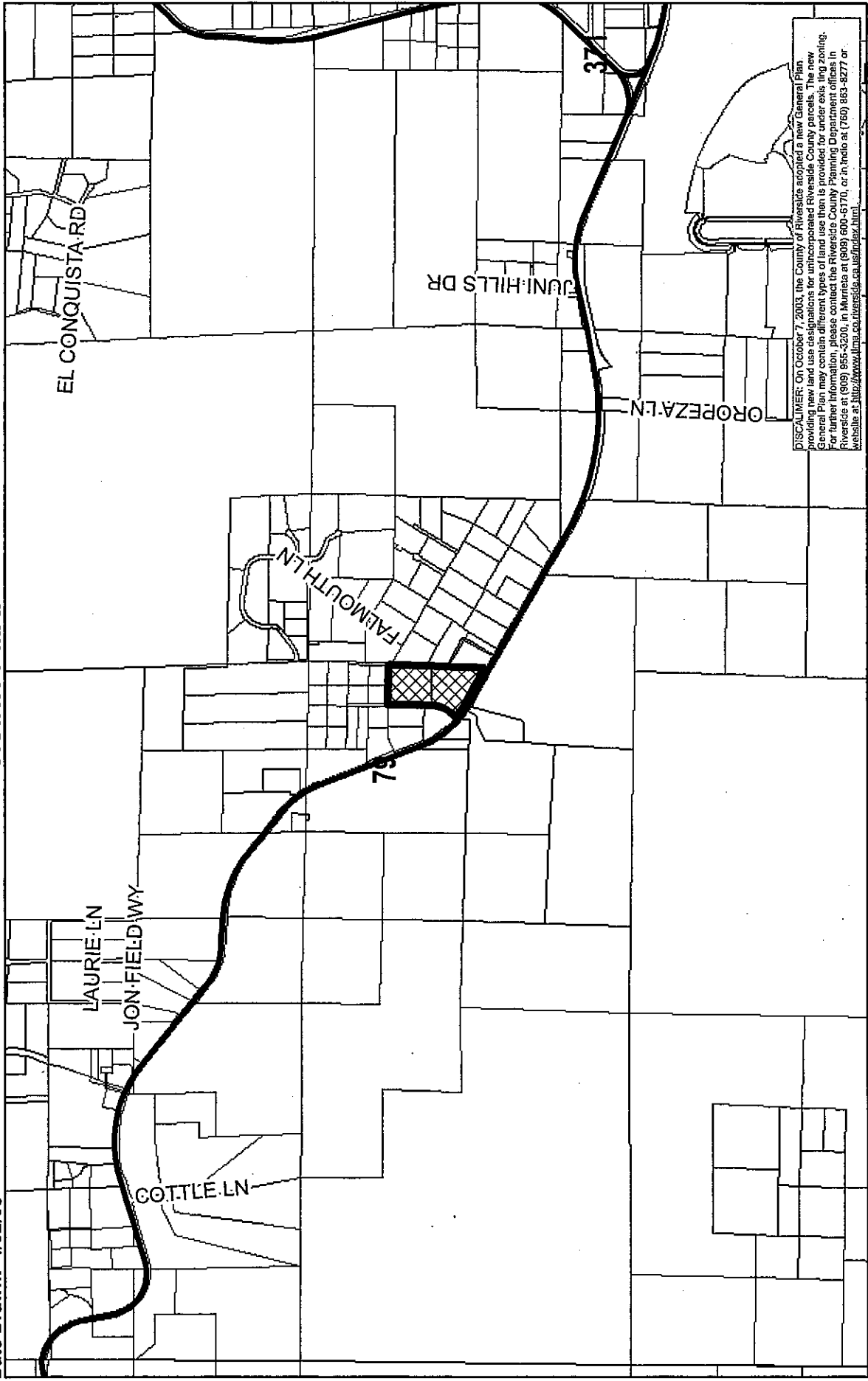
The project site is currently designated as Assessor's Parcel Number 583-130-029 and 583-130-030.

Supervisor Stone
District 3

Date Drawn: 4/02/08

Gr-A01015 VICINITY MAP

Planner: P. Nanthavongdouangsy
VICINITY MAP



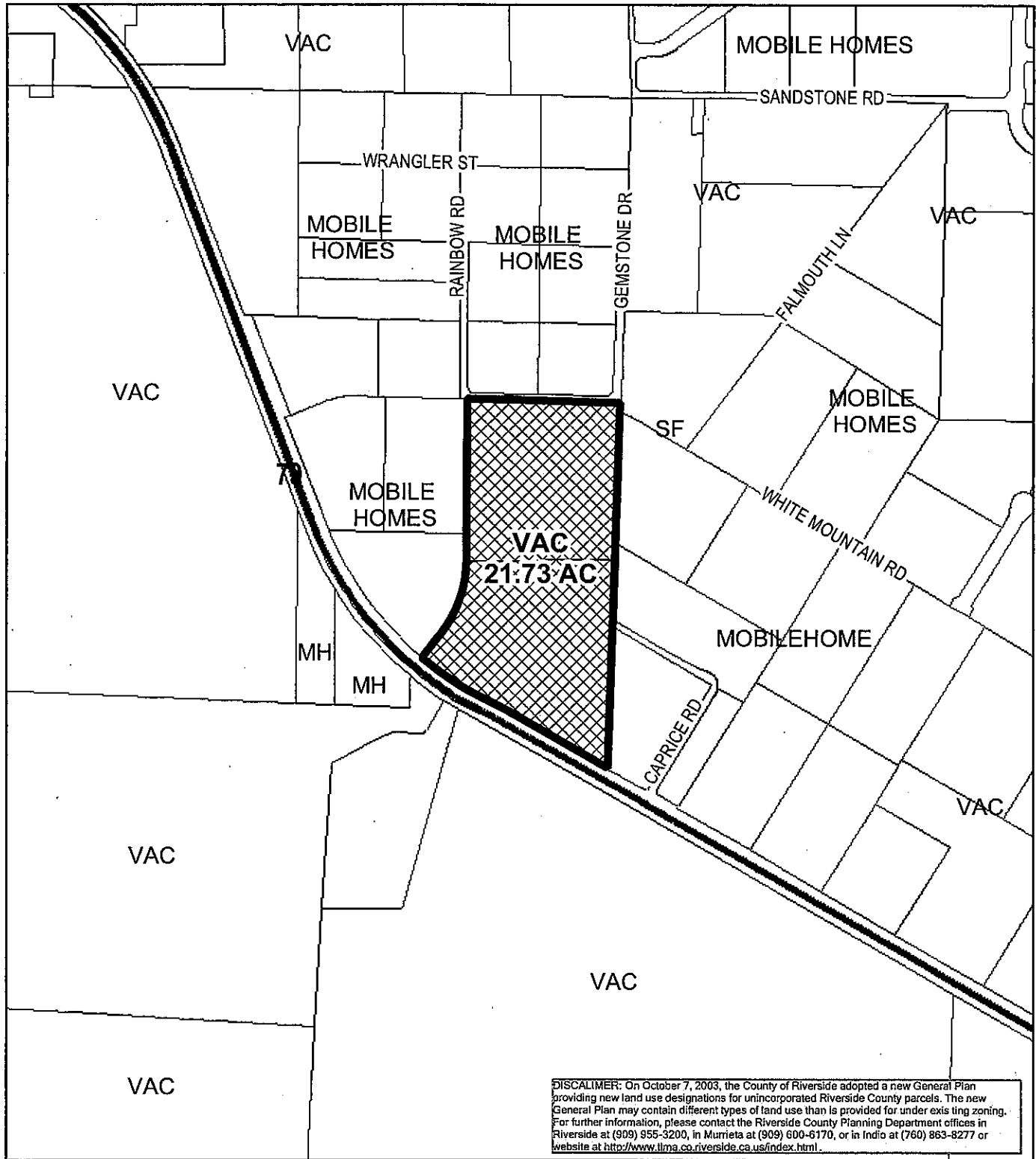
DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 955-3200, in Murietta at (909) 600-6170, or in Indio at (760) 963-8277 or website at: <http://www.lmap.co.riverside.ca.us/index.html>

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

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 538-13
Thomas
Bros. Pg. 982 B6

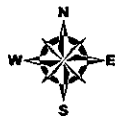




DISCALIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (909) 955-3200, in Murrieta at (909) 600-6170, or in Indio at (760) 863-8277 or website at <http://www.lima.co.riverside.ca.us/index.html>.

RIVERSIDE COUNTY PLANNING DEPARTMENT

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



Assessors
Bk. Pg. **583-13**
Thomas
Bros. Pg. **982 B6**



DEVELOPMENT OPPORTUNITY



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: Aguanga
Township/Range: T8SR1E
Section: 29



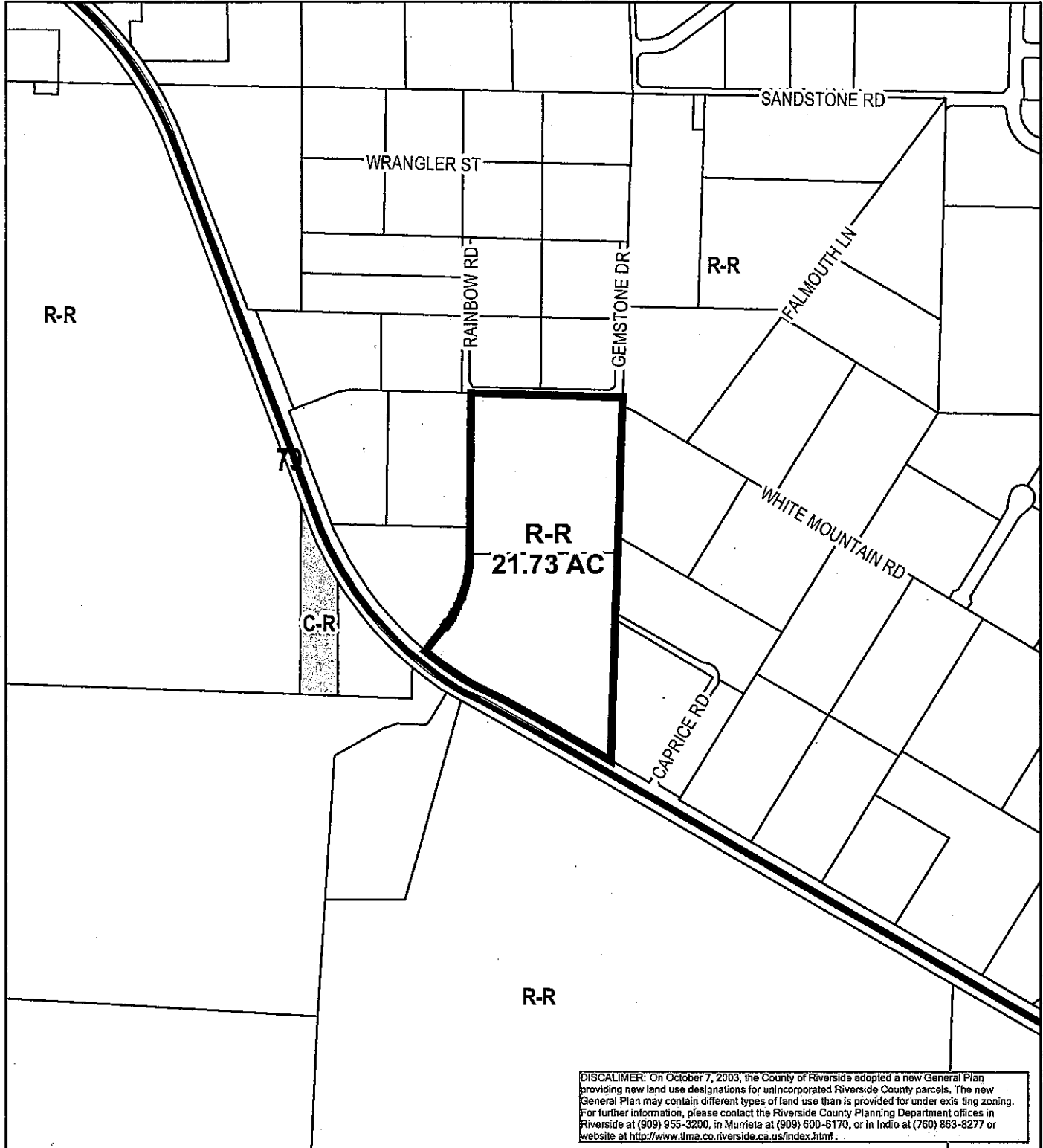
Assessors
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Supervisor Stone
District 3
Date Drawn: 4/2/08

GPA01015

EXISTING ZONING

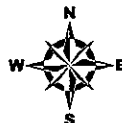
Planner: P. Nanthavongdouangsy
Exhibit 2



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

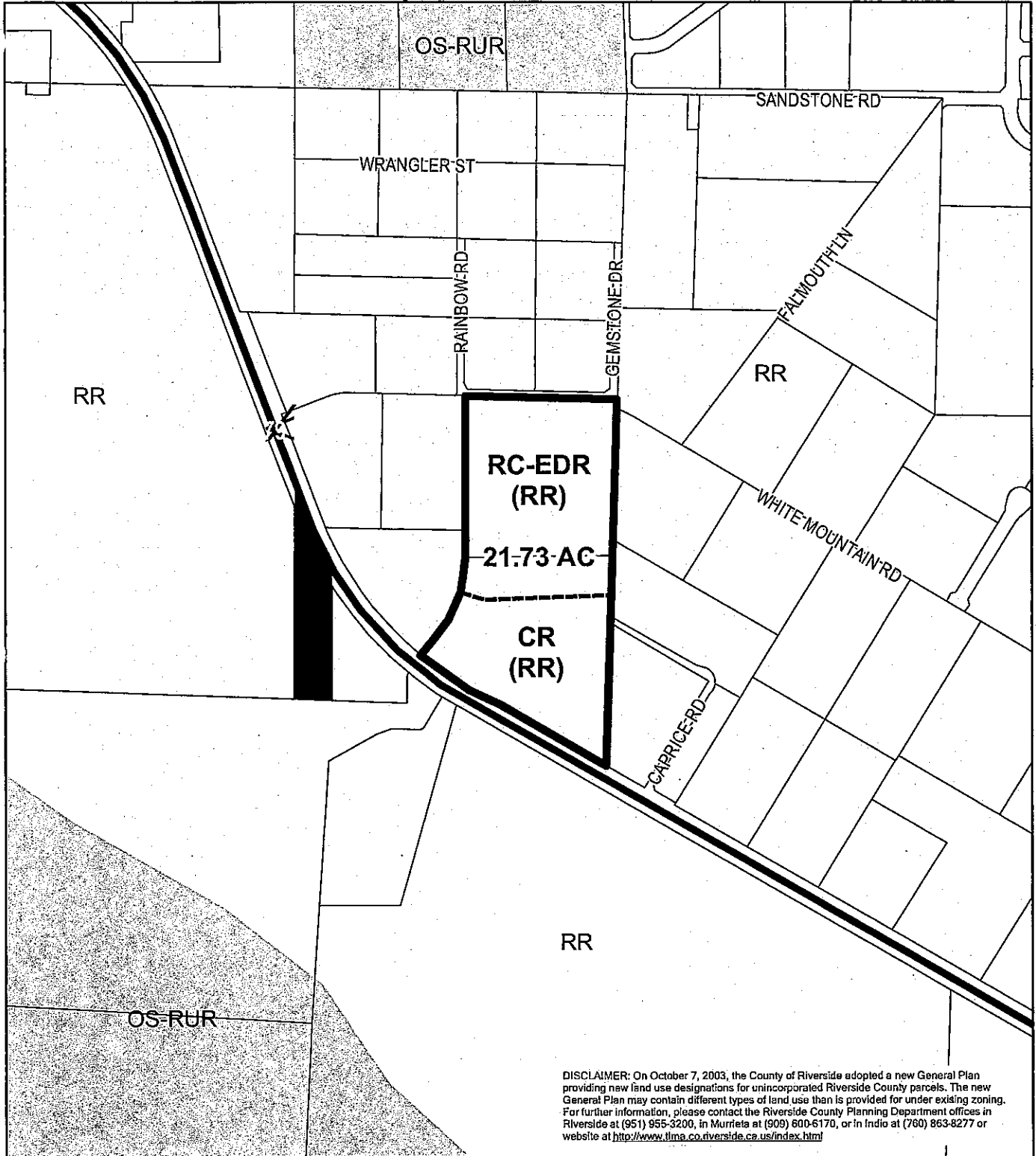
RIVERSIDE COUNTY PLANNING DEPARTMENT



Assessors
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GPA01015

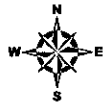
Proposed General Plan



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RIVERSIDE COUNTY PLANNING DEPARTMENT

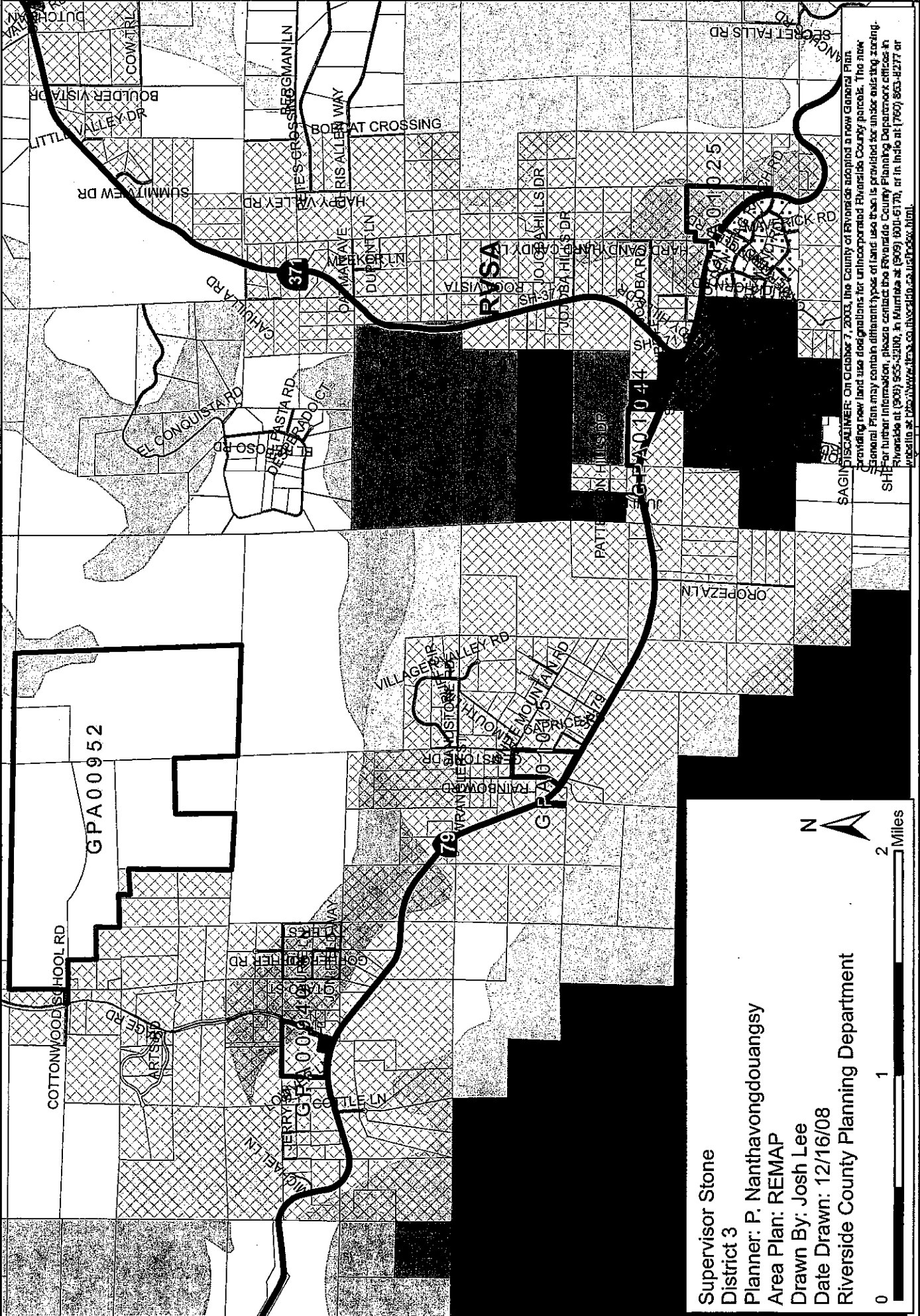
Area
Plan: Aguanga
Township/Range: T8SR1E
Section: 29



Assessors
Bk. Pg. 583-13
Thomas
Bros. Pg. 982 B6

APPLIED GENERAL PLAN AMENDMENTS:

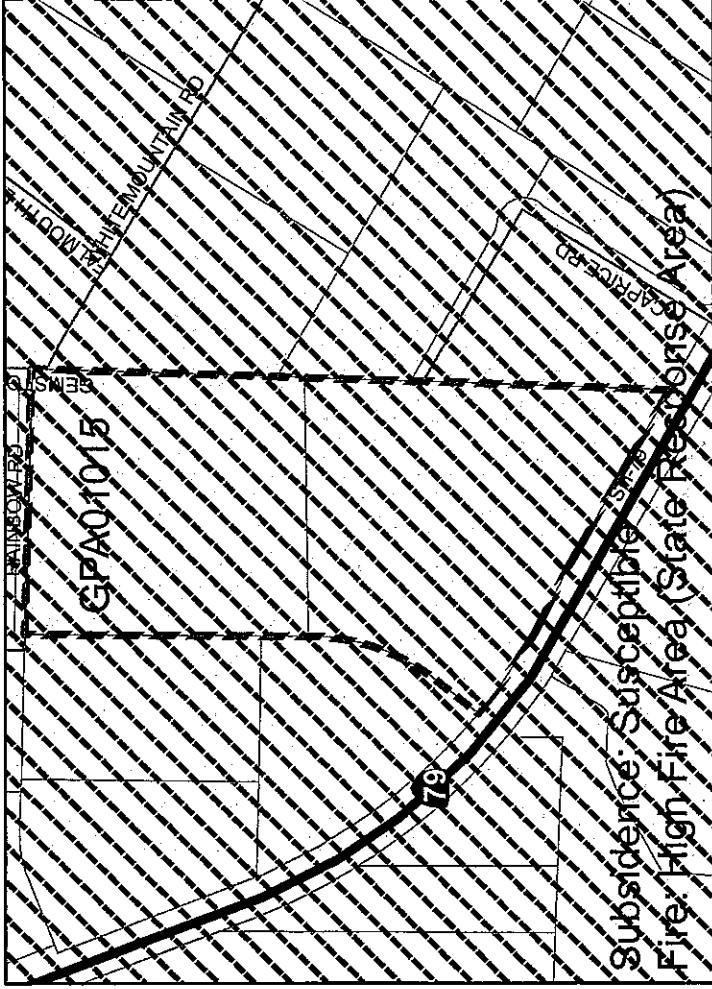
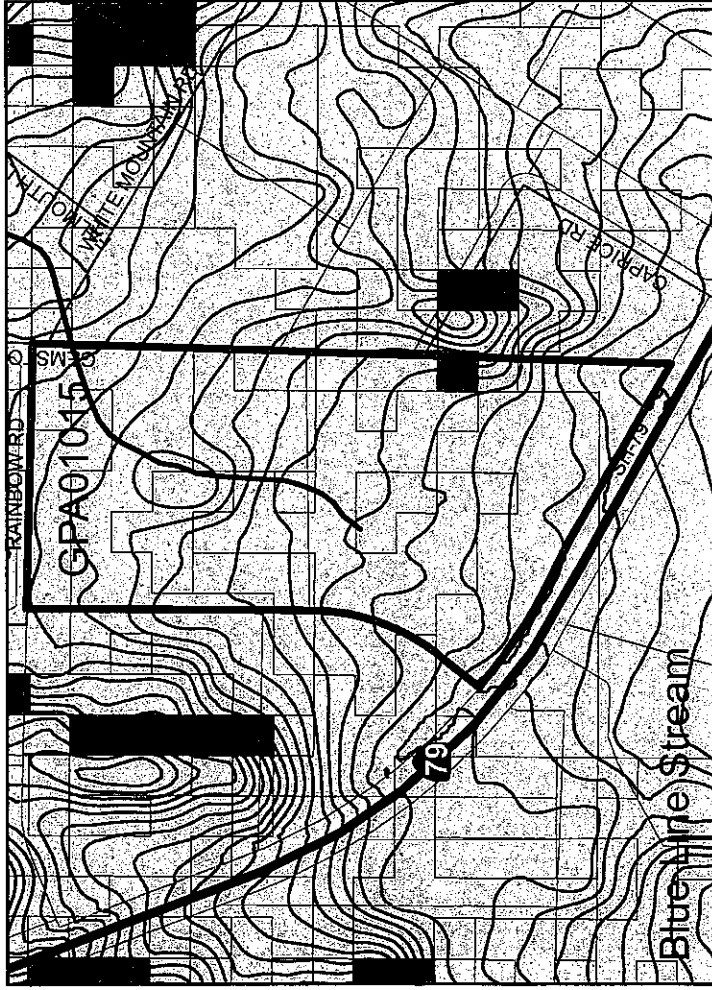
Aguanga Rural Village Study Area



Supervisor Stone
 District 3
 Planner: P. Nanthavongdouangsy
 Area Plan: REMAP
 Drawn By: Josh Lee
 Date Drawn: 12/16/08
 Riverside County Planning Department

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 differently use 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) 955-3200, in Murrieta at (951) 600-6170, or in Indio at (760) 363-8277 or visit us at <http://www.riverside.ca.gov/planning.htm>.

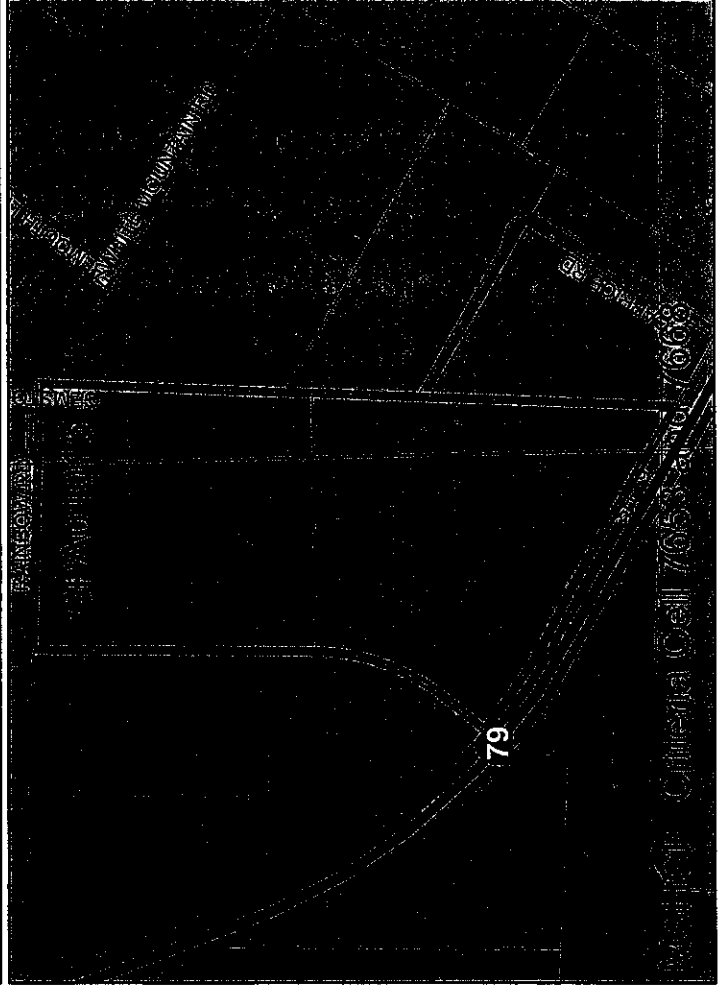
GPA01015: Potential Issues



Supervisor: Stone (District 3)
 Acreage: 21.73 AC
 Planner: P. Nanthavongdouangsy
 Area Plan: REMAP
 Drawn By: Josh Lee
 Date Drawn: 12/16/08
 Riverside County Planning Department



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APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

JUSTIFICATION FOR AMENDMENT (Please be specific. Attach more pages if needed.)

- THE REQUEST TO AMEND FROM (RR) TO (CR) IS AS FOLLOWS:
 - WE ARE STAYING CONSISTANT WITH ANOTHER SITE ZONED (CR) TO THE WEST OF THIS SITE (APN# 583.130.008). THIS SITE HAS LIMITED RESOURCES, WHICH INCLUDE, BAR/REST, & GAS STATION. THERE IS A NEED, WITH THE GROWING COMMUNITY, FOR A LOCAL MARKET, AND OTHER RETAIL OPTIONS TO SERVICE THE LOCAL COMMUNITY, ALSO, FOR THE TOURIST TRAFFIC.
 - THE ENTRANCE TO THE PROPOSED COMM. SITE WILL BE OFF RAINBOW RD, FROM THE WEST, INTO THE PROPOSED "B" STREET (SEE ATTACHED DRAWING), THEN SOUTH TO A CUL-DE-SAC, THAT WILL ACCESS (4) PROPOSED COMM. LOTS.
 - THE PROPOSED CHANGE FROM (RR) TO (RDR) 2 AC. MIN, IS CONSISTANT WITH THE PROPERTIES NORTH OF THE SITE. THE RESIDENTIAL PORTION OF THE SITE WILL BE A GATED COMM. THE PRIMARY ACCESS WILL BE FROM THE NORTH ON SOUTH HILLS DR., TO THE PROPOSED "A" STREET (AGAIN, SEE ATTACHED DRAWING) TO (6) PROPOSED RESIDENTIAL LOTS.
 - THIS WILL SEPERATE THE TRAFFIC BETWEEN BOTH RESIDENTIAL & COMMERCIAL LOTS, CREATING A BUFFER BETWEEN BOTH.
- THERE IS GOOD ACCESS OFF OF HWY 79 SOUTH TO THIS SITE

III. AMENDMENTS TO POLICIES: 2V.05A

(Note: A conference with Planning Department staff is required before application can be filed. Additional information may be required.)

A. LOCATION IN TEXT OF THE GENERAL PLAN WHERE AMENDMENT WOULD OCCUR:

Element: _____ Area Plan: REMAP

B. EXISTING POLICY (If none, write "none." (Attach more pages if needed): _____

REMAP 2,1 RURAL RESIDENTIAL

C. PROPOSED POLICY (Attach more pages if needed): _____

COMMUNITY DEVELOPMENT

January 5, 2010

VIA ELECTRONIC MAIL AND FACSIMILE

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

**RE: Items 5.0 and 7.0, General Plan Amendment Initiation Proceedings
(January 13, 2010)**

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on these landowner-initiated GPA proposals. We urge the Commission to uphold the integrity of the current General Plan and to respect the MSHCP.

Item 5.1, GPA 1015 (Aguanga)

Concur with staff recommendation to deny initiation. The need for additional commercial uses is being addressed through new Rural Incidental Commercial Policies (via GPA 960) that will provide such services to residents and travelers. Generally, this region is unsuited for non-rural development, such as the proposed Estate Density Residential, due to infrastructure and service deficiency, lack of water, fire hazard, MSHCP Criteria Cells, etc. No new circumstances justify the proposed foundation change, and overall planning issues should be deferred to the Rural Village Overlay process ongoing within County-initiated GPA 960.

Item 5.2, GPA 926 (French Valley)

Disagree with staff recommendation to initiate. This 101-acre site is part of a currently intact Rural landscape and additionally forms a distinct edge to an encroaching Community Development designation to the east. This entire area serves as a "Community Separator" for the City of Menifee to the west. According to staff, "Additional Foundation Component General Plan Amendments surround the subject site but have not been presented before the Planning Commission or the Board of Supervisors as of yet." Thus, in a "domino effect," initiation of GPA 926 would induce successive neighboring Foundation changes from Rural to Community Development *despite the complete absence of an absorption study showing that any additional urban land is actually needed.* Staff's recommendation indicates a substantial failure of the Landowner-initiated GPA process to stabilize land uses and direct urban growth to municipalities and an orderly process of annexation. Rather, initiation of this proposal would show that piecemeal, applicant-driven GPAs continue to determine land use in the

unincorporated area. We acknowledge the preliminary analysis of MSHCP Criteria Cells, but internal density transfer at the current density would probably accomplish MSHCP goals better than the proposed GPA.

Item 5.3, GPA 943 (Winchester)

Concur with staff recommendation to deny initiation. Without any changed circumstance, the proposal would violate an established boundary of Community Development and Rural Community.

Item 5.4, GPA 974 (French Valley)

Concur with staff recommendation to deny initiation. The proposal would breach a Rural "Community Separator" for the City of Menifee and contribute to a larger group of unnecessary proposed urban conversions.

Item 5.5, GPA 988 (Elsinore)

Concur with staff recommendation to deny initiation. This proposal responds to no changed circumstances. It would intensify residential uses within a very high fire hazard area, contrary to the recommendation of the Fire Hazard Reduction Task Force. The existing designation properly reflects the remoteness, steep terrain, 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 5.6, GPA 998 (French Valley)

Disagree with staff recommendation to initiate. This 160-acre site and its surrounding area serve as a "Community Separator" for the City of Menifee to the west. According to staff, "Additional Foundation Component General Plan Amendments surround the subject site but have not been presented before the Planning Commission or the Board of Supervisors as of yet." Thus, in a "domino effect," initiation of GPA 998 would induce successive neighboring Foundation changes from Rural to Community Development *despite the complete absence of an absorption study showing that any additional urban land is actually needed.* Staff's recommendation indicates a substantial failure of the Landowner-initiated GPA process to stabilize land uses and direct urban growth to municipalities and an orderly process of annexation. Rather, initiation of this proposal would show that piecemeal, applicant-driven GPAs continue to determine land use in the unincorporated area. We acknowledge the preliminary analysis of MSHCP Criteria Cells, but internal density transfer at the current density would probably accomplish MSHCP goals better than the proposed GPA.

Item 7.1, GPA 1000 (Sage)

Disagree with staff recommendation to initiate. The previous GPA 1000 proposal was for a conversion to Specific Plan/Community development. The new proposal for an Agricultural designation is consistent with a current County-initiated

proposal to extent the Citrus Vineyard Policy Area. Therefore, this important, 379-acre site should be planned through that more comprehensive and thoughtful process. Furthermore, given the original proposal for intensive development, we are concerned that the applicant may now be seeking an Agricultural designation in order to capitalize upon the permissive GPA procedures open to properties within the Agriculture Foundation. Deferral to the Citrus Vineyard Policy Area process is recommended.

Item 7.2, GPA 1001 (Winchester)

Concur with staff recommendation to deny initiation. Without any changed circumstance, the proposal would violate an established boundary of Community Development and Rural Community.

Item 7.3, GPA 1043 (SWAP)

Concur with staff recommendation to deny initiation. This 629-acre property in steep, rugged terrain is remote from infrastructure and services and is at high fire risk. Uses should *not* be intensified here, and there are no changed circumstances. Denial of initiation is consistent with the following important Riverside County Fire Hazard Reduction Task Force 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 concludes, 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.

Thank you for considering our views, and we look forward to working with you as the Five-Year Update proceeds.

Sincerely,

Dan Silver, MD
Executive Director

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

Carolyn Luna, EPD
Interested parties