

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

729B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
May 6, 2010

SUBJECT: GENERAL PLAN AMENDMENT NO. 1013 - Foundation-Regular -
Applicant: David Ernst/ The Garrett Group - Engineer/Representative: Scott Vinton/
Nolte Engineering - Third Supervisorial District - Rancho California Zoning Area -
Southwest Area Plan: Rural: Rural Mountainous (RUR:RM) (10 Acre Minimum Lot Size)
- Location: Northerly of Jean Nicholas Road, southerly of Keller Road, easterly of
Washington Street and westerly of Judith Street - 65.83 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 to Rural Community
and to amend the Land Use designation of the subject site from Rural Mountainous
(RUR:RM) (10 Acre Minimum Lot Size) to Low Density Residential (CD:LDR) (1/2 Acre
Minimum Lot Size) and to remove the subject site from the North Skinner Policy Area -
APNS: 472-170-003, 472-170-008 and 472-180-003

RECOMMENDED MOTION: The Planning Director recommends that the Board of
Supervisors adopt an order initiating proceedings for the above referenced general plan
amendment as modified by staff 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


Ron Goldman
Planning Director

Initials:
RG:th

(continued on attached page)

Dep't Recomm.: ☐ Consent ☒ Policy
Per Exec. Ofc.: ☐ Consent ☒ Policy

Prev. Agn. Ref.

District: Third

Agenda Number:

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 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.

Agenda Item No.: 7.4
Area Plan: Southwest
Zoning District: Rancho California
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: March 3, 2010

General Plan Amendment No. 1013
Applicant: David Ernst/Will Rogers
Engineer/Representative: Nolte Engineering

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. 1013 as modified by staff from Rural: Rural Mountainous to Rural Community: Very Low Density Residential and the Planning Commission made the comments below. The Planning Director continues to recommend that the Board adopt an order initiating proceedings for the general plan amendment. 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 commented that the San Diego Canal has been the line of demarcation between higher and lower densities in the area for some time now. Mr. Roth stated that once you cross the canal with any type of urban density, the area changes into a Community Development area, and the sense of rural community is lost. Mr. Roth also commented that the rural community should be preserved, and any development east of the canal must maintain a rural density. Furthermore, Mr. Roth stated that due to the topographical concerns of the site, the site must maintain a minimum lot size of 1 acre. The applicant stated that he was not opposed to staff's recommendation of Rural Community: Very Low Density Residential.

Commissioner John Snell: No Comments

Commissioner John Petty: Commissioner Petty stated that he was glad that the applicant revised the original proposal from Community Development: Medium Density Residential, which he did not favor, to Rural Community: Low Density Residential. Mr. Petty reiterated to the applicant that the General Plan Amendment Initiation of Proceedings process is just the beginning and that the formal General Plan Amendment process is still to come; therefore, there are no guarantees at this time. Mr. Petty also commented that clustering may not be appropriate for the site and that much of the clustering development potential for the site would be driven by the topography. Finally, Mr. Petty recommended that the applicant set up a meeting with himself and Third District staff members, once the applicant has a preliminary design completed.

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: No Comments

**PLANNING COMMISSION
MINUTE ORDER MARCH 3, 2010
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

- I. AGENDA ITEM 7.4: GENERAL PLAN AMENDMENT NO. 1013** - Foundation / Regular - Applicant: David Ernst/ The Garrett Group - Engineer/Representative: Scott Vinton/ Nolte Engineering - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural: Rural Mountainous (RUR:RM) (10 Acre Minimum Lot Size) - Location: Northerly of Jean Nicholas Road, southerly of Keller Road, easterly of Washington Street and westerly of Judith Street - 65.83 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 to Community Development and to amend the Land Use designation of the subject site from Rural Mountainous (RUR:RM) (10 Acre Minimum Lot Size) to Medium Density Residential (CD:MDR) (2-5 Dwelling Units per Acre) and to remove the subject site from the North Skinner Policy Area.
- III. MEETING SUMMARY**
The following staff presented the subject proposal:
Project Planner: Tamara Harrison, Ph: (951) 955-9721 or E-mail tharriso@rctlma.org

The following spoke in favor of the subject proposal:
Will Rogers, Applicant, One Better World Circle, Suite 300, Temecula, CA 92590

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 commented on the General Plan Amendment. If you wish to listen to the entire discussion, see Section VI below. Additionally, the comments of individual Commissioners are summarized in the Planning Director's Report and Recommendation to the Board of Supervisors.
- 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.: 7.4
Area Plan: Southwest
Zoning District: Rancho California
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: March 3, 2010

General Plan Amendment No. 1013
Applicant: David Ernst
Engineer/Rep.: Nolte Engineering

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation Component of the subject site from "Rural" (RUR) to "Community Development" (CD) and the General Plan Land Use designation of the subject site from "Rural Mountainous" (RM) (10 acre minimum lot size) to "Medium Density Residential" (MDR) (2-5 du/ac) for an approximately 65.83 acre site. The project is located northerly of Jean Nicholas Road, southerly of Keller Road, westerly of North Sidney Circle and easterly of Washington Street.

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 County's "Highway 79" and "North Skinner" policy areas. The site is directly bordered by the Rural Mountainous designation to the east, Agriculture to the north, Public Facilities to the west and rural Mountainous and Public Facilities to the south. The adjacent area that has been designated as Public Facilities represents the San Diego Canal and extends south to Lake Skinner. The Community Development: Medium Density Residential designation can be found to the west of the site just beyond the San Diego Canal as well as to the northeast and northwest of the site. Much of the development in the area has taken place west of the subject site, near Highway 79. The existing parcels that are designated Medium Density Residential (MDR) within the general vicinity of the subject site remains vacant at this time. Efficient Land Use Planning would see these vacant MDR areas develop before additional higher density designations are brought to the area.

The proposed site has been designated as a State Responsibility Area for fire hazards. The Safety Element of the General Plan addresses such risks in a number of ways including deterring building in these "high risk" areas and providing secondary access to the site. Access is currently limited to the site given the lack of roadways in the area as well as the terrain found in the area. The site also contains steep slopes with elevations that range from approximately 1560' to 1680', a difference of 120 feet. High fire risk coupled with the terrain and lack of access could expose potential dwellings to a number of safety hazards. 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.

The site has been identified as being a part of Cell Group "S" under the County's Multiple Species Habitat Conservation Plan (MSHCP). According to the plan, Cell Group "S" will contribute to the assembly of the Proposed Extension of Existing Core 7, Proposed Constrained Linkage 17 and Proposed Constrained Linkage 18. The plan also identifies a range of 65%-75% for conservation with the majority of the conservation occurring within the eastern portion of the Cell Group. The subject site lies within the eastern portion of the Cell Group and may require conservation. In addition to any conservation which may be required at the south end of the site, the site will also be required to conform to additional plan wide requirements of the MSHCP such as Riparian/Riverine Policies, Specific Species Surveys, Urban/Wildlands Interface Guidelines (UWIG) and Narrow Endemic Plant Species Policies and Determination of Biologically Equivalent or Superior Preservation Analysis (DBESP) as applicable. Conserved portions of the site, if any, will be identified as part of the Habitat Acquisition and Negotiation Strategy (HANS) process.

According to the General Plan, the North Skinner Policy Area "encompasses an expanse of rolling hills, mountainous terrain, agricultural uses and rural residences. The Policy Area was developed in order to maintain the rural, large lot character of the area within its boundaries by requiring parcels to maintain a 10 acre minimum lot size regardless of the underlying General Plan designation. The requested designation would be inconsistent with the North Skinner Policy Area. No change in circumstances has occurred in the vicinity of the site since the adoption of the General Plan that would warrant the boundaries of the North Skinner policy area to be adjusted.

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 regular 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 area. 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.

No substantial evidence has been provided to show that new conditions or circumstances are present in the area to justify the proposed change. The surrounding area remains rural in character which is in keeping with the General Plan's vision for the area. Furthermore, the proposal's incompatibility with General Plan policies, the existing land use pattern, MSHCP and fire issues may create internal inconsistencies amongst the elements of the General Plan

RECOMMENDATION:

The Planning Director's recommendation is to tentatively decline to adopt an order initiating proceedings for General Plan Amendment No. 1013 from Rural: Rural Mountainous to Community Development: Medium 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 15, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$3,583.83.
3. The project site is currently designated as Assessor's Parcel Numbers: 472-170-003, 472-170-008, 472-180-003.

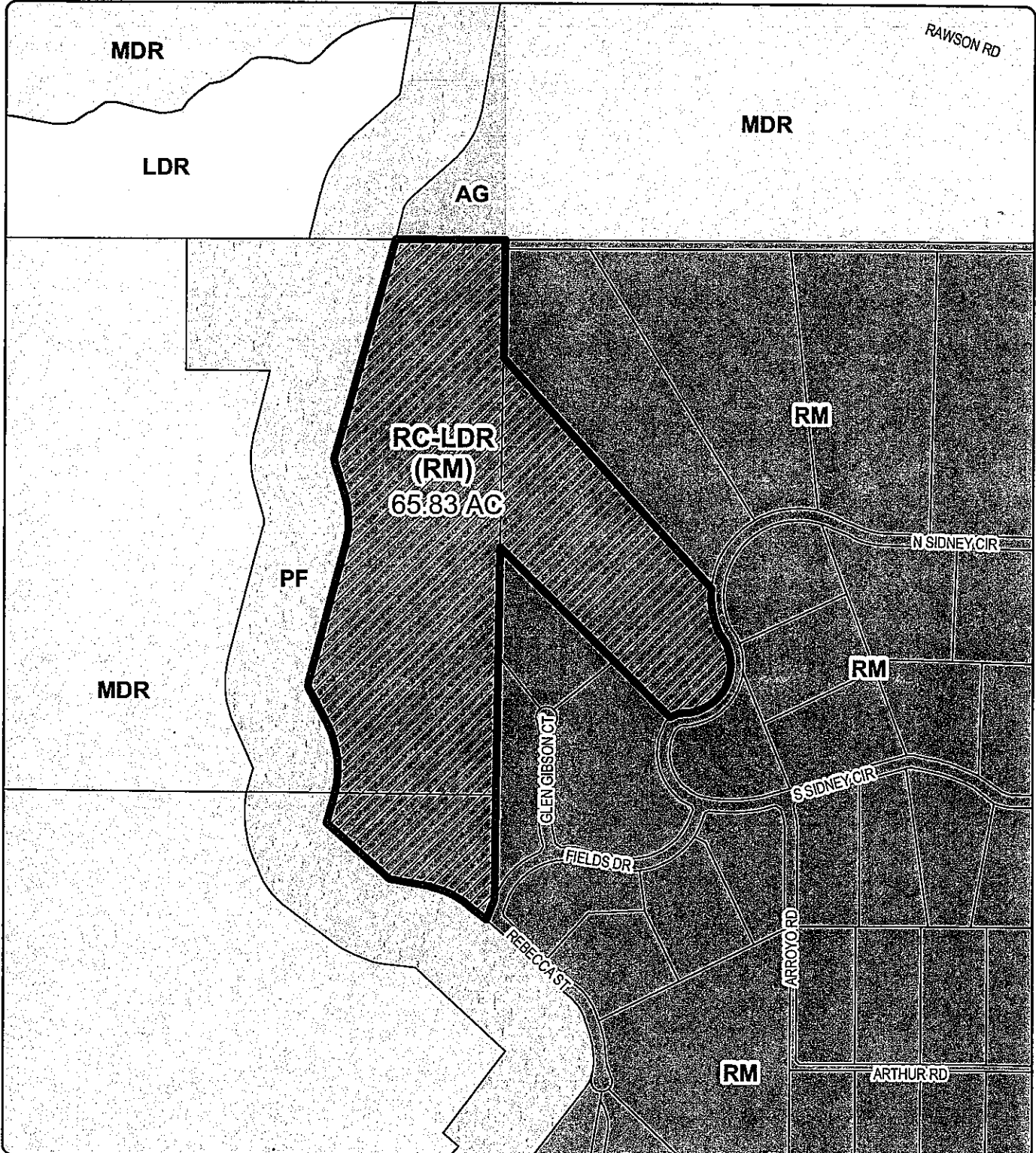
RIVERSIDE COUNTY PLANNING DEPARTMENT

GPA01013

PROPOSED GENERAL PLAN

Supervisor Stone
District: 3

Date Drawn: 3/16/2010
Exhibit 6



Zoning Area: Rancho California
Township/Range: T6SR2W
Section: 27

Assessors Bk. Pg. 472-17 & 18
Thomas Bros. Pg. 899 G3
Edition 2009



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 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.tlma.co.riverside.ca.us/index.html>



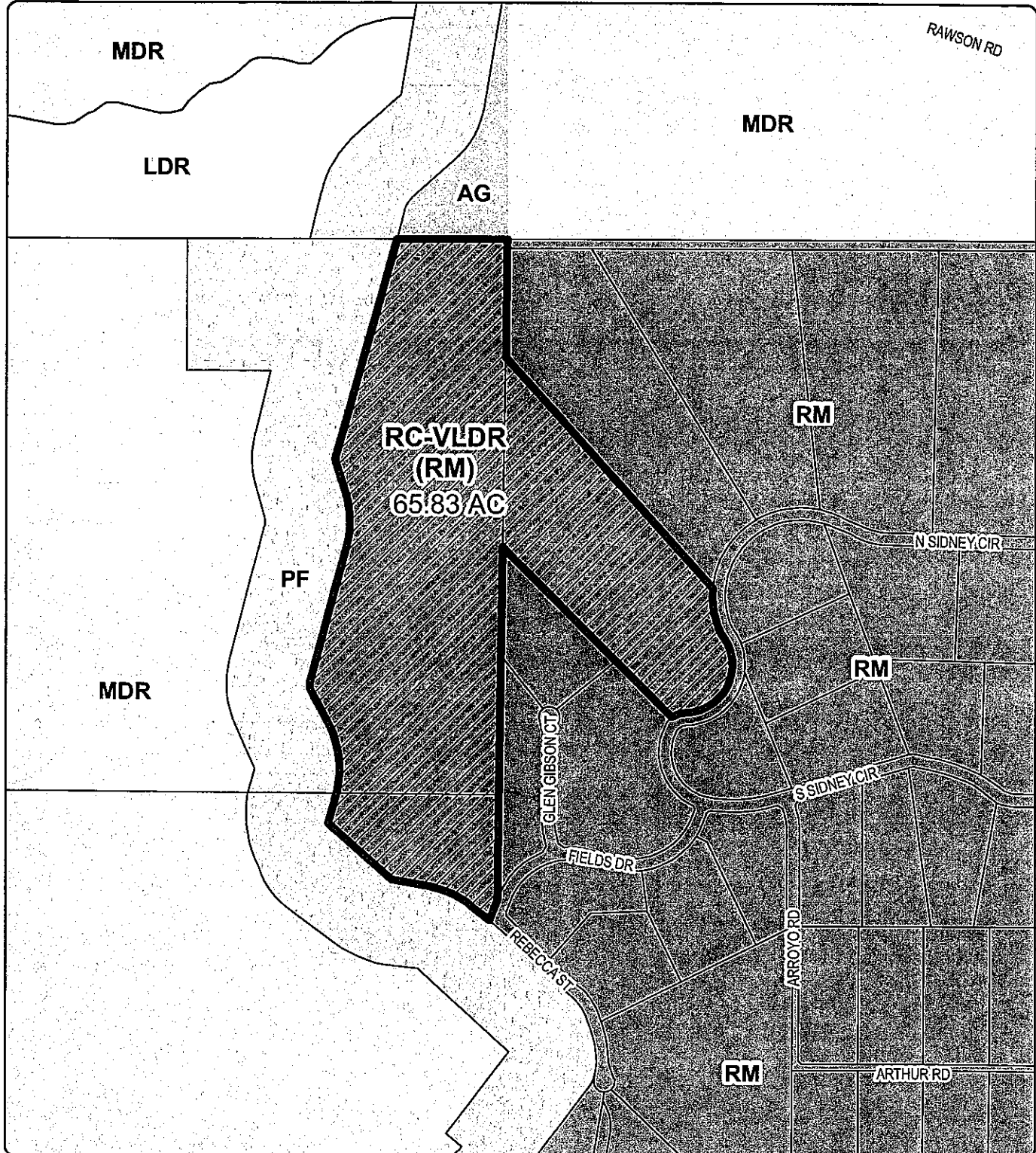
RIVERSIDE COUNTY PLANNING DEPARTMENT

GPA01013

Supervisor Stone
District: 3

RECOMMENDED GENERAL PLAN

Date Drawn: 3/16/2010
Exhibit 7



Zoning Area: Rancho California
Township/Range: T6SR2W
Section: 27

Assessors Bk. Pg. 472-17 & 18
Thomas Bros. Pg. 899 G3
Edition 2009



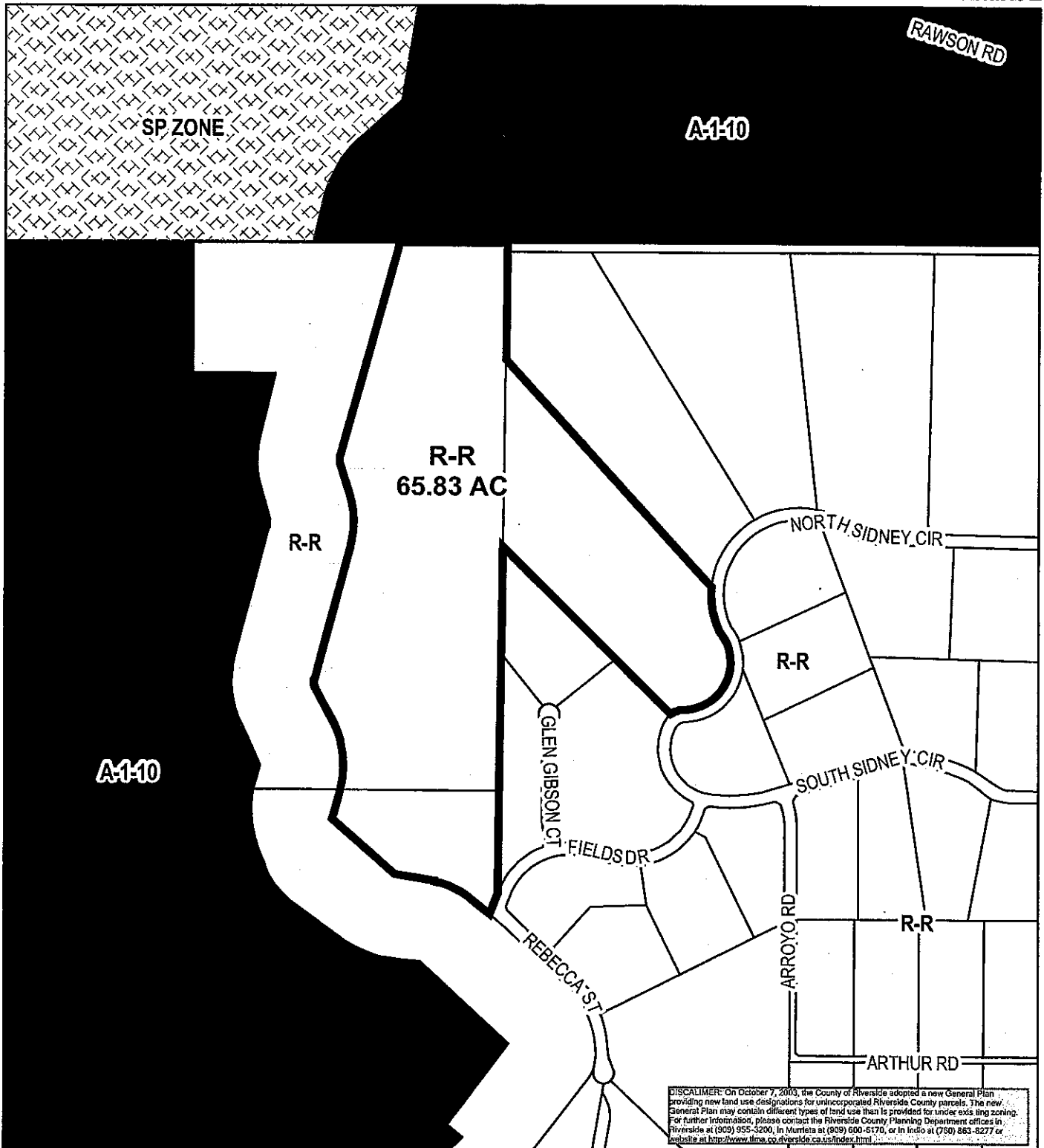
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Supervisor Stone
District 3
Date Drawn: 4/04/08

GPA01013
EXISTING ZONING

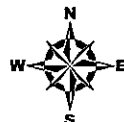
Planner: Amy Aldana
Date: 3/14/08
Exhibit 2



Zone
Area: Rancho California
Township/Range: T6SR2W
Section : 27

RIVERSIDE COUNTY PLANNING DEPARTMENT

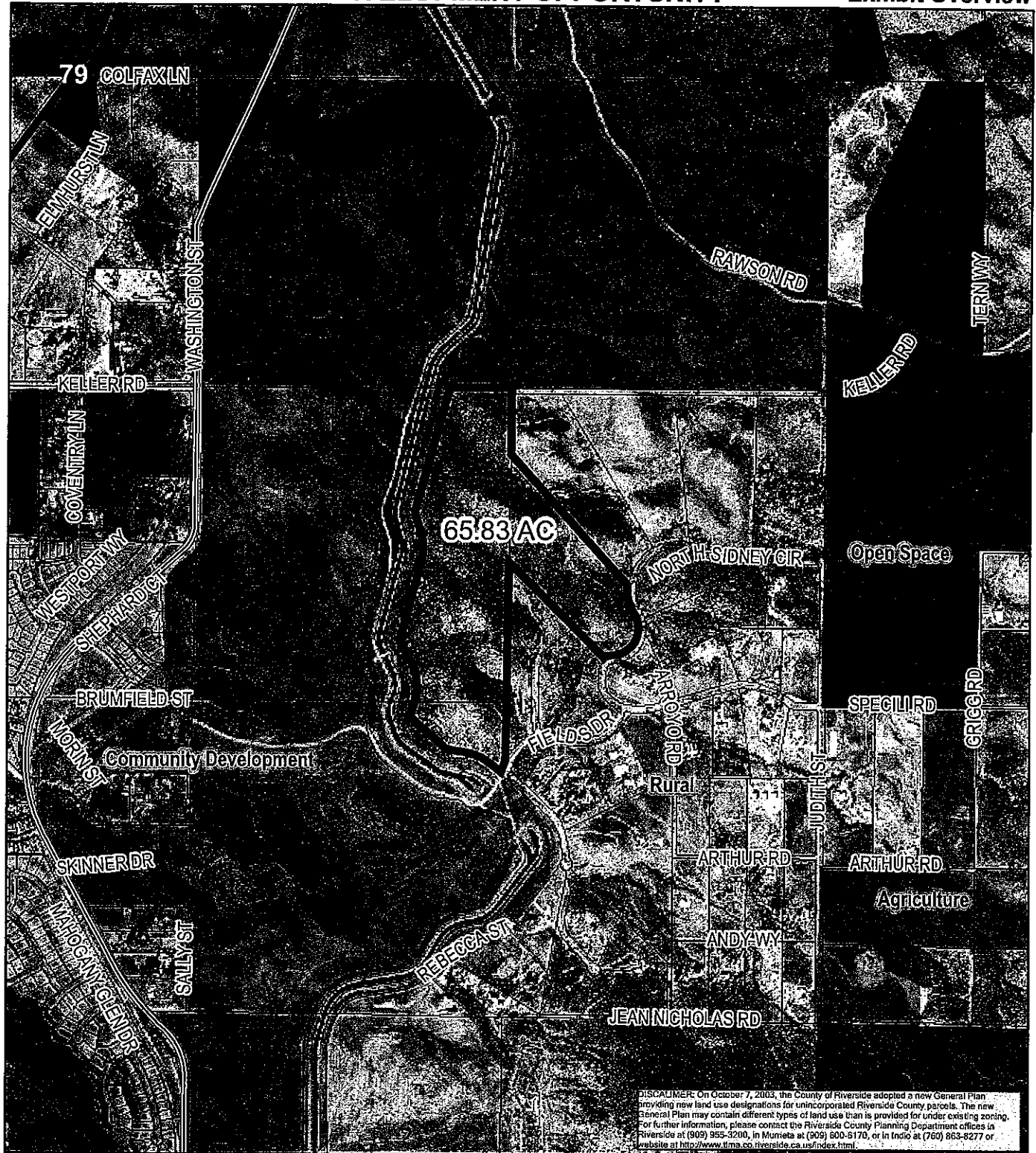
Assessors
Bk. Pg. 472-17 & 18
Thomas
Bros. Pg. 899 G3



Supervisor Stone
District 3
Date Drawn: 4/04/08

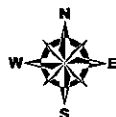
GPA01013
DEVELOPMENT OPPORTUNITY

Planner: Amy Aldana
Date: 3/14/08
Exhibit Overview



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: Rancho California
Township/Range: T6SR2W
Section: 27



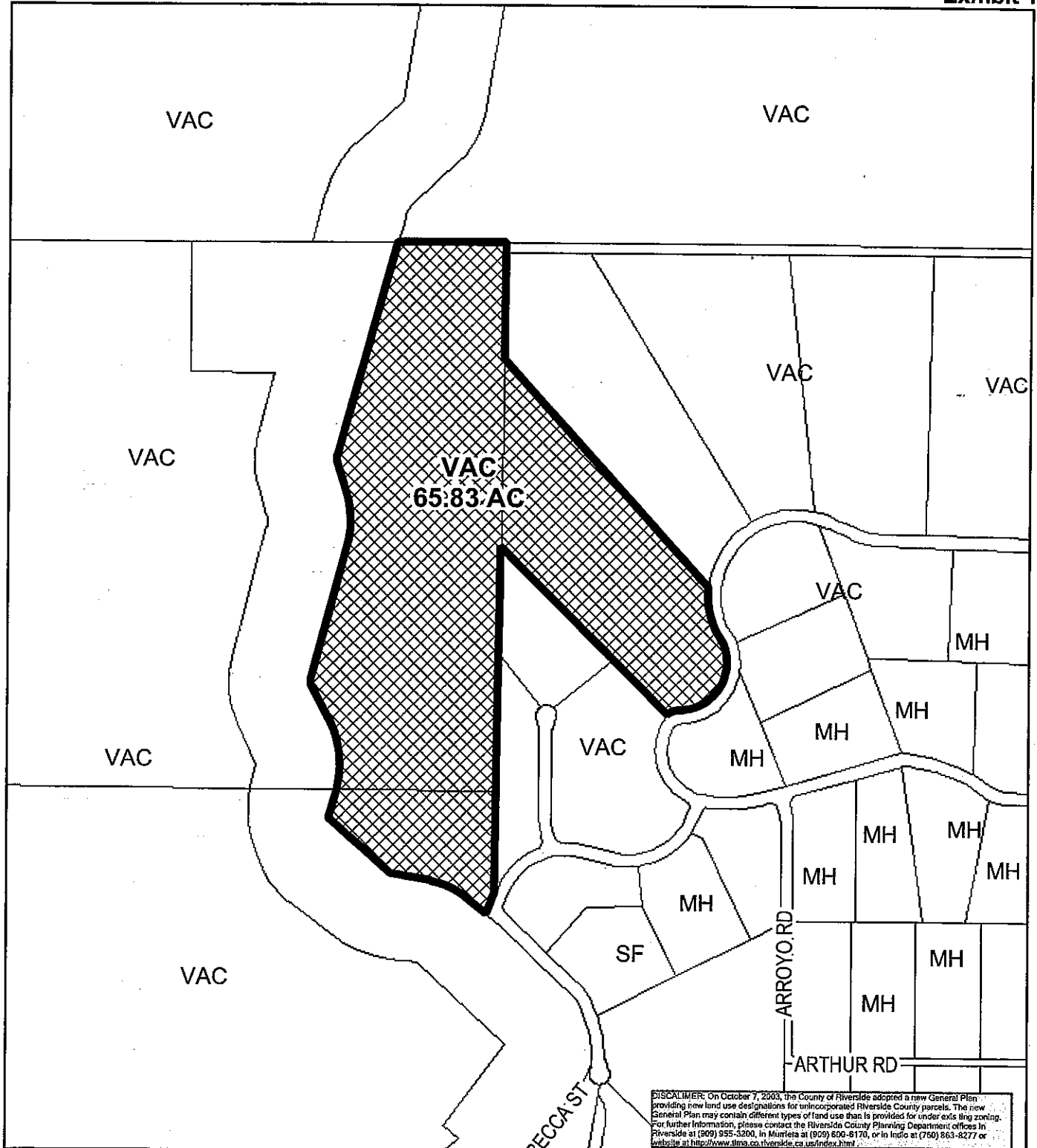
Assessors
Bk. Pg. 472-17 & 18
Thomas
Bros. Pg. 899 G3

Supervisor Stone
District 3
Date Drawn: 4/04/08

GPA01013

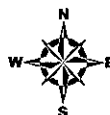
Land Use

Planner: Amy Aldana
Date: 3/14/08
Exhibit 1



Zone
Area: Rancho California
Township/Range: T6SR2W
Section : 27

RIVERSIDE COUNTY PLANNING DEPARTMENT



Assessors
Bk. Pg. 472-17 & 18
Thomas
Bros. Pg. 899 G3

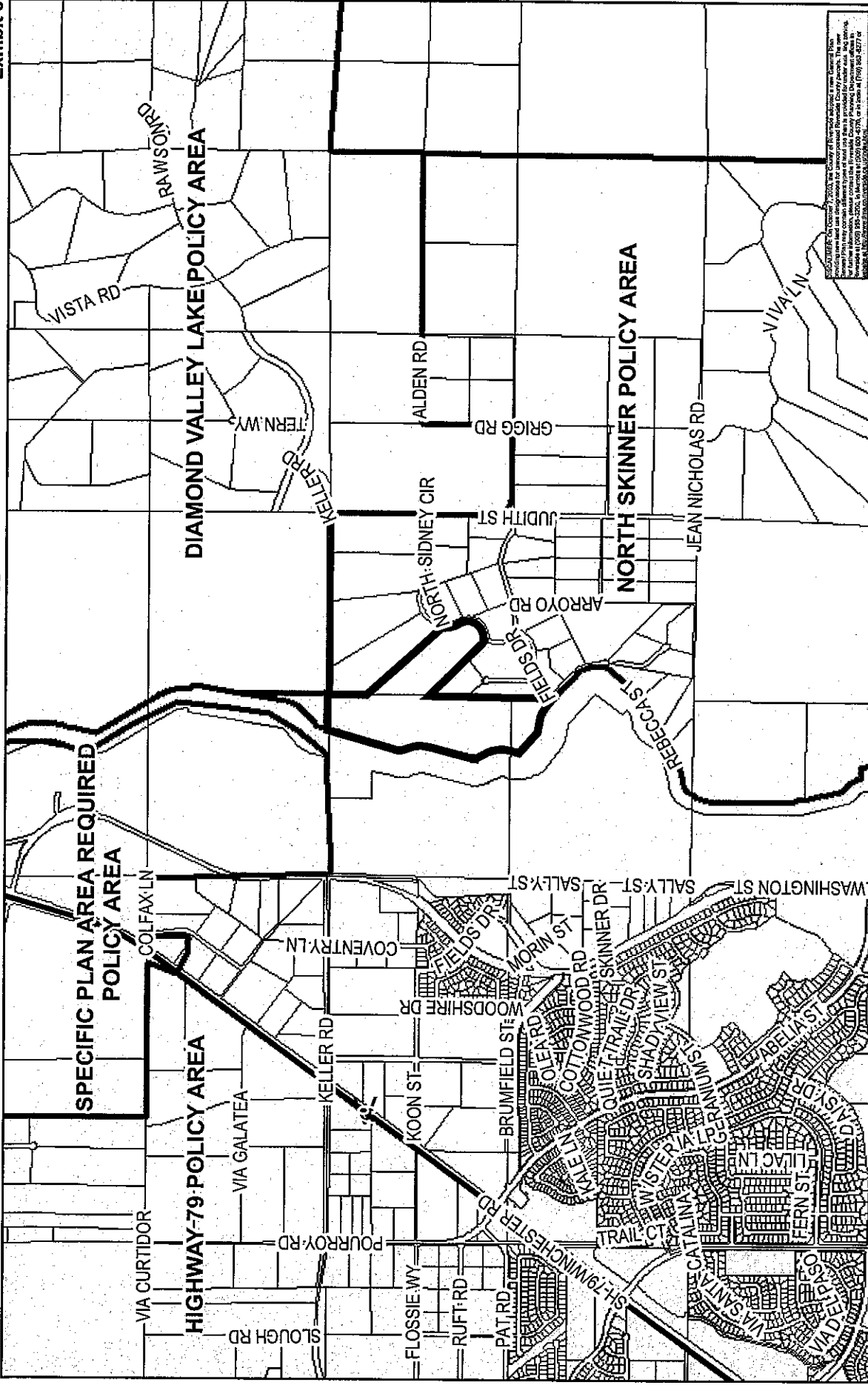


Supervisor Stone
District 3

Date Drawn: 4/04/08

GPA0101013 POLICY AREAS

Planner: Amy Aldana
Date: 3/14/08
Exhibit 8



Zone Rancho California
Area: T6SR2W
Section : 27

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 472-17 & 18
Thomas Bros. Pg. 899 G3



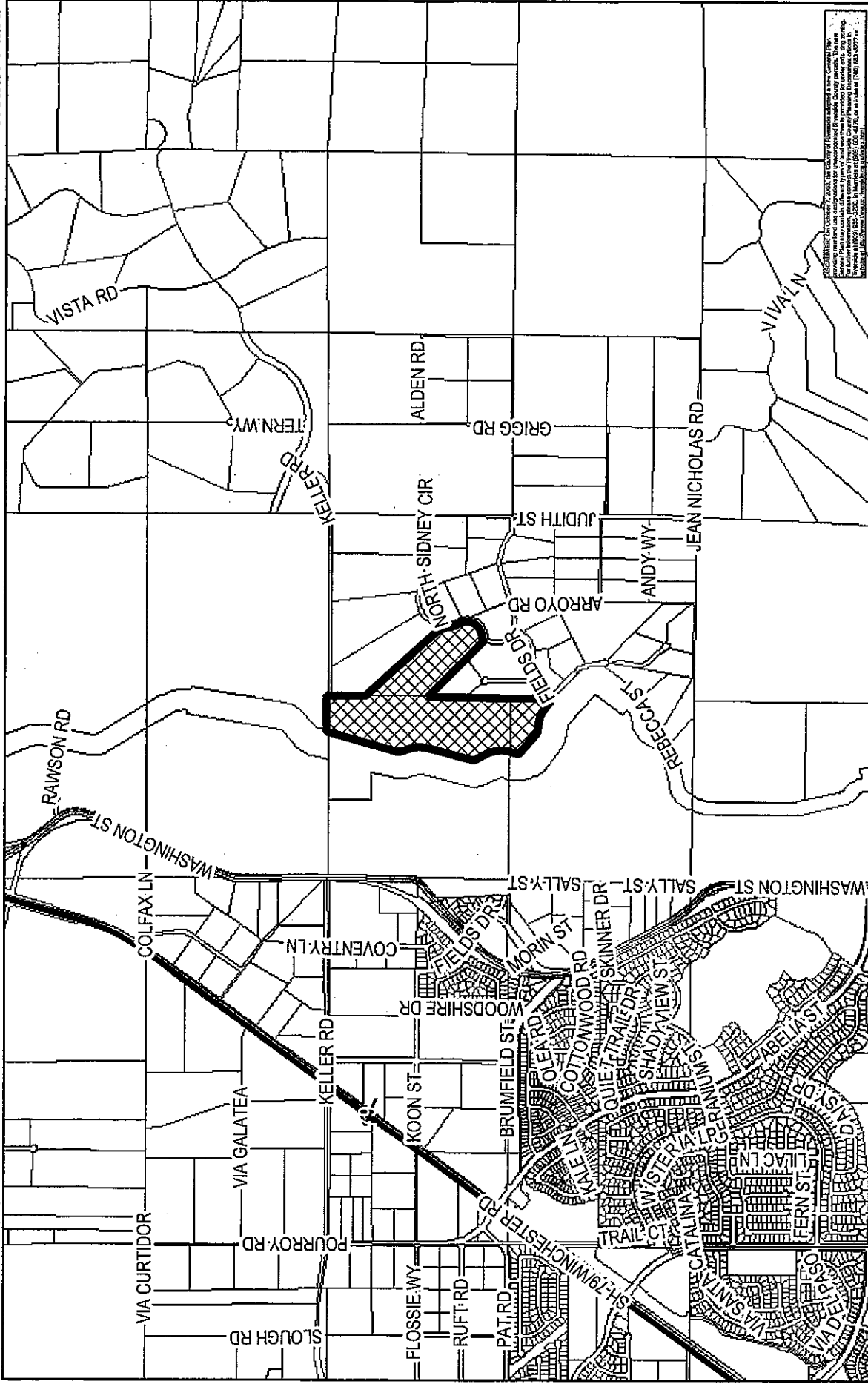
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Supervisor Stone
District 3

Date Drawn: 4/04/08

GP/A01013 VICINITY MAP

Planner: Amy Aldana
Date: 3/14/08
VICINITY MAP



Zone Rancho California
Area:
Township/Range: T6SR2W
Section : 27

RIVERSIDE COUNTY PLANNING DEPARTMENT

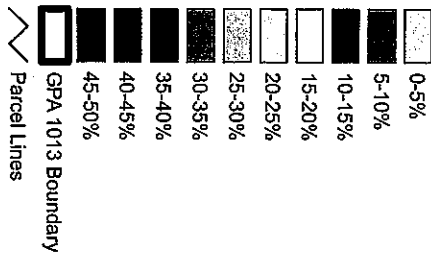
Assessors
Bk. Pg. 472-17 & 18
Thomas
Bros. Pg. 899 G3



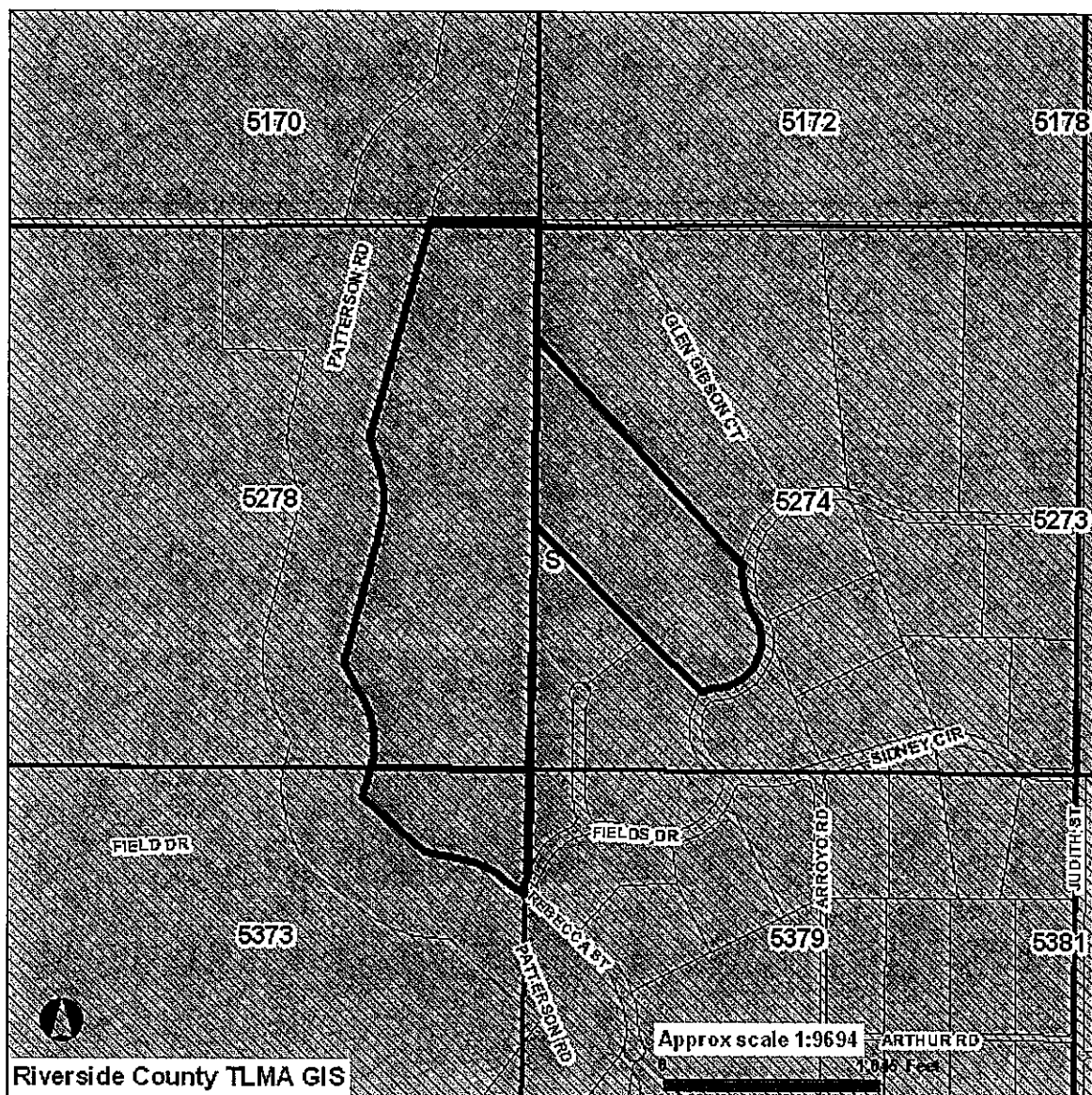
GPA01013 Slope Analysis



Scale 1" = 600'
0 150 300 600 900 Feet

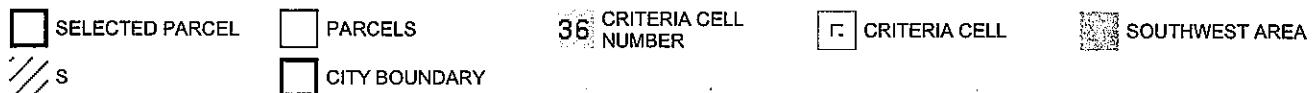


RIVERSIDE COUNTY GIS



Selected parcel(s):
472-170-003 472-170-008 472-180-003

WRCMSHCP CELL/CELL GROUP

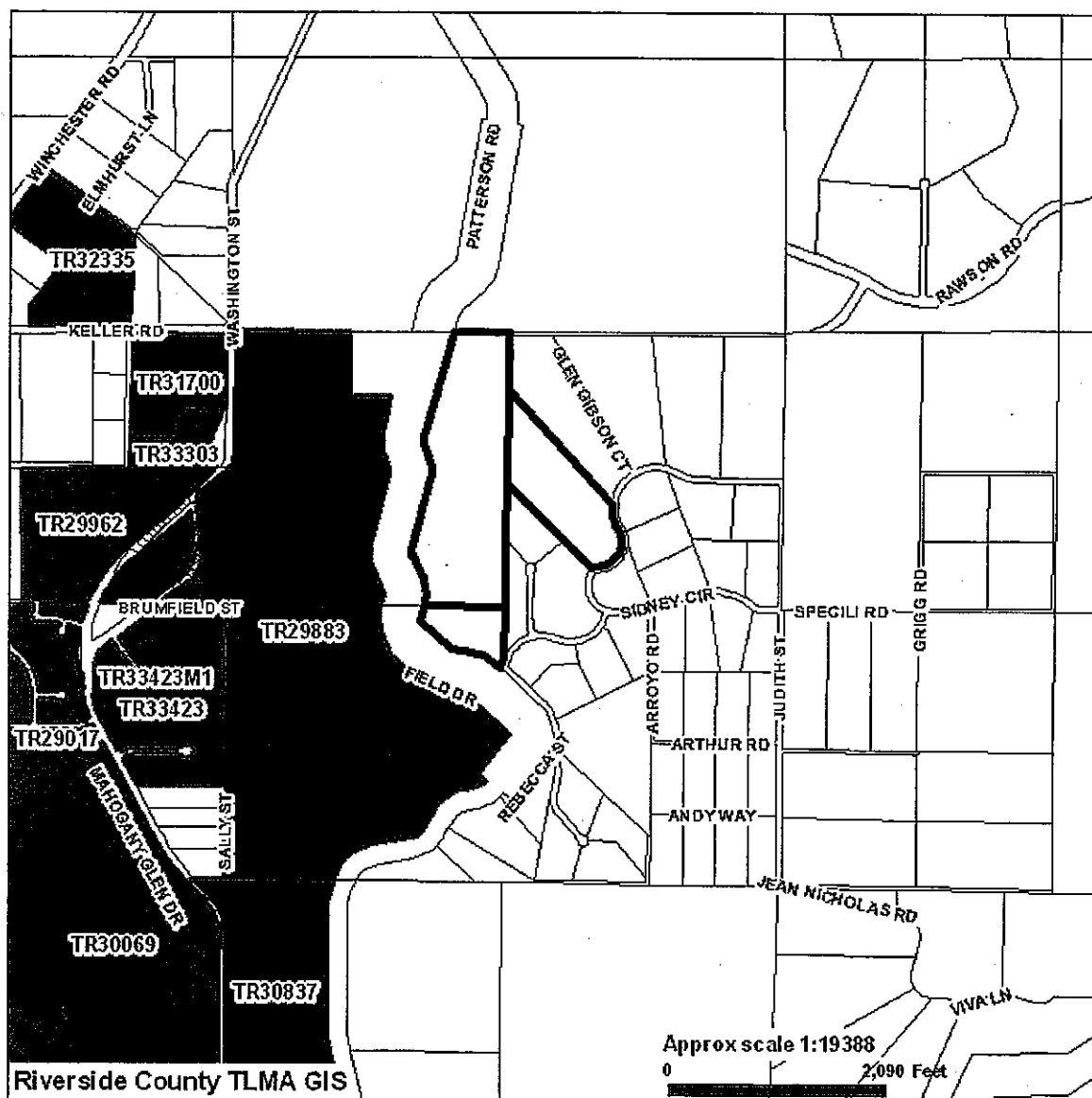


IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

REPORT PRINTED ON...Wed Oct 29 10:43:13 2008

RIVERSIDE COUNTY GIS



Selected parcel(s):
472-170-003 472-170-008 472-180-003

TRACT MAP

☐ SELECTED PARCEL
 ☐ PARCELS
 ☒ TR - TRACT MAP

IMPORTANT

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

REPORT PRINTED ON...Wed Oct 29 10:45:43 2008

APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY GENERAL PLAN

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

~~Adjacent to the subject property to the northeast, northwest and west are large areas of land already designated as Medium Density as shown in Exhibit B. Changing the designation of this property to MDR would maintain the continuity of the designation, which occurs on both sides of the San Diego Canal (a Metropolitan Water District facility) to the north. The subject property and the property bordering the canal to the west from Keller Road to Yates Road and all the way to either Washington Street or the section line, are under the same ownership, and either undeveloped or have secured an entitlement for development (a tract map has been approved for the southern portion - TTM #30837). Changing the land use density to Medium for these parcels would consolidate all of the property into single contiguous designation allowing flexibility to cluster density or utilize Low Impact Development techniques across all of the remaining undeveloped property allowing for preservation of open space while achieving desired marketability. The Medium Density designation and use of clustering will also allow utilities and other infrastructure to be placed only where needed, reducing construction cost and ultimately maintenance cost to the County. This property would also need to be removed from the North Skinner Policy Area, which limits minimum lot size to 10 acres. The North Skinner Policy Area was established to preserve the "rural" character of that particular area which consists of Rural Residential or Rural Mountainous designations. Although the policy area is described in the SW Area Plan as consisting of largely of parcels greater than 10 acres in size, more than a quarter section of land to the south and adjacent to the subject parcels has already been subdivided into average 5 acre parcels and wouldn't be affected by the policy.~~
(continued on separate page)

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): _____

March 1, 2010

County of Riverside Planning Department
Riverside County Administrative Center
4080 Lemon Street
Riverside, CA 92502-1629

Attention: Ron Goldman

Re: General Plan Amendment No. 1013
(French Valley East)

Dear Mr. Goldman,

Please find below our request for an amendment to our Foundation Change for the project mentioned above from Rural Mountain (RM) to Medium Density Residential (MDR). We are requesting to stay within the Rural Foundation Component and change the current Rural Mountain (RM) designation to Low Density Residential (LDR). Our justification for this request is to lessen the impact on water resource and the site impact. This will be accomplished by providing a "Clustered Development" on the ridge with smaller lots than designated and provide more Open Space and the use of low impact development techniques. More than a quarter section of land to the south and adjacent to the subject property has already been subdivided into an average of 5 acre lots. 42 acres of the site is being proposed as Open Space retaining the rural character of the area. This area provides a buffer to the higher densities proposed to the West. It is anticipated that the remaining area will be clustered in to 10,000 SF lots to one half acre lots with an open space buffer and preservation measure for MSHCP all boundaries. Additionally, for fire safety reasons, the street pattern has been designed to be connected to Fields Drive, creating a looped system via S. Sidney Circle to Fields Drive for secondary emergency access.

Our new proposal provides substantial evidence of a better project for the area meeting all the criteria previously mentioned and providing a balanced community with Rural Character. If you have any questions, please call me. Thank you for your consideration.

Sincerely,

Will Rogers
Sr. Project Manager
Land and Forward Planning

(951) 506-6556 Ext. 2040
(951) 506-4821 Fax
wrogers@thegarrettgroupllc.net

Vinton, Scott
15070 Avenue of Science, Suite 100
San Diego, CA 92128
GPA01013 Engineer

Rogers, Will
One BetterWorld Circle, Suite 300
Temecula, CA 92590
GPA01013 Owner/Applicant