

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

421B



SUBMITTAL DATE:
March 23, 2010

FROM: TLMA - Planning Department

SUBJECT:

GENERAL PLAN AMENDMENT NO. 958 – Foundation-Regular – Applicant: Raymond James – Engineer/Representative: N/A - Fifth Supervisorial District - Good Hope Zoning Area - Mead Valley Area Plan: Rural: Rural Residential (RUR-RR) (5 acre minimum lot size) – Location: Northerly of Ethanac Road, easterly of Highway 74, southerly of Margarth Street, and westerly of Phillips Street - 5 Gross Acres - Zoning: Rural Residential (R-R) - **REQUEST:** This General Plan Amendment proposes to amend General Plan Foundation Component of the subject site from Rural: Rural Residential (RUR-RR) (5 acre minimum lot size) to Community Development: Very Low Density Residential (CD:VLDR) (1 acre minimum lot size) - APN: 345-100-013

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

Ron Goldman
Planning Director

Initials:
th [initials]

Continued on attached page

REVIEWED BY EXECUTIVE OFFICE

DATE

Tina Grande

Departmental Concurrence

Policy

Policy

Consent

Consent

Dept't Recomm.:

Per Exec. Ofc.:

Prev. Agn. Ref.

District: Fifth

Agenda Number:

The Honorable Board of Supervisors
RE: General Plan Amendment No. 958
March 23, 2010
Page 2 of 2

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 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 FEBRUARY 3, 2010
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

I. AGENDA ITEM 6.1: GENERAL PLAN AMENDMENT NO. 958 - Foundation / Regular - Applicant: Raymond James - Engineer/Representative: N/A - Fifth Supervisorial District - Good Hope Zoning Area - Mead Valley Area Plan: Rural: Rural Residential (RUR-RR) (5 acre minimum lot size) - Location: Northerly of Ethanac Road, easterly of Highway 74, southerly of Margarth Street, and westerly of Phillips Street - 5 Gross Acres - Zoning: Rural Residential (R-R)

II. PROJECT DESCRIPTION

This General Plan Amendment proposes to amend General Plan Foundation Component of the subject site from Rural: Rural Residential (RUR-RR) (5 acre minimum lot size) to Community Development: Very Low Density Residential (CD:VLDR) (1 acre minimum lot size).

III. MEETING SUMMARY

The following staff presented the subject proposal:

Project Planner: Mike Harrod, Ph: (951) 955-1881 or E-mail mharrod@rctlma.org

The following spoke in favor of the subject proposal:

Ray James, Applicant, 25710 Taylor Rd., Perris, CA 92570

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, 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@rctlma.org.

Agenda Item No.: 6.1
Area Plan: Mead Valley
Zoning District: Good Hope Area
Supervisorial District: Fifth
Project Planner: Mike Harrod
Planning Commission: February 3, 2010

General Plan Amendment No. 958
Applicant: Raymond James
Engineer/Representative: N/A

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommended that the Board of Supervisors adopt an order initiating proceedings for General Plan Amendment No. 958 and the Planning Commission made the comments below. The Planning Director continues to recommend that the Board of Supervisors adopt an order initiating proceedings for General Plan Amendment No. 958 from Rural Residential to Very Low Density Residential. For additional information regarding this case; see the attached Planning Department Staff Report(s) and additional information provided below.

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 agreed with staff's recommendation to adopt an order initiating proceedings for the case from Rural: Rural Residential to Rural Community: Very Low Density Residential as long as the site had legitimate access. Mike Harrod with the Planning Department indicated that access is taken from Theda Street/Taylor Road to the west of the site and also from My Way Street directly adjacent to the north of the site. Mr. Harrod also added that My Way Street connects to Taylor Road which ultimately connects to State Highway 74. The applicant further added that Taylor Road is a dirt based road that is maintained by the County and that My Way Street is a dirt based road that has been accepted by the County, but is not maintained by the County at this time. The applicant also added that a culvert was placed under a portion of Taylor Road in order to address any water that comes from Highway 74 during heavy rains.

Commissioner John Snell: No Comments

Commissioner John Petty: No Comments

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: Commissioner Zuppardo agreed with staff's recommendation to adopt an order initiating proceedings for the case from Rural: Rural Residential to Rural Community: Very Low Density Residential.

FURTHER PLANNING CONSIDERATIONS:

In March 2006, the applicant submitted a parcel map to divide the subject site into 3 single-family residential lots with a one acre minimum lot size (Parcel Map No. 32933). Prior to this, in April 1998, the applicant divided an existing 5 acre parcel, located directly north of the subject site, into 4 single-family residential lots, each approximately 1 acre in size (Parcel Map No. 28517).

In October 2003, however, the County updated its General Plan, changing the land use designation on the subject site and other properties in the area to Rural Residential with a 5 acre minimum lot size. This change made applicant's proposed subdivision inconsistent with the General Plan. The applicant has indicated that he was not aware of this change, and based on the successful subdivision of his property to the north, Parcel Map No. 28517, he thought this second subdivision would be allowed.

County staff accepted the application for Parcel Map No. 32933 (subject site) in March 2006 and began processing it. In June of 2006, when staff recognized the general plan inconsistency, Parcel Map No. 32933 was denied based on general plan inconsistency. This was approximately 3 months after the application was initially submitted. According to the applicant, a street improvement plan went through two plan checks before work ceased on it. At that time, the applicant was told that in order to pursue his objective of subdividing his land, he must apply for a Foundation Amendment to the General Plan in 2008. In 2008, the applicant submitted his request for a Foundation Amendment, the one now being considered by the Board of Supervisors.

Parcel Map No. 28517 added additional infrastructure to the area: an 8" water line with 11 stubs, two fire hydrants, natural gas stubs, power poles, phone lines, and completed street improvement plans for My Way Street. It also added four, one acre lots to the four already in the area along Pearls Path.

Given these recent improvements, the neighboring residential uses on 1 acre lots, similar to those being proposed, and the ability of the County to condition projects to meet fire safety requirements, the proposed amendment would not conflict with the existing land use pattern/vision for the area or create an inconsistency among the elements of the general plan.

Regarding further subdivision of the subject site, according to the applicant's written statement, he purchased the subject site in 1965 (APN 345-100-013), and then in 1966, he purchased the parcel to the north (APN 345-100-012) which he then divided under Parcel Map No. 28517. Since the applicant owned these two, contiguous parcels in 1998, when he divided the northern parcel under Parcel Map No. 28517, any subdivision of the subject site will require a tract map, as this would be considered to be a case of "successive subdivisions" (*Bright v. Board of Supervisors*, 66 Cal. App. 3d 191(1977)).

Agenda Item No.: 6.1
Area Plan: Mead Valley
Zoning District: Good Hope
Supervisory District: Fifth
Project Planner: Mike Harrod
Planning Commission: February 3, 2010

General Plan Amendment No. 958
Applicant: Raymond James
Engineer/Representative: N/A

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation Component from "Rural" (RUR) to "Rural Community" (RC) and the General Plan Land Use designation from "Rural Residential" (RUR: RR) (5 acre minimum lot size) to "Very Low Density Residential" (RC: VLDR) (1 acre minimum lot size) for an approximately 5 acre site. The project is located northerly of Ethanac Road, southerly of My Way Street, westerly of Phillips Street, and easterly of Highway 74.

POTENTIAL ISSUES OF CONCERN:

The subject site is located within the Good Hope community. The General Plan defines the Good Hope community as a "rural and equestrian" oriented community, the character of the community is re-enforced by the land use designations found in the area surrounding the subject site. There are at least 8 lots in the immediate vicinity approximately 1 acre in size. The proposed amendment would allow similar sized lots. The zoning in the area, Rural Residential, is consistent with these existing 1 acre lot sizes. In 2003, these smaller lots and the surrounding area were designated Rural Residential increasing the lot size to 5 acres. The site also lies within the City of Perris Sphere of Influence. Currently, the City of Perris does not identify a future land use or zoning for the subject property.

The subject site is located within a State of California fire responsibility area. Planning staff has met with the Fire Department and it indicated that development under the proposed general plan designation can be conditioned to meet fire safety requirements.

In April 1998, the applicant divided an existing 5 acre parcel, located directly north of the subject site, into 4 single-family residential lots, each approximately 1 acre in size (Parcel Map No. 28517). In March 2006, the applicant submitted an application to divide the subject site into 3 single-family residential lots (Parcel Map No. 32933). Prior to submitting this application, the applicant began working on improvement plans in anticipation of developing the subject site. In October 2003, however, the County updated its General Plan, changing the land use designation on the site to Rural Residential with a 5 acre minimum lot size, making the proposed subdivision inconsistent with the general plan. The applicant has indicated that he was not aware of any change. County staff accepted the application in March 2006 and began processing it.

In June of 2006, when staff recognized the inconsistency, Parcel Map No. 32933 was denied. This was approximately 3 months after the application was initially submitted. According to the applicant, a street improvement plan went through two plan checks before work ceased on it. At that time, the applicant was told that in order to pursue his objective of subdividing his land, he must apply for a Foundation Amendment to the General Plan in 2008. In 2008, the applicant submitted his request for a Foundation Amendment on which the Planning Commission is now commenting.

According to the applicant's written statement, he purchased the subject site in 1965 (APN 345-100-013), and then in 1966, he purchased the parcel to the north (APN 345-100-012) which he then divided under Parcel Map No. 28517. Since the applicant owned these two, contiguous parcels in 1998, when he divided the northern parcel under Parcel Map No. 28517, any subdivision of the subject site will require a tract map, as this would be considered to be a case of "successive subdivisions" (*Bright v. Board of Supervisors, 66 Cal. App. 3d 191(1977)*).

General Plan Amendment No. 949 (GPA 949) lies to the southwest of the subject site. It proposes to amend approximately 51 acres of land designated as Rural: Rural Residential and Rural Community: Very Low Density Residential to Community Development: Commercial Retail within the "Highway 74" policy area and the "Rural Village Land Use" overlay. The Board of Supervisors adopted an order to initiate proceedings for GPA 949 on May 19, 2009 based on the site's proximity to Highway 74 and its location within the above mentioned policy area and overlay.

General Plan Amendment No. 959 (GPA 959) is located immediately east of the subject site and is owned by the applicant's son. It proposes to amend the land use designation of the site from Rural: Rural Residential to Rural Community: Very Low Density Residential. GPA 959 went before the Planning Commission on February 4, 2009 where the Commission commented that initiating GPA 959 would not be appropriate.

The applicant's previous subdivision has created new conditions by adding additional infrastructure: an 8" water line with 11 stubs, two fire hydrants along My Way Street, and improvements to My Way Street. Natural gas is also available at the subject site.

Given these recent improvements, the neighboring residential uses on 1 acre lots, similar to those being proposed, and the ability of the County to condition projects to meet fire safety requirements, the proposed amendment would not conflict with the existing land use pattern/vision for the area or create an inconsistency among the elements of the general plan.

RECOMMENDATIONS:

The Planning Director recommends adoption of an order initiating proceedings for General Plan Amendment No. 958 from Rural: Rural Residential to Rural Community: Very Low Density Residential. 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:

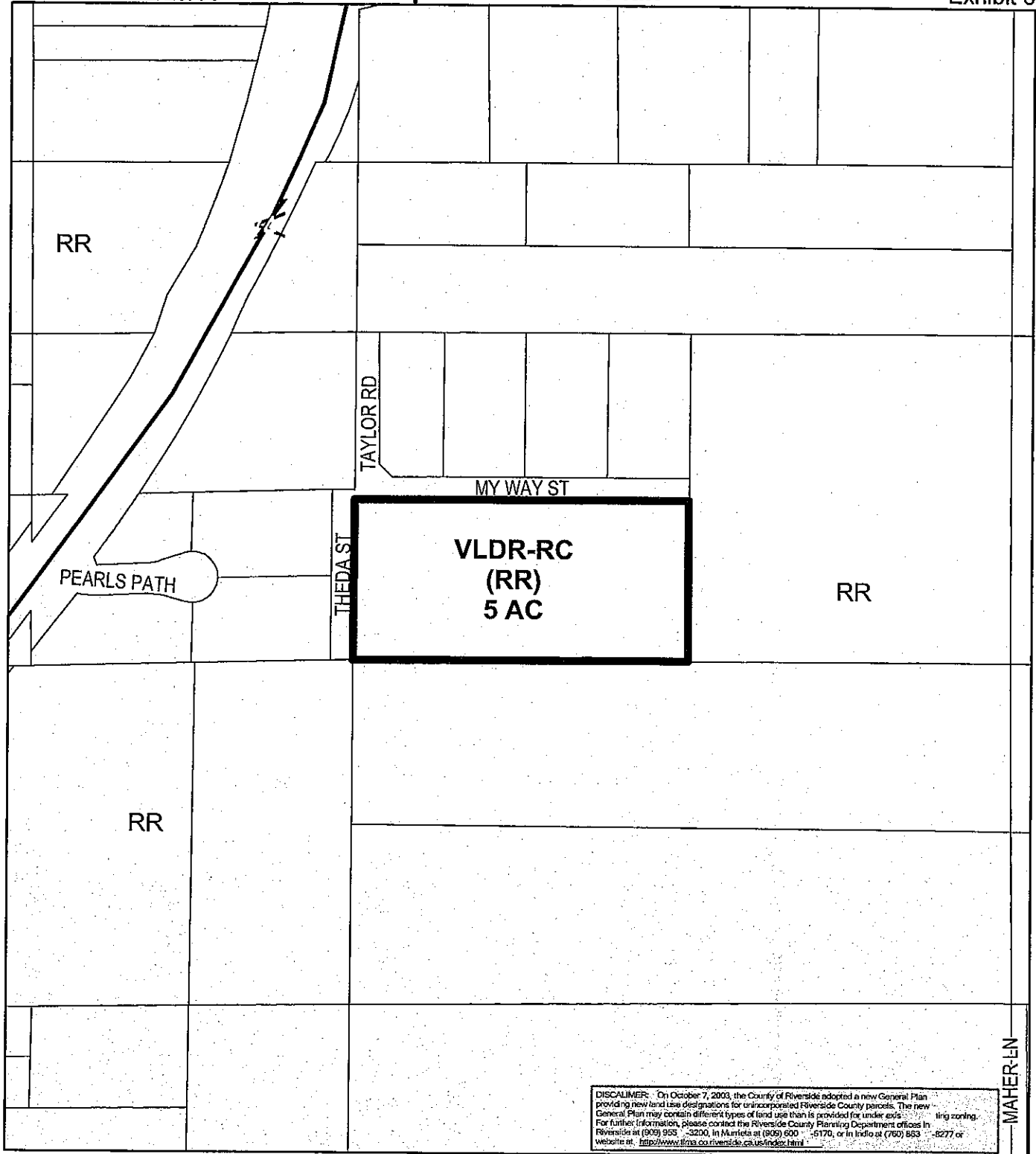
1. This project was filed with the Planning Department on February 14, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$2691.92.
3. The project site is currently designated as Assessor's Parcel Numbers 345-100-013.

Supervisor Ashley
District 5
Date Drawn: 2/29/08

GPA00958

Proposed General Plan

Planner: Amy Aldana
Date: 3/10/08
Exhibit 6



Zone
Area: Good Hope
Township/Range: T5SR4W
Section: 11

RIVERSIDE COUNTY PLANNING DEPARTMENT

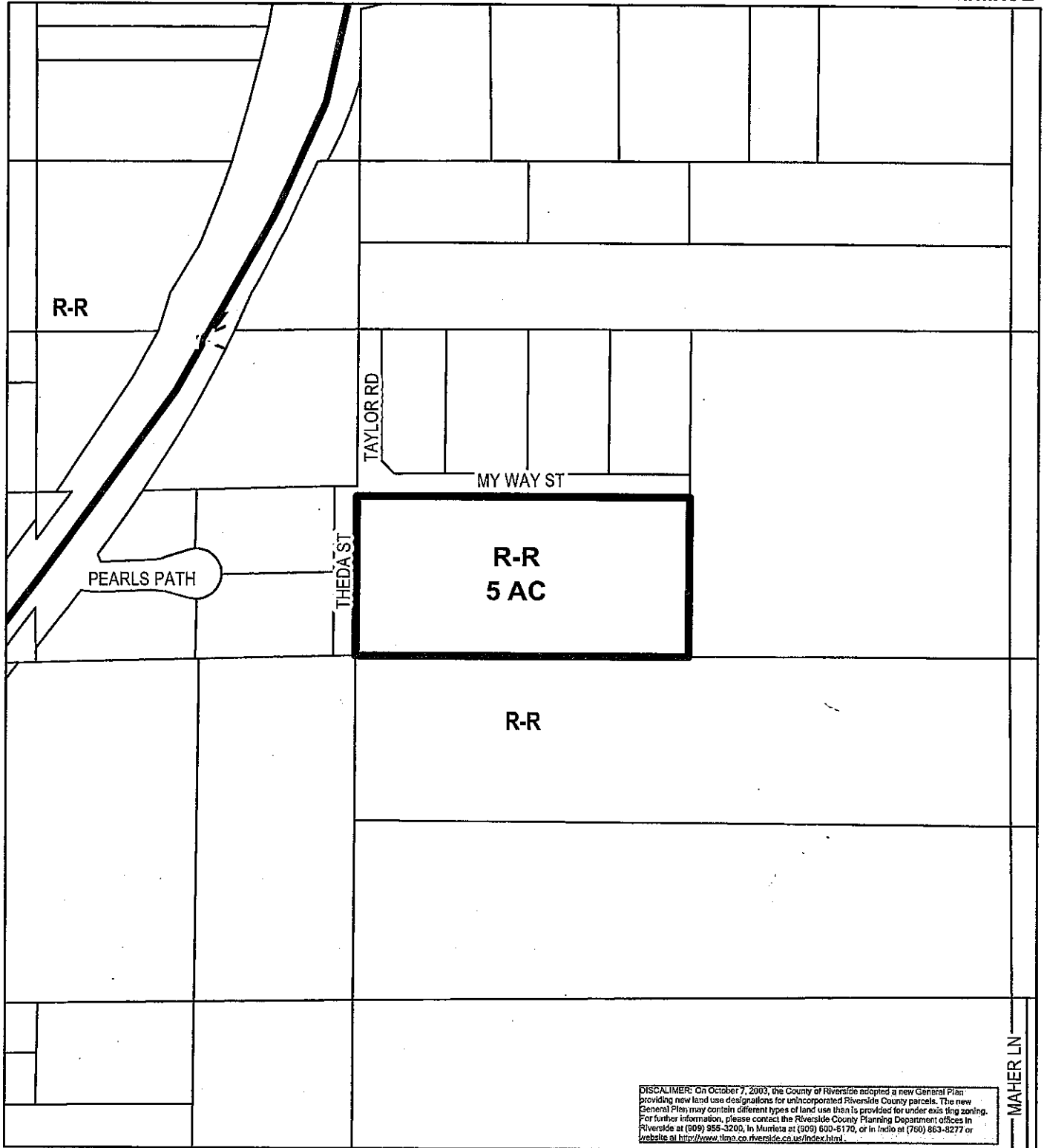
Assessors
Bk.Pg. 345-10
Thomas
Bros. Pg. 837 B1



Supervisor Ashley
District 5
Date Drawn: 2/29/08

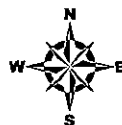
GPA00958
EXISTING ZONING

Planner: Amy Aldana
Date: 3/10/08
Exhibit 2



Zone
Area: Good Hope
Township/Range: T5SR4W
Section : 11

RIVERSIDE COUNTY PLANNING DEPARTMENT



Assessors
Bk. Pg. 345-10
Thomas
Bros. Pg. 837 B1

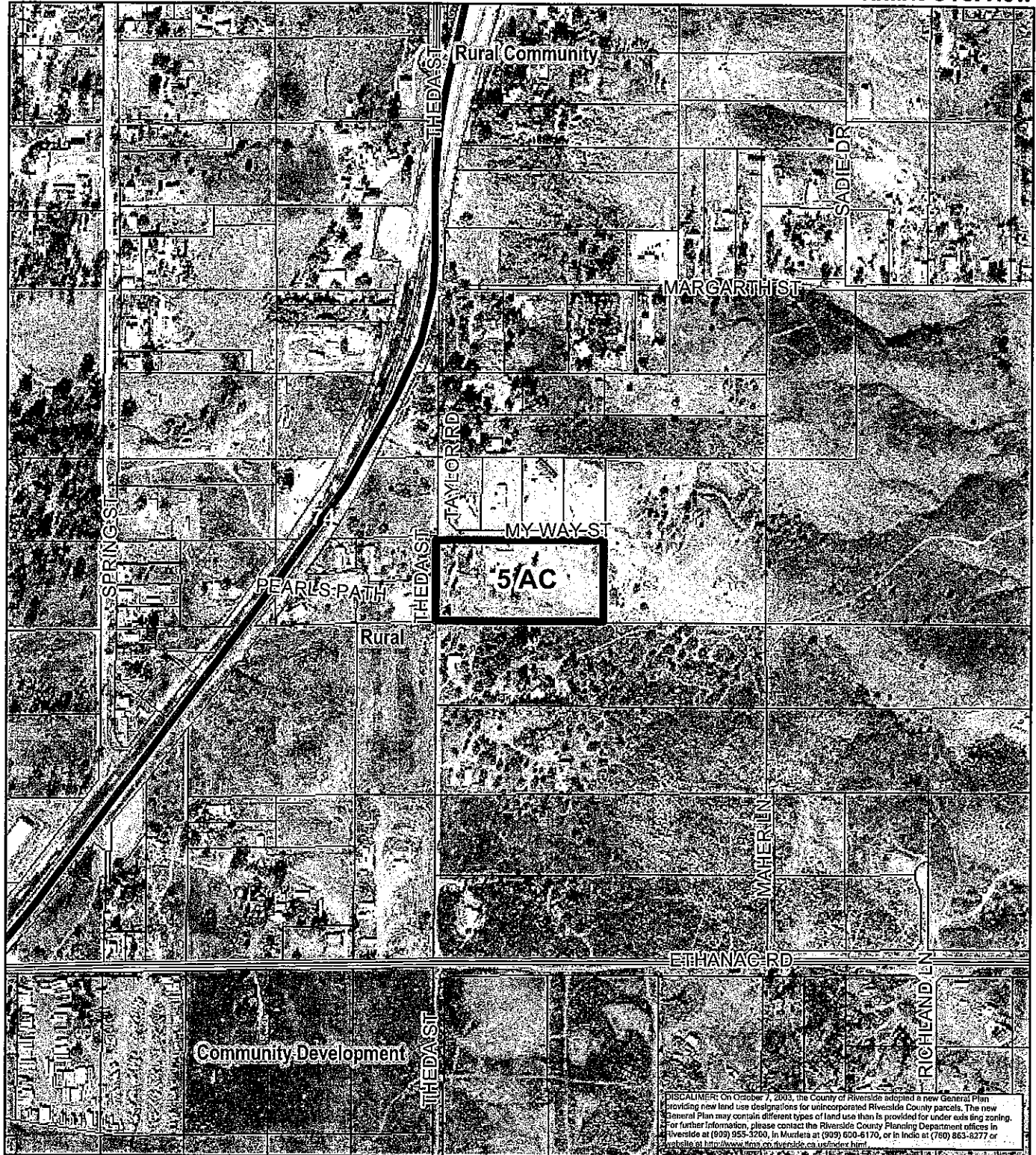


Supervisor Ashley
District 5
Date Drawn: 2/29/08

GPA00958

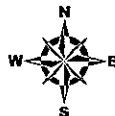
Planner: Amy Aldana
Date: 3/10/08
Exhibit Overview

DEVELOPMENT OPPORTUNITY



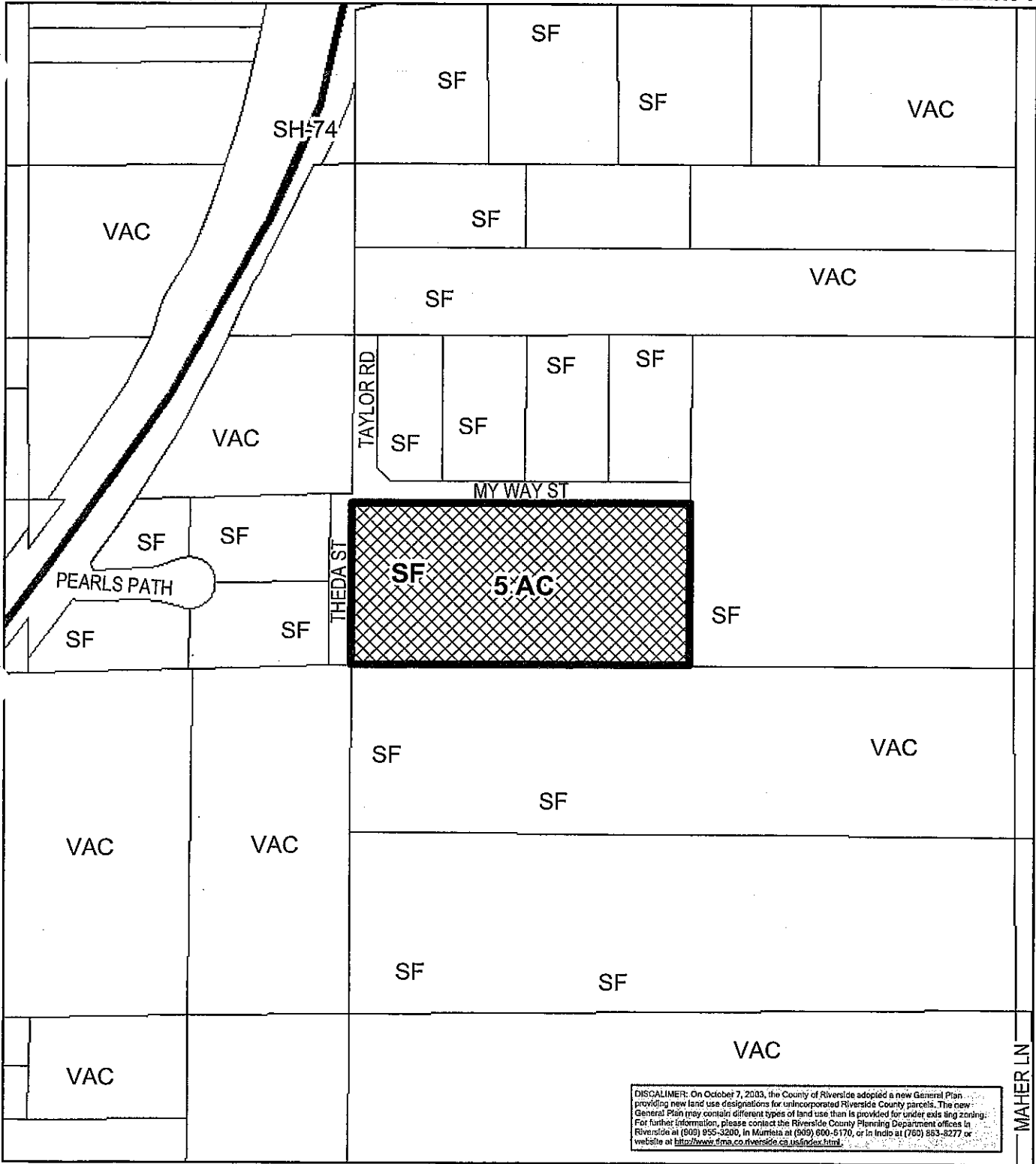
RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: Good Hope
Township/Range: T5SR4W
Section: 11



Assessors
Bk. Pg. 345-10
Thomas
Bros. Pg. 837 B1





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) 955-3200, in Murrieta at (951) 600-5170, or in Indio at (760) 863-8277 or website at <http://www.fpa.co.riverside.ca.us/index.html>.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Good Hope
Township/Range: T5SR4W
Section: 11



Assessors
Bk. Pg. 345-10
Thomas
Bros. Pg. 837 B1

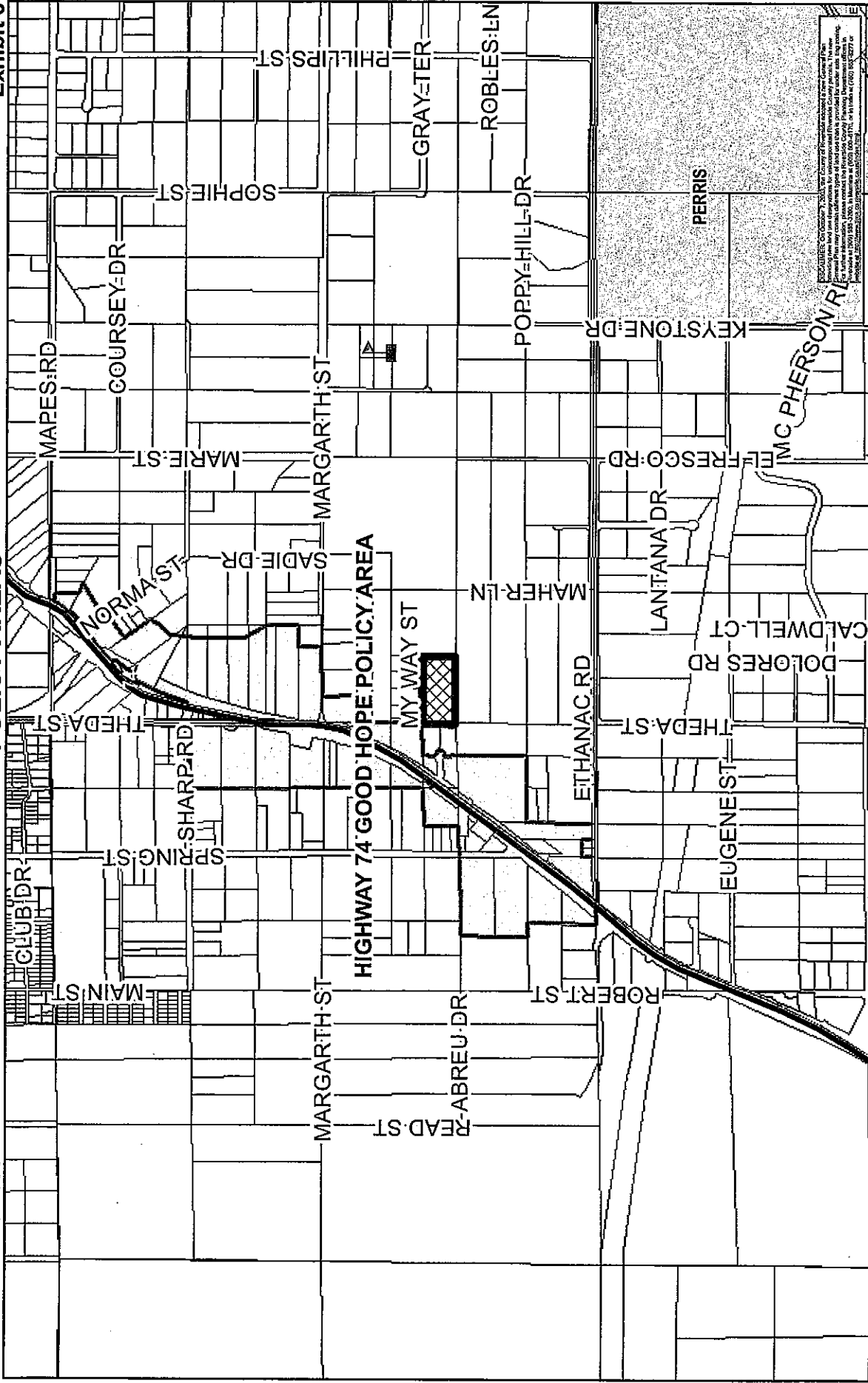


Supervisor Ashley
District 5
Date Drawn: 2/29/08

GPA00958

POLICY AREAS

Planner: Amy Aldana
Date: 3/10/08
Exhibit 8



Zone: Good Hope
Area: Good Hope
Township/Range: T5SR4W
Section: 11

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 345-10
Thomas
Bros. Pg. 837 B1

Feet

APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

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

In September 2000 we received approval of PM # 28517 to subdivide APN # 345100012 from five (5) acres to four (4) lots of approximately one and one quarter (1¼) acres each. To accomplish this we were required to upgrade water pipes to eight (8) inch mains, install natural gas, provide power, and give up all of the required easements.

During this time we had discussions with the Planning Dept. regarding APN 345100012 and APN 345100014 about subdividing these properties to one and one quarter (1¼) acres or larger, and we were told (NO PROBLEM). We installed full improvements for all of these subdivisions, even though we would complete some at a later date. In the process of adding water and gas of PM# 28517 we added gas and water stubs for the subdivision of APNS 345100013, one at two and one half (2½) acres and two at one and a quarter (1 ¼) acres each and for APN 345100014 there were 4 stubs added for gas and water.

I was told in September 2000, (NO PROBLEM), so I went for a Tentative Parcel Map #329333 in June 2006 and was turned down because the master plan change of 2003.

III. AMENDMENTS TO POLICIES:

(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: _____

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

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

Back Ground

When the Planning Commission set up the new master plan in 2003, the subdivision denominations were changed and set at minimum of five (5) acre parcels, RR. We were not aware of this change until after the fact, therefore our applications to subdivide APN 345100013 and Tentative Parcel Map #32933 were denied.

At this time 50 percent of APN 345100013 is surrounded with VLDR properties see maps for PM 28517 and PM 16475.

Prior to subdividing APN 345100012, assessed value was \$12,454.00, now that PM 28517 has been divided and all four homes completed, the assessed value is \$1,890,441.00. The assessed value increased by 151.79 times.

Many of the properties in this area fall under Proposition 13 since it's inception in 1975, and we feel it would be advantageous for everyone involved for the new master plan to allow five acre parcels to go from RR to VLDR.

GPA 000958
25710 Taylor Rd. Perris, California 92570

Name: Anita and Ray James Owner

GPA 00958

- **I have owned this property since 1965, at 25710 Taylor Rd. Perris, California. At the time of purchase zoning was M3, which allowed 1 acre parcels.**

History

- **In 1965 purchased 5AC, APN 345100013 and in 1966 another 5AC APN345100012.**
- **In 1997 began the work to sub-divide APN 345100012 and accomplished the split of the 5 acres to 4 parcels, TPM 28517. Also I added CC&R's to insure the upkeep of the area.**
- **In 2002 the development of the 4 lots per TPM 28517 requirements**
 - **Eastern Municipal Water District & Riverside County Fire required 8" water line and two fire hydrants. At this time, during discussion with EMWD, we decided to add water stub outs for any future development of APN 345100013 and APN 345000014 (owner Jason James). This resulted in a total of 11 new stubs along My Way St.**
 - **Southern California Gas Co. added 11 gas stubs to accommodate improvements.**
- **In 2004/2005 began improvement plans for APN 345100013, intending to subdivide 5 acres to 1 lot at 2.5 acres and 2 lots at 1.25 acres.**
 - **June 12 2006 at the Planning Director's Meeting TPM 32933.**

GPA 000958

25710 Taylor Rd. Perris, California 92570

- **At this meeting I was told that TPM 32933 did not meet the requirements of General Plan of 2003. It was explained that the General Plan could be amended every 5 years, so in 2008 the requirements could be changed.**
- **At the same time G&G Engineering put together Street Improvement Plan, after being submitted through two plan checks at the Transportation Department. The Street Improvement Plan has been denied further processing after TPM 329933 was denied on June 12 2006.**
 - **The TPM should have been questioned when the project was first submitted to the Planning Dept. It was obviously not in compliance with the General Plan of 2003, they just took the fees.**
- **In 2008 filled out required forms and paid \$8000.00 fee to amend the GPA for APN 345100013.**
- **Proven financial gain for Riverside County on PM 28517 as of 2007**
 - **Under Prop 13 yearly tax on the 5 acres was \$211.50 a year.**
 - **After completion of improvements to the four lots with four new homes built, Riverside County reassessed the property tax rates as follows;**
 - **Taxes for 22024 My Way St. \$4122.44**
 - **Taxes for 22048 My Way St. \$4412.67**

 - **Taxes for 22072 My Way St. \$5453.82**
 - **Taxes for 22096 MY Way St. \$4667.98**

\$18651.91

These improvements have allowed Riverside County to reap 88 times the tax dollars previously received.

La Guadalupeana Market

26020 St. Hwy 74

Ferris, CA 92570

(951) 940-6537

Riverside County Planning Department:

TPM # 32933

TPM # 32963

We own a retail market about ¼ mile from the properties listed above. The market is the local gossip spot in the community. We hear all about what is going on in the area. (Both good and bad).

This letter is to not only voice our support for the projects listed above, but to also tell of the support in the community.

We hear the following:

"We were going put in a trailer, but now that the area is improving we will probably have a house built."

"They have started a new place up the road. Finally someone is doing something nice in the area."

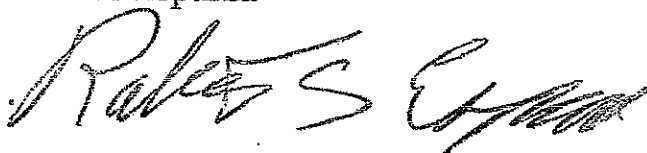
"What they are doing seems too nice for the area."

"Well, I hope that more people do what they are doing."

This is to say that we have only heard positive remarks about the work that has been done.

Thank you,

Roberto Esparza



Maria Benavides
22024 My Way St.
Perris, CA 92570

TPM#32933
&
TPM#32963

We are located at APN#345100028 to the North and West of
the properties above.

We would like the plans to move forward and support the
projects.

Thank You,

Maria Benavides *Maria I Benavides*

Blane Lipe

25780 State Hwy. 74 Perris, CA 92570

<909> 762-4984

County of Riverside:

My family supports TPM 32933 and TPM 32963.

We own the property along the south property line of both numbers listed above. (APN 345100015)

We would rather see the area go the way it has been purposed than the way it is going.

My family has owned our property for more than 60 years. We have watched the area decline over the past 20 years.

Some individual custom homes and the work done along My Way St. have been the only work that has moved the area in a positive direction.

In an area that has not had a great reputation, this could be the thing that turns this area around.

The County should get behind this work and allow these TPM'S to move forward.

Thank you,

Blane Lipe

Blaine M Lipe

**Mr. and Mrs. Sandoval
22048 My Way Street
Perris, CA 92570**

**Riverside County
Planning Department:**

**We are in support of the property split TPM 32933 and split
TPM 32963 along My Way Street.**

We would like this area to continue to improve.

Thank you,

A handwritten signature in cursive script, appearing to read "Mr. and Mrs. Sandoval", written in black ink.

Raymond James
25710 Taylor Road
Perris, CA 92570
GPA958-App/Owner

LJR Enterprises
25710 Taylor Road
Perris CA
GPA958-Payee