

REVIEWED BY EXECUTIVE OFFICE

DATE 9/13/12 Tind Grande
Departmental Concurrence

1108



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

SUBMITTAL DATE
August 22, 2012

FROM: TLMA - Planning Department

SUBJECT: GENERAL PLAN AMENDMENT NO. 781 – Applicant: Girdhari Purohit – Third/Third Supervisorial District – Location: Northeast corner of Via View and Esplendida Way – 20.37 Gross Acres - Zoning: Rural Residential (R-R) - **REQUEST:** The general plan amendment proposes to amend the site's current land use designation from Rural Mountainous (RM) (10-acre minimum) to Rural Residential (RR) (5-acre minimum).

RECOMMENDED MOTION: The Planning Director recommends that the Board of Supervisors adopt an order initiating proceedings for the above referenced General Plan Amendment. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan (GPA), or any element thereof, shall not imply any such amendment will be approved.

BACKGROUND: The initiation of proceedings for any 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 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.

Carolyn Syms Luria

Carolyn Syms Luria
Planning Director

Initials:
CSL:kh

(continued on attached page)

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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley
Nays: None
Absent: None
Date: September 25, 2012
xc: Planning, Applicant

Kecia Harper-Ihem
Clerk of the Board
By: *[Signature]*
Deputy

Prev. Agn. Ref. | District: 3/3 | Agenda Number:

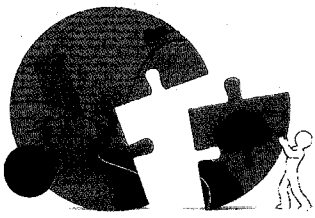
15.1

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.

Background:

At the December 3, 2008, Planning Commission hearing, Commissioner Petty commented that he agreed with staff to proceed with a recommendation to adopt initiation proceedings for this General Plan Amendment.



RIVERSIDE COUNTY
PLANNING DEPARTMENT

110B

Carolyn Syms Luna
Director

DATE: August 14, 2012

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office p.m.

SUBJECT: GENERAL PLAN AMENDMENT NO. 781

(Charge your time to these case numbers)

The attached item(s) require the following action(s) by the Board of Supervisors:

- Place on Administrative Action (Receive & File; EOT)
 - Labels provided If Set For Hearing
 - 10 Day 20 Day 30 day
 - Place on Consent Calendar
 - Place on Policy Calendar (Resolutions; Ordinances; PNC)
 - Place on Section Initiation Proceeding (GPIP)
 - Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA)
 - Publish in Newspaper:
 - **SELECT Advertisement****
 - **SELECT CEQA Determination**
 - 10 Day 20 Day 30 day
 - Notify Property Owners (app/agencies/property owner labels provided)
- Controversial: YES NO

Designate Newspaper used by Planning Department for Notice of Hearing:
(3rd Dist) Press Enterprise and The Californian

Need Director's signature by August 27, 2012 @ 10 a.m.
Please schedule on the September 25, 2012 BOS Agenda

Documents to be sent to County Clerk's Office for Posting within five days:
NONE - GPIP

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"



Agenda Item No.:
Area Plan: Southwest Area Plan
Zoning Area: Rancho California
Supervisory District: Third
Project Planner: Alisa Krizek
Planning Commission: December 3, 2008

General Plan Amendment No. 781
Type of General Plan Amendment:
Entitlement/Policy
Applicant: Girdhari Purohit
Engineer/Rep.: The Thomsen Company

COUNTY OF RIVERSIDE PLANNING DEPARTMENT ADDENDUM STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 781 proposes to amend the Riverside County General Plan Land Use designation from Rural: Rural Mountainous (R: RM) (10 Acre Minimum) to Rural: Rural Residential (R: RR) (5 Acre Minimum).

The project is located on the northeast corner of Via View and Esplendida Way in the Southwest Area Plan.

RECOMMENDATIONS:

Staff recommends that the appropriate findings per the General Plan Administration Element can be made and that the Board of Supervisors adopt an order initiating proceedings for General Plan Amendment No. 781. 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.

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

The following comment(s) were provided by the Planning Commission to the Planning Director on December 3, 2008:

Commissioner John Roth: No Comment

Commissioner John Snell: No Comment

Commissioner John Petty: Commissioner Petty agreed with staff to proceed with a recommendation to adopt initiation proceedings for the general plan amendment.

Commissioner Jim Porras: No Comment

Commissioner Jan Zuppardo: No Comment

**PLANNING COMMISSION
MINUTE ORDER DECEMBER 3, 2008
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

AGENDA ITEM 7.13 GENERAL PLAN AMENDMENT NO. 781 – (ENTITLEMENT/POLICY) – Applicant: David Carter – Engineer/Representative: The Thomsen Company, Inc. - Third Supervisorial District – Rancho California Zoning Area - Southwest Area Plan: Rural: Rural Mountainous (RM) (10 Acre Minimum) – Location: Northeast corner of via View and Esplendida Way – 20.37 Gross Acres - Zoning: Rural Residential (R-R) (ENTITLEMENT/POLICY) APN: 915-560-009. Project Planner, Alisa Krizek, at 951-955-9075 or e-mail akrizek@rctlma.org.

PROJECT DESCRIPTION

The General Plan Amendment proposes to amend the Riverside County General Plan Land Use designation from Rural: Rural Mountainous (R: RM) (10 Acre Minimum) to Rural: Rural Residential (R: RR) (5 Acre Minimum).

MEETING SUMMARY

The following staff presented the subject proposal:
Project Planner, Alisa Krizek, at 951-955-9075 or e-mail akrizek@rctlma.org.

The following spoke in favor to the subject proposal:
David Carter, The Applicant, 41070 Via Del Toronto, Temecula, CA 92592

No one spoke in neutral or opposition to the subject proposal.

CONTROVERSIAL ISSUES

NONE

PLANNING COMMISSION ACTION

The Planning Commission, by a vote of 5-0

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.

7.13 INITIATION RECOMMENDED

GENERAL PLAN AMENDMENT NO. 781 – (ENTITLEMENT/POLICY) – The General Plan Amendment proposes to amend the Riverside County General Plan Land Use designation from Rural: Rural Mountainous (R: RM) (10 Acre Minimum) to Rural: Rural Residential (R: RR) (5 Acre Minimum) – APN: 915-560-009. Project Planner, Alisa Krizek, at 951-955-9075 or e-mail akrizek@rctlma.org.

Agenda Item No.: 7.13
Area Plan: Southwest Area Plan
Zoning Area: Rancho California
Supervisory District: Third
Project Planner: Alisa Krizek
Planning Commission: December 3, 2008

General Plan Amendment No. 781
Type of General Plan Amendment:
Entitlement/Policy
Applicant: David Carter
Engineer/Rep.: The Thomsen Company

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 781 proposes to amend the Riverside County General Plan Land Use designation from Rural: Rural Mountainous (R: RM) (10 Acre Minimum) to Rural: Rural Residential (R: RR) (5 Acre Minimum).

The project is located on the northeast corner of Via View and Esplendida Way in the Southwest Area Plan.

FURTHER PLANNING CONSIDERATIONS:

January 10, 2007

The applicant provided an amended map with the locations of the pads and proposed leach lines and written indication from neighbors that the increase density would be acceptable. The Planning Commission decided that another study session was unnecessary and the applicant should meet with the Commissioner Petty, the 3rd District Commissioner.

December 6, 2006

The general plan amendment was taken to the December 6, 2006 Planning Commission in order to decide if the general plan amendment could be supported. At the December 6, 2006 Planning Commission, the Commission continued the project to the January 10, 2007 Planning Commission and requested the following:

- (1) Written indication from neighbors that the increased density would be acceptable.
- (2) Provide the location of the pads and proposed leach lines on the site plan.
- (3) Show secondary access on the site plan.

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 all GPA applications and submit them to the Board of Supervisors. Prior to the submittal to the Board, comments on the applications will be requested from the Planning Commission, and the Planning Commission comments will be included in the report to the Board. The Board will either approve or disapprove the initiation of the proceedings for the GPA requested in the applications.

The consideration of the initiation of proceedings pursuant to this application by the Planning Commission and the Board of Supervisors will not involve noticed public hearing. The Planning Department, however, did notify the applicant by mail of the time, date and place when the Planning Commission will 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 of 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. This particular GPA application is an **Entitlement/Policy GPA**, under Section 2.4.

Additionally, refer to the attached Worksheets for General Plan Amendment Initiation Consideration Analysis.

REQUIRED FINDINGS:

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal could possibly satisfy certain required findings. The Administration Element of the General Plan explains that there are four categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings.

General Plan Amendment No. 1055 falls into the ENTITLEMENT/POLICY AMENDMENT category, which involves changes in land use designations or policies that involve land located entirely within a General Plan Foundation Component but that do not change the boundaries of that component.

The Administration Element of the General Plan explains that two required findings must be made and at least one of five additional findings must be made to justify an ENTITLEMENT/POLICY AMENDMENT. The two required findings are:

a. The proposed change does not involve a change in or conflict with:

(1) The Riverside County Vision;

(2) Any General Plan Principle; or

(3) Any Foundation Component designation in the General Plan.

b. The proposed amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.

The additional findings, only one of which need be made include:

c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.

d. A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.

e. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.

- f. An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.
- g. An amendment is required to address changes in public ownership of land or land not under Board of Supervisors' land use authority.

Consideration Analysis:

First Required Finding: The first required finding explains that the proposed Amendment must not involve a change in or conflict with the Riverside County Vision; any General Plan Principle; or any Foundation Component designation in the General Plan.

A. The proposed Amendment does not conflict with:

(1) The Riverside County Vision: It is reasonable to assume that the designation of Rural Residential (RR) will maintain the Riverside County Vision by balancing the rural atmosphere and an urbanizing area. In other words, Rural Residential (RR) land use designations allow for the flexibility of additional development activity to occur while assuring that sufficient rural areas remain in tact. According to the RCIP, approximately 9% of the Southwest Area Plan is devoted to Open Space, Agriculture, and Rural designations. A change in land use from Rural Mountainous (RM) to Rural Residential (RR) will not change this vision.

(2) Any General Plan Principle: Given Staff's review of the Southwest Area Plan principles, the proposed land use designation will satisfy each of the General Plan Principles and Policies.

(3) Any Foundation Component designation in the General Plan: The project designation does not propose to change the Foundation Component of the General Plan; thus, the proposed Amendment is consistent with the Rural Foundation.

Second Required Finding: The second required finding explains that the proposed Amendment must either contribute to the achievement of the purposes of the General Plan or, at a minimum, not be detrimental to them.

The proposed General Plan Amendment would promote the rural character while at the same time afford opportunities for develop to occur on a minimum of five (5) acres. This would allow for the keeping of farm animals, agricultural production, and other activities associated with the rural life.

In addition, by keeping the Land Use Element of the General Plan encourages "a balanced mixture of land uses, including commercial, office, industrial, agriculture, and open space, as well as a variety of residential product types, densities, and intensities in appropriate locations that respond to a multitude of market segments" (LU-12), the proposed amendment would contribute to the achievement of the purposes of the General Plan. Changing the land use from Rural Mountainous (RM) to Rural Residential (RR) will allow for a balanced mixture of land uses.

Conversely, the amendment would not pose a detriment to the existing allocation of Rural Mountainous Land Use for the following reason:

The Rural Mountainous (RM) land use designation applies to areas of at least 10 acres, where a minimum 70% of the area has slopes of 25% or greater. However, only 60% of project site contains slopes greater than 25% thus the Rural Mountainous (RM) land use designation is not justified by the topography.

Third required Finding: Special circumstances have emerged that were unanticipated in preparing the General Plan that warrants such a change in land use. The Rural Mountainous (RM) land use designation only applies to areas of at least 10 acres, where a minimum 70% of the area has slopes of 25% or greater. However, only 60% of project site contains slopes greater than 25% thus the Rural Mountainous (RM) land use designation is not justified by the topography.

PLANNING COMMISSION DIRECTION TO THE BOARD OF SUPERVISORS:

(To be filled out in the Addendum Staff Report after the Planning Commission provides input and recommendations)

SUMMARY OF FINDINGS:

- | | |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. General Plan Land Use (Ex. #5): | Rural: Rural Mountainous (R: RM) (10 Acre Minimum) |
| 2. Proposed General Plan Land Use: | Rural: Rural Residential (R: RR) (5 Acre Minimum) |
| 3. Existing Zoning (Ex. #2): | Rural Residential (R-R) |
| 4. Surrounding Zoning (Ex. #2): | Rural Residential (R-R) to the south, west and east, Residential Agricultural – 5 Acre Minimum (R-A-5) to the north and west |
| 5. Existing Land Use (Ex. #1): | Vacant |
| 6. Surrounding Land Use (Ex. #1): | Single family residences on 20 acres and planned for two 10-acre parcels to the east, vacant land to the north, conserved land to the south, and scattered single family residences on 5-acre parcels and vacant land to the west. |
| 7. Project Data: | Total Acreage: 20.37 Gross Acres |

RECOMMENDATIONS:

Staff recommends that the appropriate findings per the General Plan Administration Element can be made and that the Planning Commission recommend to the Board of Supervisors to adopt an order initiating proceedings for General Plan Amendment No. 781. 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. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. A City sphere of influence or
 - b. A dam inundation area.
3. The project site is located within:
 - a. The boundaries of the Temecula Valley Unified School District,
 - b. A high fire area,
 - c. A MSHCP Core Reserve Area,

- d. The Stephens Kangaroo Rat Fee Area, and
- e. The Murrieta Creek/Santa Gertrudis Valley Area Drainage Plan (ADP).

4. The subject site is currently designated as Assessor's Parcel Numbers 915-440-006.

Y:\Planning Case Files-Riverside office\PM35683\GPAIP\Staff Report for GPA1055.doc
Date Prepared: 10/6/08
Date Revised: 10/6/08