

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

401B



FROM: TLMA – Planning Department

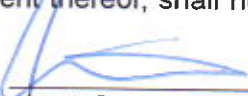
SUBMITTAL DATE:
April 16, 2014

SUBJECT: GENERAL PLAN AMENDMENT NO. 1129 – Applicant: Joseph Rivani –Third/Third Supervisorial District – Location: Northerly of Wickerd Road, easterly of Heinz Lane, southerly of Garbani Road westerly of Brandon Lane - REQUEST: The General Plan Amendment proposes an Extraordinary Foundation level Amendment to amend the General Plan Land Use Designation from Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) to Community Development: Medium Density Residential (CD:MDR)(2-5 Du/Ac)

RECOMMENDED MOTION:

Staff recommends that the appropriate findings per the General Plan Administration Element cannot be supported, and request that the Board of Supervisors decline to initiate General Plan Amendment No. 1129. However, should the Board elect to initiate the Amendment, Staff also recommends that the Board direct Staff to modify the Estate Density Residential & Rural Residential Policy Area to exclude the project area or eliminate the policy altogether. 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.

JCP:ms


Juan C. Perez
TLMA Director/ Interim Planning Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: Deposit Based Fees (by applicant)

Budget Adjustment: No
For Fiscal Year: 13/14

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District:3/3

Agenda Number: 25

15-1

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

FORM 11: General Plan Amendment No. 1129

DATE: February 19, 2014

PAGE: Page 2 of 4

BACKGROUND:

Summary

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 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 intent of the General Plan Initiation process is not to make the required findings at this stage; the intent is to explore the possibility that findings *might be able to be made* if the project were to continue processing. This particular GPA application is a General Plan Foundation Component- Extraordinary Amendment, which has very specific required findings that include not changing the vision of the General Plan, conforming to the policies and principals of the Plan, a critical timing aspect is also required (explaining why the project cannot wait), and it must also satisfy one of 5 optional findings. The extraordinary 'event' can include circulation needs, infrastructure needs, and/or open space needs.

Staff recommended that the Board decline to initiate the application. There were several reasons formulating Staff's opinion¹; however, the primary concern is compatibility with a General Plan Policy entitled "Estate Density Residential & Rural Residential Policy Area." The policy explains that there was significant sentiment from the existing rural population to keep their lifestyle. The proposed project is within this specific mapped area which features this policy: *SCMVAP 6.1 Residential development in this area shall retain its existing estate density and rural character.* The applicant is not proposing any changes to the actual policy at this time. Any changes to the policy would be taken into consideration by Staff should the application be initiated by the Board for further study.

Since the Planning Commission meeting the applicant has had several meetings with Staff and one (the first to date) with the community. The applicants have since provided more detail and additional information not available at the time staff created the Planning Commission staff report. The applicant has added to the potentially extraordinary benefits the project could provide. First, they have been working with the Regional Conservation Authority (RCA) to potentially provide financial assistance to acquire needed conservation land. There are no details at this stage, but the attached letter indicates a willingness by the RCA to continue exploring the possibility. Second, they have voluntarily agreed to provide a supplemental assessment to contribute to interchange improvements at the Scott Road and I-215 interchange. Again, should the Board initiate the project, the applicant would work with the County to provide more detail regarding the actual amount of the assessment. A letter committing to the assessment is attached.

Staff continues to assert that the required findings cannot be made at this time with the information staff has now. However, as explained above, an initiation by the Board is not deemed an approval of the project or even

¹ Outlined in detail in the Planning Commission staff report (attached)

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: General Plan Amendment No. 1129

DATE: February 19, 2014

PAGE: Page 3 of 4

an indication of support. An initiation would allow the applicant to continue pursuing solutions to the required findings, at their risk. The findings do not need to be made at this stage. The General Plan Initiation process is designed, ultimately, to save the applicant time and money. If the proposed Land Use change is not desired by the Board, they can save the applicant the time and money required to process the proposal. However, the Board certainly has the ability to initiate even if the findings cannot be made at this stage.

Additional Information

Additional information has been submitted or presented to Planning Staff since the Planning Commission meeting for the General Plan Initiation.

- The applicant's original application included various components of support their request for the extraordinary findings, including assistance in constructing a sewer line for a new High School and donating and land and construction off/for joint use soccer fields and a special needs park. The applicant has since indicated that project could provide two additional extraordinary benefits to the County:
 - The Regional Conservation Authority (RCA) has provided a letter dated March 20, 2014 indicating they "would support the concept of an extraordinary foundation element change whereby in addition to the payment of the MSHCP Local development Mitigation Fees, an assessment to be paid prior to the certificate of Occupancy was levied on each unit" providing the RCA "funding to acquire critical conservation lands" within the County.
 - In a letter by the applicant's representative, Mr. Sam Alhadeff dated April 17, 2014 (attached), the applicant is also committing to providing a special assessment for the Scott Road and I-215 Interchange, above and beyond the standard required Development Impact Fees (DIF) and TUMF fees. The letter explained that the amount of the fee has yet to be determined.
- The School district has submitted an additional letter dated March 25, 2104 (attached) that clarifies their need to open the school as soon as possible. This helps strengthen the applications relationship to the 'critical timing' component needed for the extraordinary benefits findings.
- The staff report indicated that High Schools could be compatible with rural style development; however, it is also true that High Schools are best cited when they are local to higher populations. The idea is simple; kids should be able to walk to the schools they use. The applicants proposed increase in density would bring more students closer to the proposed school (currently called High School #4).
- The applicant's original justification indicated there was an MOU with Valley Wide. The applicant has since clarified that the soccer fields were requested by the School District, not Valley Wide Parks and Recreation District, and that there is no MOU with the District.
- The original Planning Commission Staff report for the General Plan Initiation discussed the citing of a special needs park proposed by the applicant for this site. In the report, Staff indicated that park should be located central to the population it would serve. The applicant's representatives, however, have indicated that the location is appropriate for several reasons; they will provide additional reasoning should the application be initiated.
- As a point of clarification, the project is bound on the north by Garbani Road. In the general Plan Circulation Element, Garbani Road is designated as a Major, with 118' of right of way. Additionally, a future interchange is planned at Garbani Road and the 215.
- As a point of clarification, the Staff report explained that there are three existing underground high pressure gas lines near the site. The report briefly explained that a residential development could be constructed near such lines. To expand on that, many residential communities are built near such lines and projects can include mitigation to address gas lines. The Gas Company will be consulted should the application be initiated.
- An additional letter from Mr. Sam Alhadeff, representing the applicant, dated February 18, 2014 is attached for review.
- Nine (9) additional letters in opposition have been submitted and attached for review.

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

FORM 11: General Plan Amendment No. 1129

DATE: February 19, 2014

PAGE: Page 4 of 4

Impact on Citizens and Businesses

Should the Board initiate the proposed General Plan application, further review of the General Plan Amendment application will include an evaluation by Planning staff, the appropriate environmental review, and consideration by the Planning Commission and Board of Supervisors during public hearings on the project. Should the Board decline to initiate the application no further review of any kind will be required and no further processing of the application will take place.

SUPPLEMENTAL:

Additional Fiscal Information

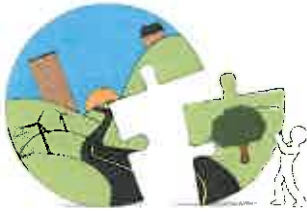
There will be no cost to the County for the processing of the application.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. **Planning Commission Staff Report**
- B. **Directors Report**
- C. **Additional Letters**



RIVERSIDE COUNTY PLANNING DEPARTMENT

Juan C Perez
Interim Director

DATE: February 19, 2014

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: General Plan Amendment No. 1129 (GPA1129)

(Charge your time to these case numbers)

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

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

****No public notification required****

Do not send these documents to the County Clerk for posting

THIS ITEM HAS BEEN PRE-AGENDIZED FOR APRIL 29th

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

Desert Office · 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

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



FROM: TLMA – Planning Department

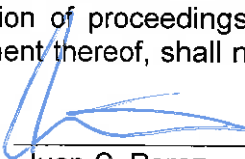
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RECOMMENDED MOTION:

Staff recommends that the appropriate findings per the General Plan Administration Element cannot be supported, and request that the Board of Supervisors decline to initiate General Plan Amendment No. 1129. However, should the Board elect to initiate the Amendment, Staff also recommends that the Board direct Staff to modify the Estate Density Residential & Rural Residential Policy Area to exclude the project area or eliminate the policy altogether. 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.

JCP:ms


 Juan C. Perez
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COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	
SOURCE OF FUNDS: Deposit Based Fees (by applicant)				Budget Adjustment:	No
				For Fiscal Year:	13/14

C.E.O. RECOMMENDATION: 0

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- 4/5 Vote
- Positions Added
- Change Order

Prev. Agn. Ref.:

District:3/3

Agenda Number:

Departmental Concurrence

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

FORM 11: General Plan Amendment No. 1129

DATE: February 19, 2014

PAGE: Page 2 of 4

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FORM 11: General Plan Amendment No. 1129

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FORM 11: General Plan Amendment No. 1129

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Impact on Citizens and Businesses

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SUPPLEMENTAL:

Additional Fiscal Information

There will be no cost to the County for the processing of the application.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. **Planning Commission Staff Report**
- B. **Directors Report**
- C. **Additional Letters**



RIVERSIDE COUNTY
PLANNING DEPARTMENT

**PLANNING COMMISSION
MINUTE ORDER
FEBRUARY 19, 2014**

I. AGENDA ITEM 2.1

GENERAL PLAN AMENDMENT NO. 1129 – Applicant: Joseph Rivani – Engineer/Representative: Jeff Anderson – Third/Third Supervisorial District – Winchester Zoning Area – Sun City/Menifee Valley Area Plan: Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) – Location: Northerly of Wickerd Road, easterly of Heinz Lane, southerly of Garbani Road, and westerly of Brandon Lane – 170.8 net acres – Zoning: Residential Agricultural- 5 Acre Minimum (R-A-5). (Legislative)

II. PROJECT DESCRIPTION:

The General Plan Amendment proposes an Extraordinary Foundation Amendment to amend the General Plan Land Use Designation from Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) to Community Development: Medium Density Residential (CD:LDR)(2-5 Du/Ac).

III. MEETING SUMMARY:

The following staff presented the subject proposal:

Project Planner: Matt Straite at (951) 955-8631 or email mstraite@rctlma.org.

Spoke in favor of the proposed project:

- Sam Alhadeff, 1 Ridgeway Dr. #245, Temecula (951)-252-6151

Spoke in opposition to the proposed project:

- Grant Becklund, 30811 Garbani Rd., Winchester (951) 288-0601
- Marsha Becklund, 30811 Garbani Rd., Winchester (951) 288-0601 (gave time to Grant Becklund)
- Vicki Romberger
- Rick Croy, Menifee (951) 301-1912

IV. CONTROVERSIAL ISSUES:

Yes. The application proposes an extraordinary foundation change which discouraged in the General Plan. The community is concerned about any changes to the rural character of the area.

V. PLANNING STAFF ACTION:

RECEIVED PLANNING COMMISSION RECOMMENDATIONS FOR THE BOARD OF SUPERVISORS.

CD: The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.

Agenda Item No.:
Area Plan: Sun City/ Menifee Valley
Zoning Area: Winchester
Supervisory District: Third/Third
Project Planner: Matt Straite
Planning Commission: February 19, 2013

GENERAL PLAN AMENDMENT NO. 1129
(Foundation Amendment - Extraordinary)
Applicant: Joseph Rivani
Engineer/Representative: Jeff Anderson

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

RECOMMENDATIONS:

The Planning Director recommended that the appropriate findings per the General Plan Administration Element can be made and the Planning Commission made the comments below. The Planning Director continues to recommend that the appropriate findings per the General Plan Administration Element can be made. 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 Petty: The Commissioner, using a red, green, yellow light analogy, gave this project a "strong yellow light." He wanted to know more about the school site. He indicated some concern over the schools need for the project. Further, he indicated that if the school is viable in this location it could be a "game changer" for the area that may warrant a land use change to neighboring properties.

Commissioner Charissa Leach: The Commissioner gave the project a red light. She indicated that the General Plan Amendment was inappropriate for the area. She explained that we are creating a land use inconsistency, the homeowners in the area purchased their land with expectations of the surrounding development, based on the existing Land Use Designations, and this application is changing those understandings. She said it was not fair to those homeowners. She also echoed staff's concern that successful communities need a mix of housing types, and further erosion of the mix in this area would be detrimental to the community in the future.

Commissioner Ed Sloman: The Commissioner echoed Commissioner Petty's strong yellow light. He said he was in favor of protecting rural areas, but he felt the school was a "game changer."

Commissioner Bill Sanchez: None

Commissioner Mickey Valdivia: The Commissioner indicated that the initiation was inappropriate for this area.

Attachment A

Agenda Item No.: 2.1
Area Plan: Sun City/ Menifee Valley
Zoning Area: Winchester
Supervisory District: Third/Third
Project Planner: Matt Straite
Planning Commission: February 19, 2013

GENERAL PLAN AMENDMENT NO. 1129
(Foundation Amendment - Extraordinary)
Applicant: Joseph Rivani
Engineer/Representative: Jeff Anderson

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 1129 proposes an **Extraordinary Foundation Level Amendment** to amend the Riverside County General Plan Land Use Element from Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) to Community Development: Medium Density Residential (CD:LDR)(2-5 Du/Ac) for 9 lots totaling 170.9 acres.

The proposed Amendment is located in the Sun City/ Menifee Valley Area Plan; more specifically, the project is located northerly of Wickard Road, easterly of Heinz Lane, southerly of Garbani Road, and westerly of Brandon Lane.

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 a 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 a General Plan Foundation Component- Extraordinary Amendment under Section 2.6. This type of event is properly considered an exception to normal General Plan considerations because of its serious cause and potentially serious impacts on the General Plan.

GENERAL PLAN ADMINISTRATIVE ELEMENT 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 subject to the development review process and final CEQA determination. The Administration Element of the General Plan explains that there are four

J.M.

categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 1129 falls into the Foundation category, because it is proposing to change the foundation from Rural Community (RC) to Community Development (CD).

The Administration Element of the General Plan explains that two findings must be made, and at least one of five additional findings must be made to justify an Extraordinary Foundation Amendment. The two findings are:

- a. The foundation change is based on substantial evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan.
- b. A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, Principles, or Policies. An Extraordinary Amendment must still result in a consistent direction for the subsequent planning period. The condition stimulating such an amendment may involve private properties, public properties or both.

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

- c. An unconstitutional taking of property might occur without the amendment, and the amendment alters the General Plan Foundation Component designation only to the extent necessary to avoid the taking.
- d. A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan Foundation Component designations in order to protect the public health, safety and welfare.
- e. A component amendment is required to conform to changes in State or Federal law, or applicable findings of a court of law.
- f. A component change is required to comply with an update of the Housing Element or change in State Housing Element law.
- g. A General Plan component amendment is required to significantly expand basic structural employment (such as employment in industry, agricultural processing, and research and development), that creates permanent jobs exclusive of the construction jobs generated by the project itself, and excluding retail jobs in, service commercial, warehousing, and residential uses not ancillary to the primary employment use.
- h. A component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the MSHCP and Community Environmental Transportation Acceptability Program (CETAP) programs that are contained in this General Plan, and that could not be accomplished by a lesser change in the General Plan.

EXTRAORDINARY FOUNDATION BACKGROUND:

The applicant is proposing an extraordinary foundation change, this is not a typical General Plan Amendment. Foundation changes can be made on of two ways. The first is to request the change during the typical 5 year (now 8 year) General Plan update cycle. A window of opportunity was open to request such changes for the 2008 General Plan update between January and February, 2008.

The second method is to request, what the General Plan calls an "Extraordinary Foundation Change," as a result of extraordinary events. There have been three such requests in the history of the County, only one was approved by the Board, The Villages of Lakeview Specific Plan (SP342), by a two/three vote of the Board. The General Plan was designed to allow for a Foundation change outside the 5 year window, but such a change is intended to be granted only if it has extraordinary justification. This type of event is properly considered an exception to normal General Plan considerations because of its serious cause and potentially serious impacts on the General Plan.

CONSIDERATION ANALYSIS:

The applicant has provided justification of why this change is needed now, and cannot wait until the next General Plan 5 year window (now 8 years proposed in the General Plan Update, GPA 960). The applicant's justification is attached to this staff report as attachment C. In addition, the applicant's representative, Mr. Samuel Alhadeff has also provided a letter with further justification for the proposed Extraordinary Amendment, please see attachment A.

Below is an analysis of the proposed change by Staff. At this time Staff is not in support of the proposed change as it does not appear to satisfy the requirements for an Extraordinary Foundation Amendment and is inconsistent with the General Plan and its Policies. Staff is recommending to decline the initiation.

The analysis below is structured around the three required findings (two mandatory, and the third being one of five).

First Required Finding: The first finding per the General Plan Administrative element explains that the proposed Amendment must be based on substantial evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan.

This one required finding actually has many parts. The analysis below analyzes each part individually: it analyzes A. the new circumstance, and B. the consistency with the general Plan in three parts, 1) the consistency with the vision, 2) the Policies of the General Plan, and 3) the consistency with the Foundation.

A. That new circumstances exist:

The applicant contends that there are three new circumstances:

- A) A High School proposed adjacent to the project site.
- B) A need for more soccer fields in the area.
- C) A need for a special needs aquatic park in the area.

It is true that the Perris Union High School District owns the adjacent property and proposes to construct a high school, the timing of which is not yet known. The applicant's materials indicate that the High School site needs a lift station that a) would not function properly without the additional homes proposed by the applicant, and b) that the school cannot afford to build.

However:

1. The school district is not required to consider County General Plan Land Use Designations when they place schools. This high school site is located in an area designated by the County for large lot rural development. In fact, the area is specifically protected in the General Plan with a Policy called the Estate Density Residential & Rural Residential Policy Area that specifically prohibits increases in residential density (see below for more detail). The high school site is intended to serve the more urban uses planned to the east of the school site in the Dominagoni Specific Plan (SP310) as well as the more rural area to the west of the high school site. However, the high school site should not drive urban development into existing rural areas. Existing General Plan Land Use Designations should guide development, not high school placement. To have land use decisions dictated by the location of a proposed school site erodes the County of Land Use authority and makes the primary factor in density the cost of the land to the school. The value of land should not drive density, good planning should dictate where density is located.
2. To take the idea one step further, the State has indicated, through SB375 and AB32, that land use density should be located near transportation corridors. In general the density proposed by the General Plan is along State Highways, not in rural areas. The proposed project is not located along any significant transportation circulation corridors. This is most clearly demonstrated by the Estate Density Residential & Rural Residential Policy Area that specifically prohibits increases in residential density (see below for more detail).
3. The proposed land use change will likely be growth inducing and create a continued erosion of the rural lifestyle and density in the areas, thus violate the underlying General Plan Policy.
4. The applicant's materials indicate that the Valley Wide Parks and Recreation District needs more soccer fields and a "special needs" aquatic park. If there is a need for those facilities they should be located closer to urban populations, not in a rural area where the impacts of such a facility will more exacerbated. There are many open space recreation areas that are located within nearby approved Specific Plans that would be better suited to such a facility. Further, there are a number of Specific Plans in the Winchester/French Valley area that are seeking revisions to/ totally new Specific Plans. The addition of soccer fields and an aquatic center could easily be accommodated within many of these Specific Plans where urban density is planned already. The applicant for this proposed GPA might be able to provide land for a park, but that does make this the best location for such a facility.
5. An aquatic center would best serve the community along a significant circulation corridor. The proposed location is miles from either the Highway 79 or the 215 Interstate. The area was environed as a rural area as demonstrated by the Estate Density Residential & Rural Residential Policy Area. See Attachment B.
6. The property has three high pressure gas lines near the site, please see Attachment D consisting of two letters from the Gas Company submitted for the Santa Rosa Academy which is on the same site as the proposed project. A residential development can work

around such high pressure lines but increasing the density of the site will increase the number of residents living next to the gas lines.

7. The site for the proposed community, which would include the aquatic center and the High School, is on the same site as the application for Public Use Permit No. 907, The Santa Rosa Academy Charter School. This project was before the Board of Supervisors in April of 2011 and was continued off calendar. The application is still on file. During that hearing a number of community members voiced concerns about the school, the high pressure gas lines, the increase in traffic and the increasing urban development in the rural area.

B. The proposed change **does** conflict with:

(1) The Riverside County Vision.

- a. The Vision of the General Plan is embedded in many places throughout the General Plan. There is a Policy in the Sun City/ Menifee Valley Area Plan that specifically addresses any increase in density in this location of the County. The "Estate Density Residential & Rural Residential Policy Area" explains that there was significant sentiment from the existing population of this area to keep their Rural lifestyle. The proposed project is within this specific mapped area which features this policy:

SCMVAP 6.1 Residential development in this area shall retain its existing estate density and rural character.

The Vision of the General Plan is clear, this area is rural and at the time the General Plan was created in 2003 the people voiced their desire to keep the area rural. During the hearings for the Santa Rosa Academy the constituents that live in that area continue to maintain this desire. That Vision was translated to an rural policy specific for this area. Increases in residential density are not permitted based on the policy, and any proposal to increase density is inconsistent with the General Plan. This is discussed in more detail below in the analysis for specific General Plan Policy inconsistencies.

- b. The General Plan explains that the conversion of Rural areas to Community Development is discouraged. Specifically, the General Plan explains the intent of a Rural conversion in the Administration section of the General Plan during a discussion of incentives. In this discussion the General Plan explains, "a rural incentives program has also been discussed that would allow location of development on a portion of rural and agricultural parcels in exchange for some increase in overall residential yield. To do this, permanent preservation of remaining open space would be required on the parcels involved, and that open space would have to contribute to a larger open space area or continuous linkage to adjacent open space preserves." The text goes on to explain that these hard concepts were not included in the General Plan as a requirement, but the intent is clear. This project is not setting aside any Rural areas for preservation and is not meeting the vision of the General Plan.

- c. More generally, a successful community requires many different sizes of residential lots. The urban density in this area is located along Highway 79 and in the City of Menifee, not on the project site. Larger lots help attract businesses as well because they afford opportunities for executive housing. The rural area is an important element of the mix and diversity of residential housing in the area. Any further erosion of the rural areas could jeopardize the appropriate mix envisioned in the 2003 General Plan.

(2) Any General Plan Principle. The project is inconsistent with at least three policies.

- a. The project is inconsistent with the **Estate Density Residential & Rural Residential Policy Area**. The project is in the Sun City/ Menifee Valley Area plan. Each area plan has specific Policy Areas that were crafted to achieve specific goals within those customized area plans. As was previously stated, the project is in an existing rural area. During the creation of the General Plan there was a very vocal contingency in this area that helped forge a General Plan Policy that was specifically designed to prevent an increase in density in this specific rural area. More specifically the policy reads:

This residential area consists of rural estate development, with custom house development as the main pattern. The character is rural in intensity, but more in line with estate development as it has traditionally been developed. The low intensity qualities of this area are well established and strongly supported by local residents and property owners. Until that perspective changes significantly, growth and development should be focused elsewhere.

Policies:

SCMVAP 6.1 Residential development in this area shall retain its existing estate density and rural character.

The proposed project is highly inconsistent with this policy. The addition of a school in the rural area does not change the intent of the policy, schools have existed harmoniously with rural density in many parts of the County. There is nothing in the application materials that would indicate that the viewpoint of the local residents have "significantly" changed since the 2003 General Plan was created.

- b. The project is inconsistent with the **Highway 79 Policy Area**. This policy states that any implementing project must be 9% below the midpoint density of the Land Use designation. Any increase in the density will increase the unit count for the area and create an inconsistency.
- c. The project is inconsistent with the requirement for a **Community Separator**. The area is rural and acts as a buffer between the more rural parts of the City of Menifee and the more urban portions of the Third District along Highway 79, more specifically the Dominogoni Specific Plan located to the east of the High School site. The General Plan specifically requires community separators. The General Plan did not specify where these should be, but it does argue that they could be

large amounts of land. Staff views this area as just such a community separator, between the City and the Specific Plans, protected by General Plan Policy to remain Rural. Planning Staff for the City of Menifee indicated a similar sentiment (although this is not in the sphere of the City). They agreed that the rural area buffers the density from their city and they discourage any further encroachment or erosion of that buffer.

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

- a. The project is requesting the Land Use change based on the inconsistency with the existing designation. Should the Board act on the proposed application, the inconsistency would be addressed.

Second Required Finding: The second General Plan Administrative Element finding explains that “a condition must exist or an event must have occurred that is unusually compelling and could only be rectified by making changes in the current Riverside County Vision, Principles, or Policies. An Extraordinary Amendment must still result in a consistent direction for the subsequent planning period. The condition stimulating such an amendment may involve private properties, public properties or both.”

The applicant has provided information in the attachments which contend that the proposed project can satisfy this finding. The applicant’s representative argues that this project is needed because it will provide housing, cost sharing by developers, and help get youth involved in sports. While these are true of the project, they are also true of ALL projects in the County, all locations in the County. So the “condition” that has occurred, according to the applicants materials, is not unusually compelling and does not require a change in the General Plan to satisfy. It simply requires that the acres of existing vacant land already designated with urban densities be constructed; not that additional density be created.

Third Required Finding: In addition to the two, the General Plan indicates that at least one additional finding, from a list of five (labeled A-E in the General Plan), must also be made. The applicant has indicated that the project satisfies two of the additional requirements (see attachment for their specific arguments)¹:

- Letter E: That a component amendment is required to conform to changes in State or Federal law, or applicable findings of a court of law; and,
- Letter G: A General Plan component amendment is required to significantly expand basic structural employment (such as employment in industry, agricultural processing, and research and development), that creates permanent jobs exclusive of the construction jobs generated by the project itself, and excluding retail jobs in, service commercial, warehousing, and residential uses not ancillary to the primary employment use.

Staff analysis of Letter E:

The applicant’s representative indicates that a change in law regarding new sewer requirements for schools and a change in recent case law regarding a public agencies ability to ask for more than Quimby fees for parks justify the proposed request. The General Plan includes this provision to assure that the changes in law do not prevent an applicant from building out their

¹ Staff is avoiding any paraphrasing the applicant’s arguments.

land according to their existing General Plan Land Use designation. The applicant's designation is currently Rural. There are no changes in any laws that prevent the applicant from building out his property to the existing Rural standards. The increased sewer requirements for schools do not directly impact this applicant's ability to build out the Rural property to the Rural standards.

However, the argument above looks at the micro scale, the change as it relates to the property itself. The proposed change should also be viewed on a more macro scale, a regional level, taking other exogenous factors into account like the school, the need for parks space, and the aquatic center. The applicant contends that the change in sewer law requires this Extraordinary Amendment because more homes are needed to help the school build faster. The application materials also indicate that the developer can help carry some of the costs of the sewer run to the site. However, the application materials also indicate that there are other solutions to the sewer needs for the school. The proposed project and the increased density it would bring to the rural area would help assist the school, but the school could also build without the proposed application, without the need to further erode the Rural buffer that acts as community separator. In other words, the school will be constructed with or without this project. There is more urban density contiguous to the school site on the east that could also help carry some of the costs to bring sewer to the school. Specific Plan No. 310, Planning Area 12, is located right next to the school site and features a Medium Density Residential (MDR) Land Use designation. Just past PA 12 is PA 13 which features a school and park site on Wickerd Road less than ½ a mile from the school site. If the law regarding sewer for schools has changed, and a school site located less than ½ a mile from the proposed High School site could cost share. Again, the General Plan designed the density to be to the east, and designed the Rural areas to be between the City and the SP. So any burden for cost sharing should be borne by the areas already designated for density, not the areas currently designated for Rural development. As was previously stated, the rural land is cheaper, and the cost of the land should not be driving the location of the density. A General Plan, with well thought out infrastructure and controlled growth should be the driving factor, not less expensive land.

The applicants representative draws on a second legal change as support for the required findings, the increased right of a municipality to require more park land than Quimby (or sections of Ordinance No. 460) require. It is true that recent case law supports local land use authority requesting more park land than is required by local law; however, such a change does not require an Extraordinary Amendment to change the General Plan to rectify this recent change in case law. The County can ask for park land of any developer without the need to change the General Plan to support their increased requirement. The case law clarification increasing the ability to require park land may help support the proposed aquatic center, which would be well beyond the Quimby required for the proposed project, but it does not support the need to revise the General Plan. Further, any proposed aquatic center should be more centrally located to the *existing* General Plan density, not in a Rural area more cut off from main circulation (see above).

Staff analysis of Letter G:

The applicant's materials suggest that the Extraordinary General Plan Amendment is needed to significantly expand basic structural employment. The application materials go on to site sewer construction/ maintenance and the aquatic park as drivers for the new jobs. The General Plan explains that "a General Plan component amendment is required to *significantly* expand basic structural employment (*such as employment in industry, agricultural processing, and research and development*), that creates permanent jobs exclusive of the construction jobs generated by the project itself, and excluding retail jobs in, service commercial, warehousing, and residential

uses not ancillary to the primary employment use” [emphasis added]. The sewer would create long term jobs for maintenance, and the park would create some seasonal jobs (like lifeguards); however, both of these are not significant. Indeed, the General Plan provides examples of what a significant increase would be such as industry, agricultural, processing or R&D. The proposed General Plan Foundation change would provide none of these. Further, the General Plan goes on to indicate that “service commercial” jobs are specifically excluded. Most of the jobs in an aquatic facility would be classifiable as service commercial, thus furthering the projects inability to meet the required findings based on a significant creation of jobs.

Summary:

In summary, the project is required to make certain findings, in order to qualify for an Extraordinary Foundation Change under the General Plan. Based on Staff’s review the project could not satisfy the required findings to quality. The project is highly inconsistent with at least three policies of the General Plan, including two specific to this area, one of which was specifically designed to protect the Rural nature of the area. Staff is continuing to reach out to the water district, Valley Wide and other entities to further analyze the project request. Should the Board elect to initiate the project, additional studies and additional applications (the map for example) would be required to support the application. The project would likely require an EIR. Further, should the Board elect to initiate the proposed project, the Estate Density Residential & Rural Residential Policy Area would have to be modified to exclude the project area and neighboring parcels, or the policy would have to be eliminated altogether. Lastly, in addition to the project not being able to meet the required findings, staff also continues to assert that the project is not appropriate in this location for all the reasons listed above.

SUMMARY OF FINDINGS:

- | | |
|------------------------------------|---|
| 1. General Plan Land Use (Ex. #5): | Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) |
| 2. Proposed General Plan Land Use: | Community Development: Medium Density Residential (CD:LDR)(2-5 Du/Ac) |
| 3. Existing Zoning (Ex. #2): | Residential Agricultural- 5 Acre Minimum (R-A-5) |
| 4. Surrounding Zoning (Ex. #2): | Light Agricultural- 5 Acre Minimum (A-1-5) to the west, north and south, Rural Residential (RR) and Residential Agricultural- 5 Acre Minimum (R-A-5) to the west. |
| 5. Existing Land Use (Ex. #1): | Vacant |
| 6. Surrounding Land Use (Ex. #1): | Agriculture and scattered single family homes on large residential lots. |
| 7. Project Data | 170.8 Acres |

RECOMMENDATIONS:

Staff recommends that the appropriate findings per the General Plan Administration Element cannot be supported, and request that the Planning Commission provide comments to the Board of Supervisors regarding General Plan Amendment No. 1129. Should the Board elect to initiate the proposed Extraordinary Amendment, 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 Redevelopment Area;
 - b. An Airport Influence Area;
 - c. A MSHCP Criteria Area;
 - d. An Agricultural Preserve;
 - e. An area of high liquefaction;
 - f. A City sphere of influence;
 - g. A Flood Zone; or,
 - h. A Fault Zone.
3. The project site is located within:
 - a. Ord. No. 655 Mount Palomar Lighting Influence Area, Zone B (25.04 miles);
 - b. A High Fire Area;
 - c. The Community of Winchester;
 - d. Estate Density Residential & Rural Residential Policy Area;
 - e. Highway 79 Policy Area; and,
 - f. Ord. No. 663.10 Stephen's Kangaroo Rat Fee Area.
4. The subject site is currently designated as Assessor's Parcel Numbers 466-210-029, 466-210-303, 466-210-031, 466-210-032, 466-210-033, 466-210-034, 466-210-035, 466-210-036, 466-210-038, 466-210-030.

MS

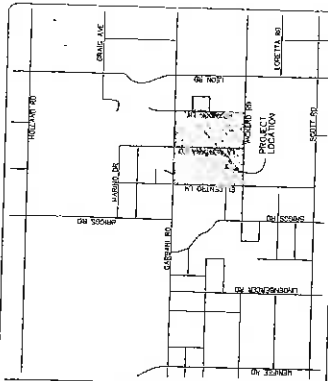
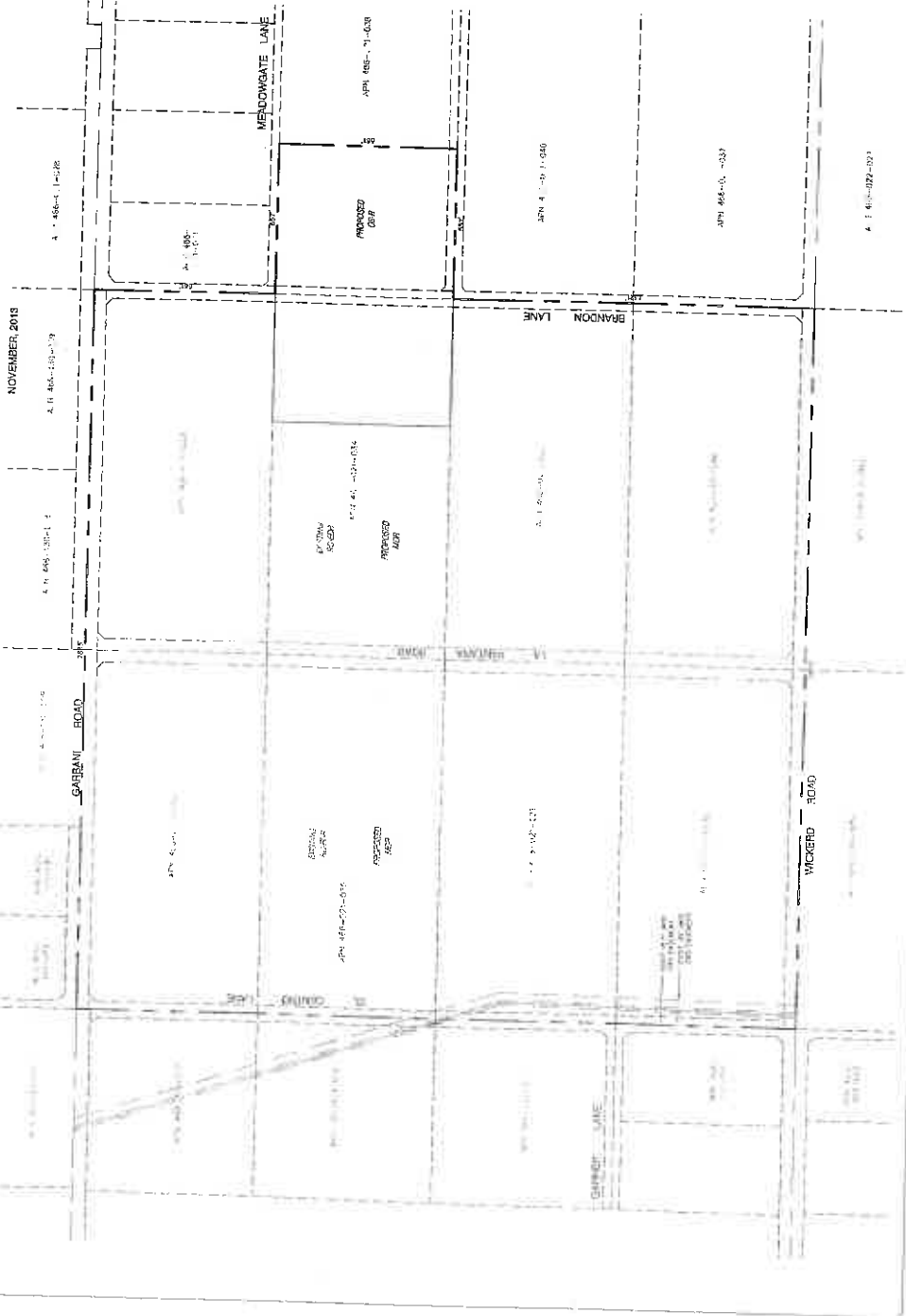
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Date Prepared: 12/4/13

Date Revised: 1/15/14

COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FRENCH VALLEY 170
DRAFT SITE PLAN
GENERAL PLAN AMENDMENT
EXHIBIT "A"

PARCELS 1 THROUGH 8, INCLUSIVE, AND LETTERED LOTS "A" THROUGH "T", INCLUSIVE, OF PARCEL MAP NO. 18897, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 149 PAGE 18897 AND 18898 OF THE PUBLIC RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; AND PARCELS B OF LOT 12 OF ADJUSTMENT NO. 3385 RECORDED JANUARY 11, 2010 AS INSTRUMENT NO. 2010-0010210 OF OFFICIAL RECORDS



APPLICANT

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LAND USE

EXISTING: R-C-DM 133.6 AC (60%)
 PROPOSED: MFR 154.9 AC (60%)
 TOTAL: 308.5 AC (60%)

AMENDED DESCRIPTION

THE PROJECT IS A 154.9 AC (60%) RESIDENTIAL DEVELOPMENT TO BE DEVELOPED IN THE R-C-DM ZONE, THE PROJECT IS A RESIDENTIAL DEVELOPMENT TO BE DEVELOPED IN THE R-C-DM ZONE.

THOMAS BROTHERS COORDINATES

PAGE 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



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FRENCH VALLEY 170
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 GENERAL PLAN AMENDMENT
 EXHIBIT "A"
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

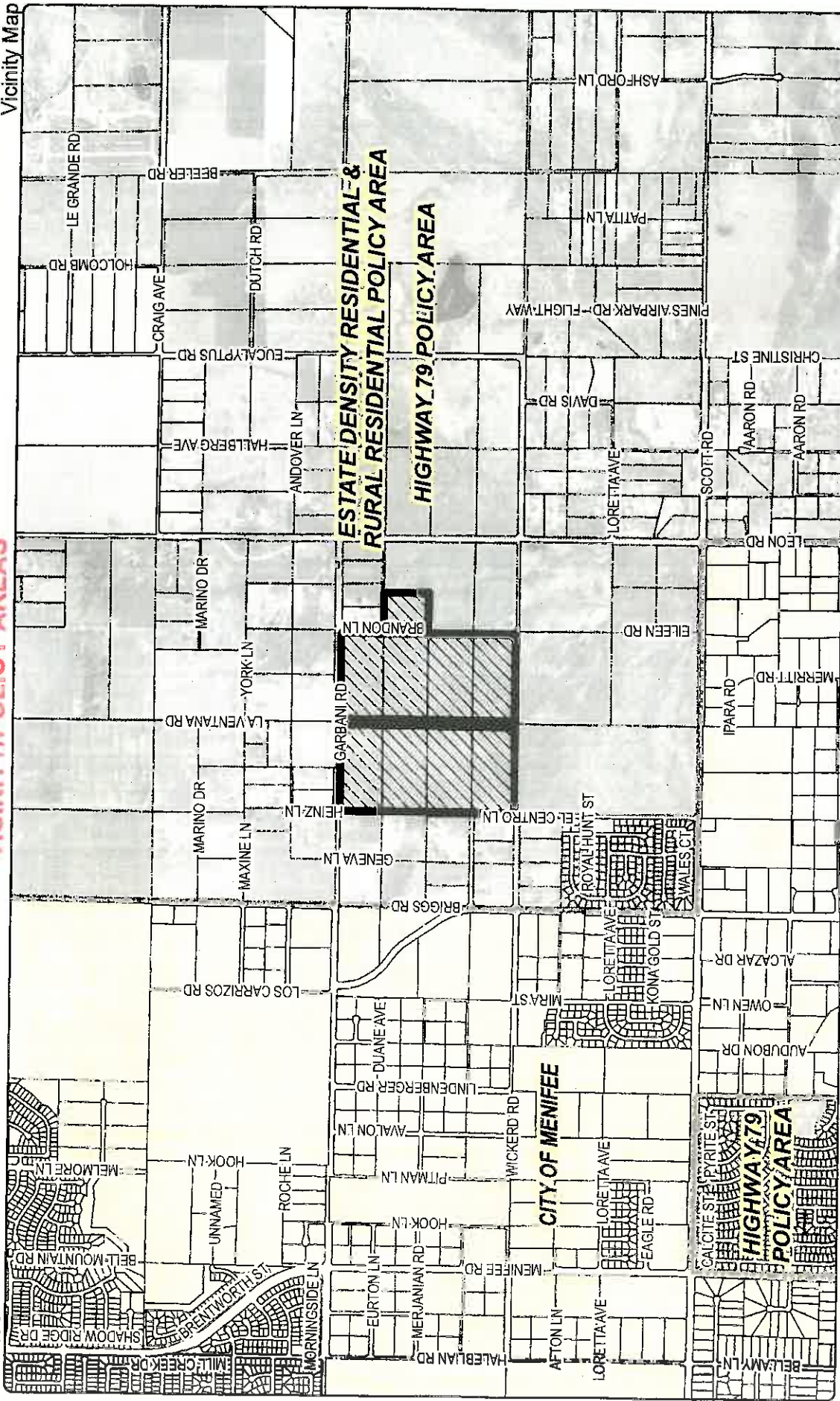
RIVERSIDE COUNTY PLANNING DEPARTMENT

GPA01129

VICINITY/POLICY AREAS

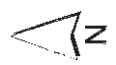
Supervisor Stone
District 3

Date Drawn: 01/02/2014
Vicinity Map



Assessors Bk. Pg. 466-210
Thomas Bros. Pg. 869 B7

Edition 2011



Zoning Area: Winchester
Township/Range: T6SR2W
Section: 18

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) 853-8277 (Eastern County) or website at <http://www.lima.co.riverside.ca.us/index.html>

RIVERSIDE COUNTY PLANNING DEPARTMENT

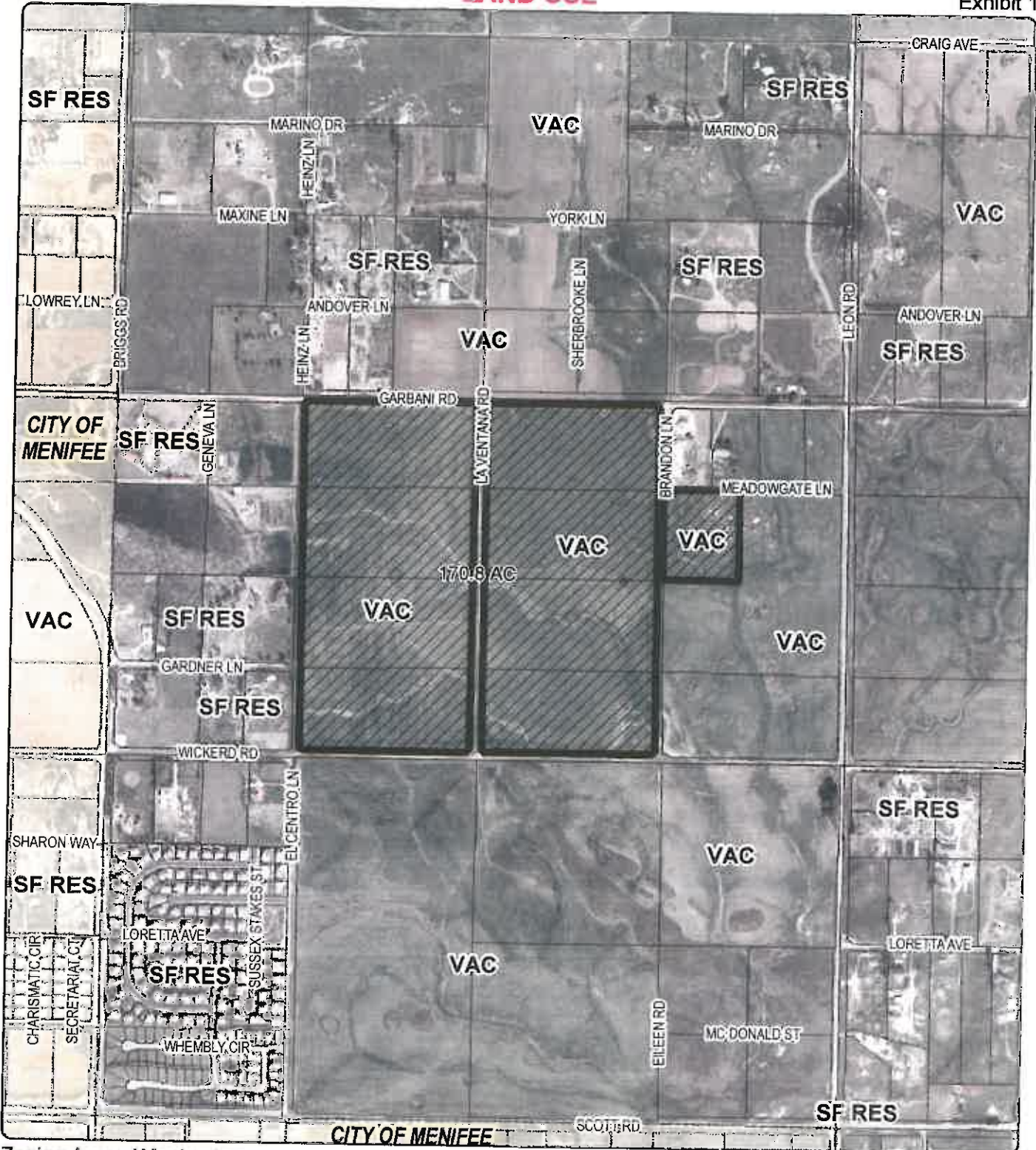
GPA01129

LAND USE

Supervisor Stone
District 3

Date Drawn: 12/31/2013

Exhibit 1



Zoning Area: Winchester
Township/Range: T6SR2W
Section: 18

Assessors Bk. Pg. 466-210
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Edition 2011

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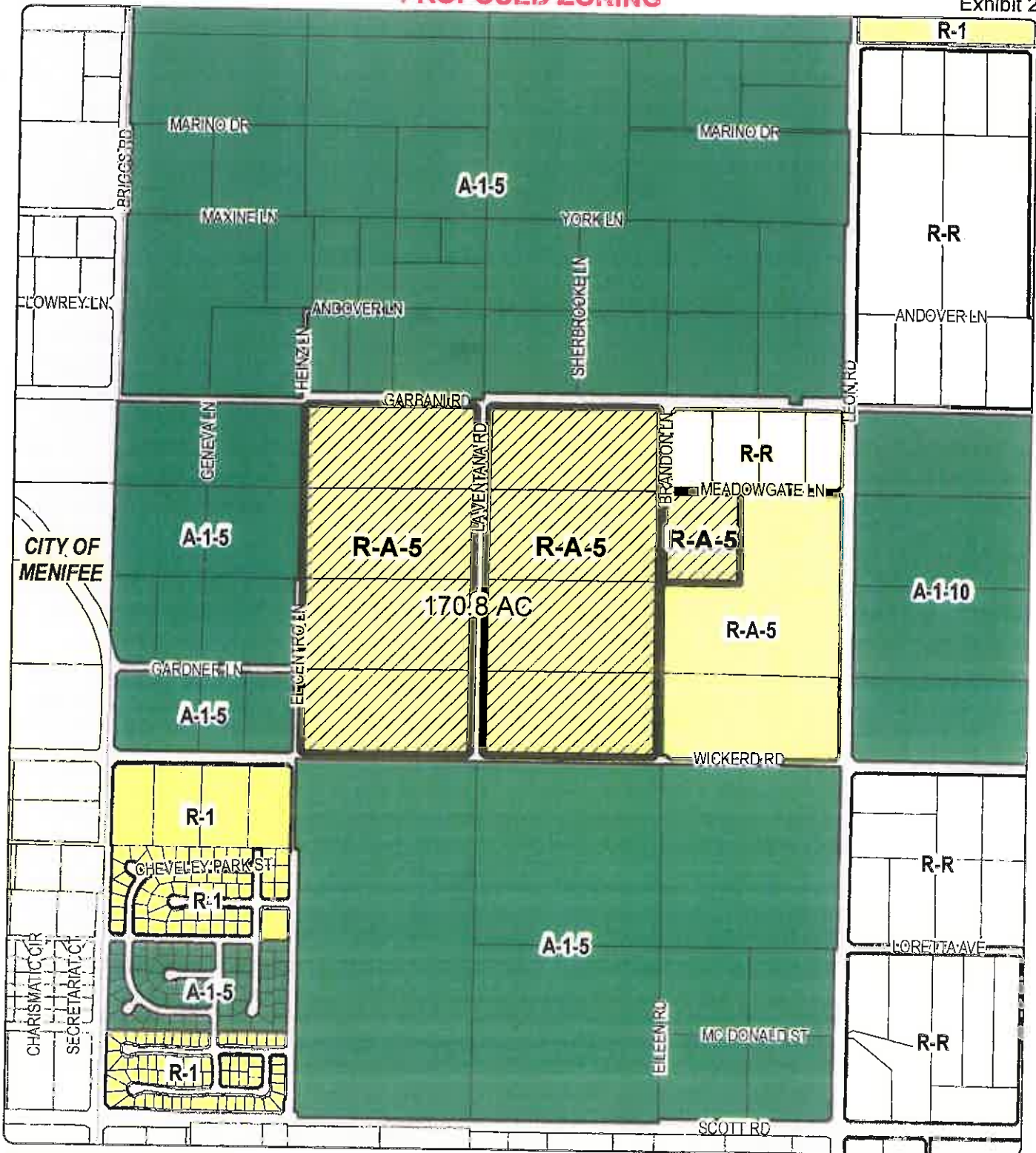
RIVERSIDE COUNTY PLANNING DEPARTMENT

GPA01129

PROPOSED ZONING

Supervisor Stone
District 3

Date Drawn: 12/31/13
Exhibit 2



Zoning Area: Winchester
Township/Range: T6SR2W
Section: 18



Assessors Bk. Pg. 466-210
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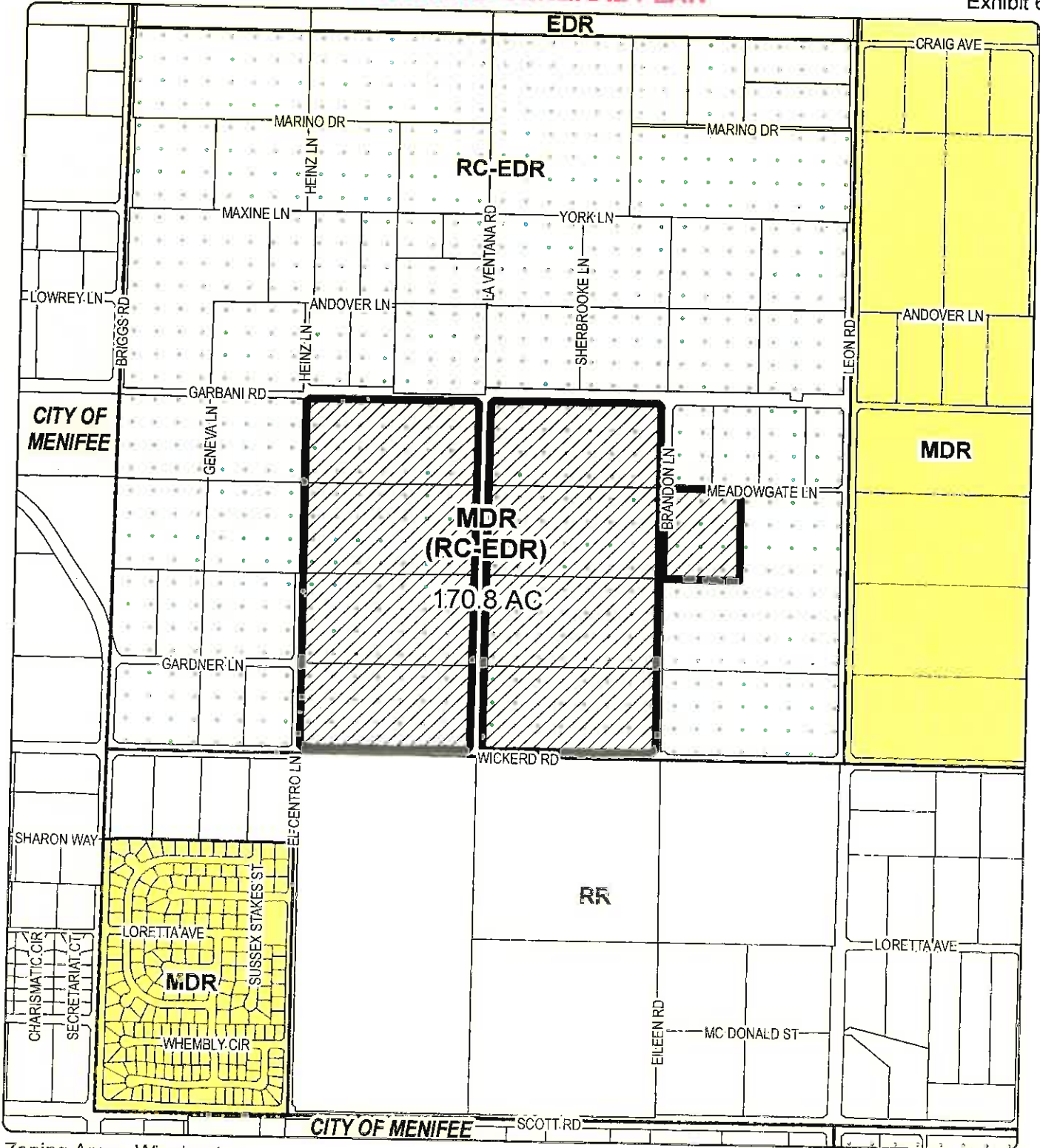
RIVERSIDE COUNTY PLANNING DEPARTMENT

GPA01129

EXISTING GENERAL PLAN

Supervisor Stone
District: 3

Date Drawn: 12/31/2013
Exhibit 6



Zoning Area: Winchester
Township/Range: T6SR2W
Section: 18

Assessors Bk. Pg. 466-210
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Edition 2011



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SAMUEL.ALHADEFF@LEWISBRISBOIS.COM

September 23, 2013

VIA ELECTRONIC MAIL ONLY

Jeff Stone, Supervisor
District No. 3
County Administration Center
4080 Lemon Street, 5th Floor
Riverside, CA 92501
jestone@rcbos.org

Olivia Barnes
Legislative Asst. to Supervisor Jeff Stone
County Administration Center
4080 Lemon Street, 5th Floor
Riverside, CA 92501
OBBarnes@rcbos.org

Re: Menifee 168 - Qualification for General Plan Amendment - Extraordinary
General Plan Amendment

Dear Supervisor Stone:

Project Background

The Project site is 168 acres owned by our client, Joseph Rivani, designated in the current General Plan as Rural Community, Rural Estate Density Residential. It is located at Leon and Wickerd Roads in an unincorporated area outside the sphere of influence of any city. This designation presently allows one unit per every 2 acres. The proposed Project ("Project") would change the designation to a Community Development, Medium Density Residential designation. The Project is proposed to have up to 600 units on lots ranging from 5000 to 8000 square feet, with a 2 acre neighborhood park and a significant detention basin to provide drainage for the entire site. We have had preliminary discussions with County staff and Planning Commissioner, John Petty to get preliminary review and comments.

The Project also includes the following regionally significant and extraordinary features not normally found in such a residential project: 1) an over-sized connection to the Elsinore Valley Municipal Water District (EVMWD) regional sewer station including a lift station which would allow the proposed high school to go forward; 2) 6 acres for soccer fields needed by the proposed high school (and area as a whole); 3) an aquatic park which

also would serve special needs children and adults needed by Valley-Wide Recreation and Park District to serve that region as a whole. These benefits are described in more detail below.

Project Benefits

The Project provides the following very specific and identified regional benefits:

1. Sewer Connection To EMWD To Enable Construction Of The New Perris Union High School District (PUHSD):

The Project site is located adjacent to the proposed Perris Union High School District High School #4 (HS#4). The School District successfully approved and issued \$150,000,000 in bonds, of which \$110,000,000 is allocated to build that high school; the Project is about to begin and the School District presently is looking for an architect. Under state regulations, the school cannot open without a sewer connection. The sewer provider is Eastern Municipal Water District, which plans future sewer connections by zone and region. PHUSD is waiting for the final plan for services from EMWD. Based upon detailed meetings with both PHUSD and EMWD, PHUSD requires the developer's assistance to meet the requirements of EMWD's plan for services and open HS#4.

Currently, PUHSD's HS #4 site is located some distance from the top end of a sewer tributary that extends up from the southwest and there are no existing facilities anywhere close the School site in that sewer zone. For the proposed residential development, EMWD is proposing a "sub-regional" sewer solution for the areas around the Leon Road, near Scott Road. The solution would require construction of an EMWD-maintained larger lift station to pump flows to the west to the next tributary zone. EMWD has indicated that there is additional capacity in this zone due to changes further south in the system. That additional capacity could accommodate the residential development and the sewer.

The provision of the lift station by the developer would allow HS#4 to open sooner. Schools in general typically do not generate enough effluent material to support any lift station without causing potential maintenance issues and definitely do not generate enough effluent for a larger, regional lift station. PUHSD does not have available funds to install such a lift station. Therefore, PUHSD will need surrounding robust residential development to generate enough effluent flows to support a larger lift station required by EMWD, and this Project provides for this lift station.

Additionally, the nearest sewer main, located in Wickard Road, near Briggs Road, has capacity for approximately 300 units. According to EMWD, this will not support enough units to serve as part of a "sub-regional" solution. Therefore, in addition to the lift

station, a separate main line system will need to be installed. To meet that need, EMWD initially has recommended adding another connecting to the main trunk line located at Haleblain Road & Garbani Road, which would be 2-1/2 miles of the master-planned sewer main to be located in Garbani Road. Again, the installation exceeds the financial capacity of the school district and will require a substantial residential development, such as this one, to support. This work provides a valuable, much needed and unique benefit to PUHSD.

HS#4 is important to serve the growing population of the County as well as that of Menifee. HSD would like to open the facility as soon as possible. Apparently, Menifee Unified School District already has a conceptual agreement with PUHSD to take over HS#4. Therefore, in the two major ways described, the provision of a sewer connection by the developer will allow the school to open sooner rather than later and save a considerable amount of funding for the School District by providing a lift station and sewer line in Garbani Road with the capacity to serve the school as well.

2. Additional Soccer Fields Needed Immediately By The Community And PHUSD:

PUHSD and the developer also have discussed the nature and type of recreational facilities to be provided by the development. Based upon those discussions, the school district has requested, and the developer can provide, 6 acres for soccer fields located adjacent to the HS#4 school site. PHUSD has indicated that at the time the school district purchased that site, they could afford only 52 of the 60 acres actually needed if they were to include badly needed soccer fields. The developer owns and can provide those 6 acres for soccer fields. In addition, PHUSD and Valley-Wide Recreation & Park District already have entered into an MOU to provide joint use recreational facilities at HS#4, which would include such soccer fields.

3. Aquatic Park With Improvements To Specifically Serve Those With Disabilities, Including Disabled Veterans To Be Maintained By Valley-Wide Recreation & Park District.

In addition to the joint use soccer fields, Valley-Wide Recreation & Park District (Valley-Wide) has indicated a need for an aquatic center to specifically include amenities for special needs individuals. The nearest such facility is located at Diamond Valley Lake, outside the regional service area for the proposed new facility; that aquatic center is heavily utilized. This facility would serve all of the Menifee and surrounding communities; it would be available to those with special needs who are unable to travel to Diamond Valley Lake.

The ADA 2010 Guidelines, 28 CFR Part 36(D) set minimum scoping and technical requirements for newly designed and constructed or altered local government facilities,

public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. New construction or alterations after March 15, 2012 must comply with the 2010 Standards and the alterations constructed must be in compliance with the revised ADA Standards "to the maximum extent feasible." (42 USC Section 12183(a)(2).) The aquatic park as proposed also offers more than mere ADA accessibility. This facility is needed for the whole area and will provide much needed recreation and service to the community.

Eligibility for Extraordinary General Plan Amendment

A. Requirements For Extraordinary General Plan Amendment:

The proposed Project would change the designation of the Project property from Rural Community to a Community Development, Medium Density Residential designation. That change constitutes a Foundation Element change to the County General Plan, which may occur only during the regular 4-year General Plan Amendment cycle unless there is justification for an Extraordinary Amendment.

Processing an Extraordinary Amendment to the General Plan does not operate on a planned cycle. It must be initiated either by vote of the Board of Supervisors or requested by others who believe such a consideration is needed. Once the request is submitted, the Board of Supervisors must make a determination that the degree of urgency for the change justifies an amendment consideration and, upon such determination, set a date for its consideration. The Board may also determine that the amendment may be included in the next scheduled amendment cycle, and has priority in that amendment package.

The Extraordinary Amendment procedure also requires that the Board of Supervisors accept evidence and make certain findings. The County must provide specific evidence to support such findings. (Statement of Decision, *Northern San Jacinto Valley v. County of Riverside*, April 11, 2012).

The following are the justifications for an Extraordinary Amendment that apply here and the type of specific evidence that will support the required findings. The first two findings are mandatory.

1. The foundation change is based on ample evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan; and

2. A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, Principles,

or Policies. An Extraordinary Amendment must still result in a consistent direction for the subsequent planning period. The condition stimulating such amendment may involve private properties, public properties or both.

In addition to the two (2) mandatory findings, one (1) or more of the following findings must also be made.

1. An unconstitutional taking of property would occur without the amendment, and the amendment alters the General Plan Foundation Component designation only to the extent necessary to avoid the taking;
2. A natural or man-made disaster or public emergency has occurred that warrants a change in the General Plan Foundation Component designations in order to protect the public health, safety and welfare;
3. A component amendment is required to conform to changes in State or Federal law, or applicable findings of a court of law;
4. A component change is required to comply with an update of the Housing Element or change in State Housing Element law;
5. A General Plan component amendment is required to significantly expand basic structural employment, such as industrial, agricultural, processing and research and development, excluding retail, service, commercial, warehousing, and residential uses not ancillary to the primary employment use; or
6. A component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the MSHCP and Community Environmental Transportation Acceptability Program (CETAP) programs that are contained in the General Plan and that could not be accomplished by a lesser change to the General Plan.

B. Facts Supporting Extraordinary Amendment:

In this case, all or portions of requirement numbers 3 and 5 are met; taken together these meet the requirements for an Extraordinary Amendment.

Number 3, meeting changes in statutory and case law: The component amendment will meet changes in state and federal law as to sewer service to high schools. In addition, recent case law provides that public agencies may require dedications of park facilities in addition to the requirements of the Quimby Act. *Homebuilders Association of Tulare/Kings County v. City of Lemoore* (2010) 185 Cal. App. 4th 554. In addition, the proposed aquatic park will incorporate new ADA standards to better meet special needs.

Number 6, expansion of structural employment, is met by the jobs created for the installation of the sewer and its ongoing maintenance, as well as for the operation and maintenance of the aquatic park, and the numerous employees necessary to staff the school and provide faculty and administration.

The Rivani Project meets the requirements for such a change for the following reasons: there is specific, strong and documented evidence (which can be put into the record) of new conditions or circumstances, those new conditions are "unusually compelling," and, as discussed below, the General Plan change requested is not in conflict with the other portions of the General Plan or other County policies and the needs of community, Flood District and School District.

C. Consistency Of The Proposed Foundation Element Change With The Current General Plan

A careful review of the language of the General Plan confirms that the proposed Foundation Element change that the modifications do not conflict with the overall Riverside County Vision, and that do not create an internal inconsistency among the elements of the General Plan; and that are still provide consistent direction for upcoming planning periods.

The main vision of the General Plan is that *Riverside County is a family of special communities in a remarkable environmental setting*. Nothing in the proposal is inconsistent with that; in fact, the addition of recreational amenities and the facilitation and acceleration of HS#4's operation strengthens the surrounding community.

The change to allow for medium residential density in a formerly rural residential area is specially contemplated with a Foundation Element change as set out in the language of the Land Use element.

Land Use Policies:

LU 5.1 Ensure that development does not exceed the ability to adequately provide supporting infrastructure and services, such as libraries, recreational facilities, transportation systems, and fire/police/medical services. (AI 3, 4, 74)

LU 5.2 Monitor the capacities of infrastructure and services in coordination with service providers, utilities, and outside agencies and jurisdictions to ensure that growth does not exceed acceptable levels of service. (AI 3, 4, 32, 74)

LU 5.3 Review all projects for consistency with individual urban water management plans (AI 5)

The change to the Medium Density Residential designation is more compatible with the contiguous high school site and therefore logical for the adjacent parcels and would not create a leapfrogging situation disfavored by the General Plan. Nothing in the zoning change prevents or prohibits the recreational uses contemplated.

Land Use Compatibility

Policies:

- LU 6.1 Require land uses to develop in accordance with the General Plan and area plans to ensure compatibility and minimize impacts. (AI 1, 3)
- LU 6.2 Direct public, educational, religious, and utility uses established to serve the surrounding community toward those areas designated for Community Development and Rural Community uses on the applicable Area Plan land use maps. These uses may be found consistent with any of the Community Development, Rural Community, or Rural foundation designations, including the Rural Village Overlay, as well as the Open Space B Rural and Agriculture designations, under the following conditions: (AI 1,3)
- a. The facility is compatible in scale and design with surrounding land uses, and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods.
 - b. The location of the proposed use will not jeopardize public health, safety, and welfare, or the facility is necessary to ensure the continual public safety and welfare.
- LU 6.3 Consider the positive characteristics and unique features of the project site and surrounding community during the design and development process. (AI 3)
- LU 6.4 Retain and enhance the integrity of existing residential, employment, agricultural, and open space areas by protecting them from encroachment of land uses that would result in impacts from noise, noxious fumes, glare, shadowing, and traffic. (AI 3)
- LU 6.5 Require buffering to the extent possible between urban uses and adjacent rural/equestrian oriented land uses. (AI 3)
- LU 6.6 Require buffering between urban uses and adjacent rural/equestrian oriented land uses. (AI 3)
- LU 6.7 Buffer and/or maintain a natural edge for proposed development directly adjacent to national forests Will not build on hillsides but leave open

The Medium Density Residential designation provides some of the same blend of rural uses as found in the Rural Residential designation. One of the goals of the General Plan is to provide balance:

"We acknowledge that balancing a variety of important considerations in making community decisions is a constant challenge. We have faith that the foundation provided through our participation in shaping this vision and its implementing mechanisms will achieve a workable balance of mutual benefit

Application of "balance" will allow the development, which will meet additional goals of the General Plan for housing balanced with open space; costs borne by development for facilities to serve the area of the development, and services for youth such as schools and recreational facilities such as soccer fields, as set out below:

Housing

We acknowledge shelter as one of the most basic community needs and value the willingness of our communities and their leaders to accept housing for our growing population in our communities, particularly with respect to the ongoing shortage of affordable housing and its negative impacts on our communities.

Costs

We know that community-building involves significant costs. We seek sharing of benefits and costs in a proportional manner: the community should fund community-wide benefits and development related benefits should be funded by the development, all as part of an equitable overall financing strategy. We seek shared funding methods through partnerships that improve overall cost effectiveness.

Youth in the Community

We affirm that the future of our community lies with our children and that their education and support are essential to community well-being. We dedicate ourselves to building and sustaining a network of support for the youth in our community.

In addition, the "Goals of the RCIP" include provisions for "Public facilities such as schools, law enforcement related facilities, libraries, fire stations, community centers and other facilities essential to providing community services" to be in place. Specifically, under Goal #7, public access to recreation opportunities is part of the overall open space system, with multi-purpose parks, play fields, and community facilities at varied sizes in accessible locations.

Infrastructure, Public Facilities & Service Provision

With the projected increase in population, demands on/for community facilities and infrastructure, such as roads, utilities, public safety and schools will increase. The challenge will be to correlate the provision of infrastructure, public facilities and services with these demands. In order to ensure the correlation between growth and service provisions as well as to minimize capital and service costs, the RCIP Vision dictates that development should only occur where adequate public facilities and services are available or are planned for at the time of development. In addition, it is an expressed desire of the County that those that benefit from these services and facilities bear a fair share of the cost of improvements, as illustrated in the RCIP Vision as follows:

We know that community building involves significant costs. We seek sharing of benefits and costs in a proportional manner: the community should fund community-wide benefits and development related benefits should be funded by the development, all as part of an equitable overall financing strategy. We seek shared funding methods through partnerships that improve overall cost-effectiveness.@

Finally, the medium density residential designation does not differ that greatly from the rural village designation, and the change from the second to the first is specifically contemplated with a Foundation Element change. (See Land Use Element, Chapter 3, Page LU-68). In summary, the change in density for this Project does not conflict with the overall vision of the Riverside County Plan or with any one of the 12 fundamental elements. The condition which is unusually compelling, allowing such change, is the ability to go forward now with a needed school facility, soccer fields and aquatic park.

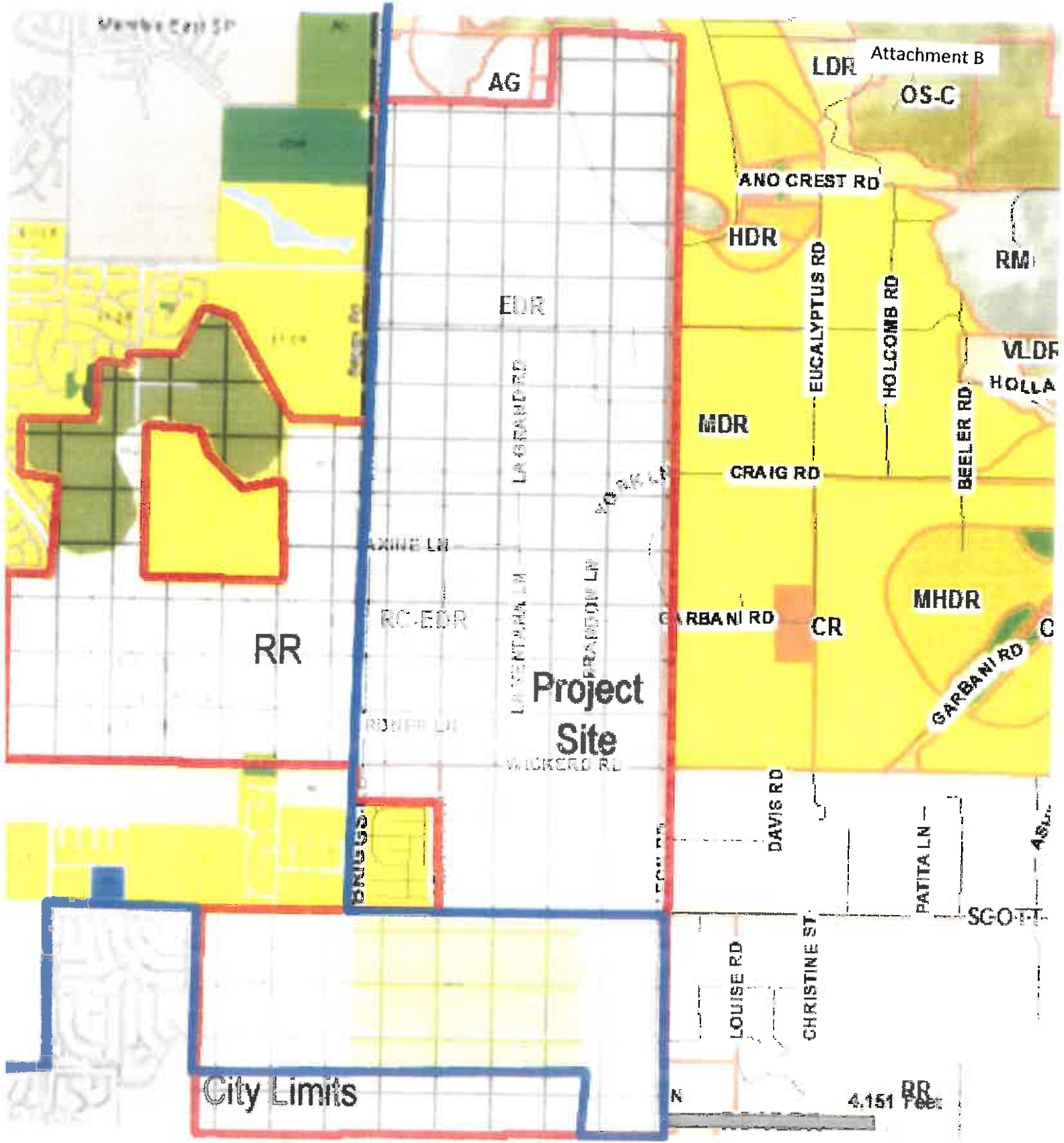
We respectfully request your consensus to proceed through the GPIP process and foundation element process as requested. We are happy to answer any questions and are prepared to proceed in conformance with applicable County requirements.

Very truly yours,



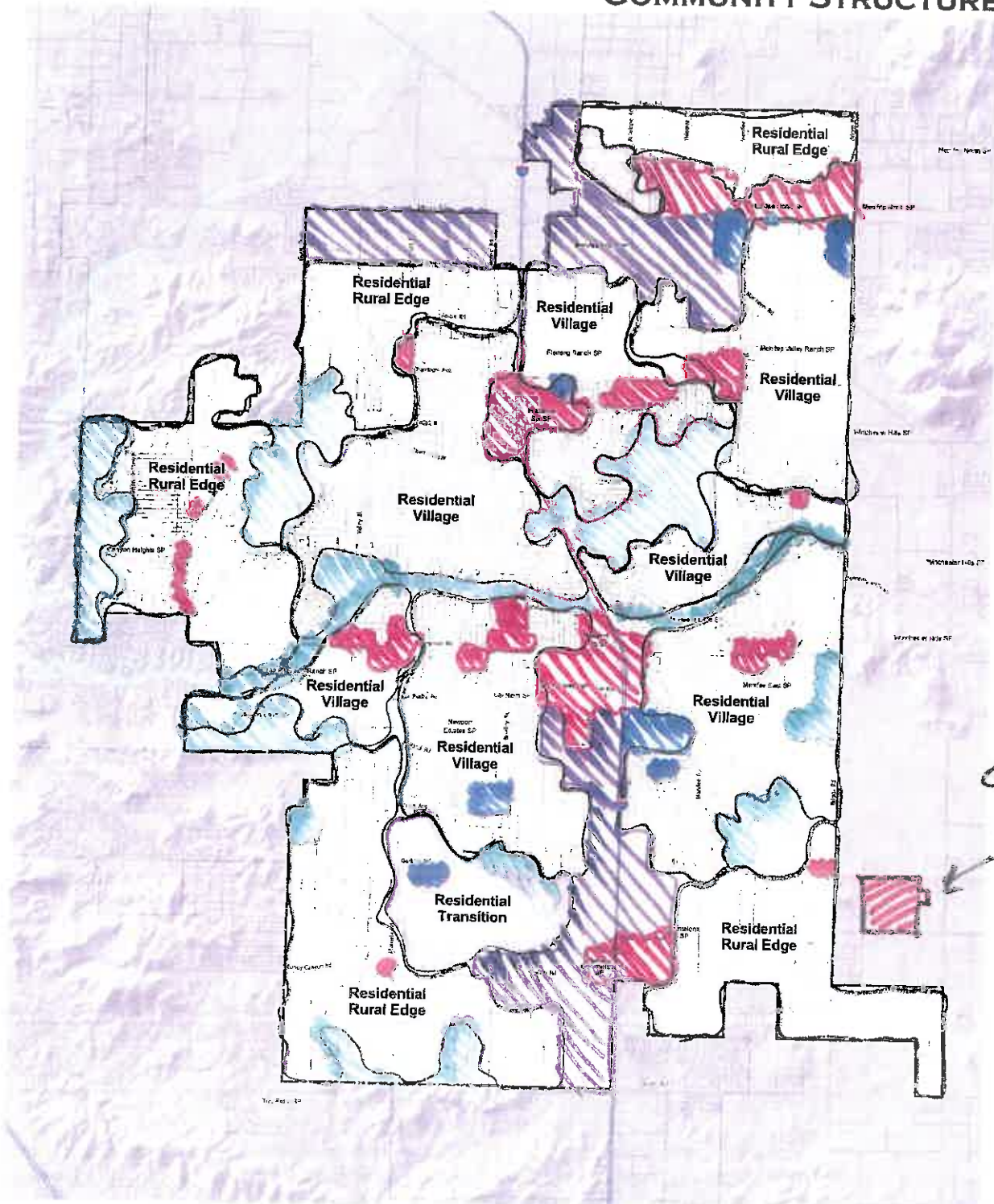
Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA







Cross hatch is the Rural Policy Area

EXHIBIT LU-1 COMMUNITY STRUCTURE



Source: The Planning Center | DC&E, 2013

-  Commercial cluster: Predominantly regional or neighborhood-serving retail commercial uses
-  Jobs center: A mix of predominantly nonresidential land uses (such as office, business park, industrial) and limited residential uses.
-  Public facility: Includes schools, universities, and utilities
-  Natural landform: Hillsides, creeks, greenways, and other significant topography

Attachment C
French Valley 170 - GPA/GPIP Application
Justification

Project Background

The French Valley 170 project is designated in the General Plan as Rural Community, Rural Estate Density Residential. This designation presently allows one unit per every 2 acres. The proposed project would change the designation to a Community Development, Medium Density Residential designation. The project is proposed to have up to 600 units on lots ranging from 6,000 to 7,000 square feet. The project would include includes a regional aquatic and special needs improved park of approximately 15 acres, a 2 acre neighborhood park, and an construction of a sub-regional sewer solution for Eastern Municipal Water District (EMWD) including, but not limited to, a lift station) to deliver sewer service to properties in the area. The land use plan for the development is shown on Exhibit "D," attached and incorporated here.

Project Benefits

The project provides the following very specific and identified regional benefits:

1. Provides a sewer connection to EMWD to enable construction of the new Perris Union High School District (PUHSD): The site is located adjacent to the proposed Perris Union High School District High School #4. The School District successfully approved and issued \$150,000,000 in bonds, of which \$110,000,000 is allocated to build this high school; the project is about to begin and the School District presently is looking for an architect. Under state regulations, the school could not open without a sewer connection; additionally, the School does not produce enough sewage to justify the construction and maintenance of a lift station. Therefore, the provision of a sewer connection by the developer will allow the school to open and save a considerable amount of funding for the School District by providing a lift station with the capacity to serve the school as well.
2. Joint use fields and aquatic/special needs park: PUHSD has expressed a need for additional grass fields to support their sports activities. The Developer will incorporate these field requirements as part of the 15 acre park and will work with the PUHSD and Valley Vide Recreation & Park District to establish a MOU to provide for joint use recreational facilities. This will allow for the park to serve High School #4 and the local the community as a whole. Additionally, the park will serve those with disabilities, including disabled veterans with an aquatic/special needs amenities. The ADA 2010 Guidelines, 28 CFR Part 36(D) set minimum scoping and technical requirements for newly designed and constructed or altered local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities. New construction or alterations after March 15, 2012 must comply with the 2010 Standards and the alterations constructed must be in compliance with the revised ADA Standards "to the maximum extent feasible." (42 USC Section 12183(a)(2).) There is no such special needs park which serves adults (such as veterans) with the area. Such a special needs park offers more than mere ADA accessibility.

Eligibility for Extraordinary General Plan Amendment

A. Requirements for Extraordinary General Plan Amendment:

The proposed project would change the designation of the property from Rural Community to a Community Development, Medium Density Residential designation. That change constitutes a Foundation Element change to the County General Plan, which may occur only during the regular 4-year General Plan Amendment cycle unless there is justification for an Extraordinary Amendment.

Processing an Extraordinary Amendment to the General Plan does not operate on a planned cycle. It must be initiated by either the Board of Supervisors or requested by others who believe such a consideration is needed. Once the request is submitted, the Board of Supervisors must make a determination that the degree of urgency justifies an amendment consideration and, upon such determination, set a date for its consideration. The Board may also determine that the amendment may be included in the next scheduled amendment cycle, and has priority in that amendment package.

The Extraordinary Amendment procedure requires that the Board of Supervisors accept evidence and make certain findings. The County must provide specific evidence to support such findings. (Statement of Decision, *Northern San Jacinto Valley v. County of Riverside*, April 11, 2012).

There following are the justifications for an Extraordinary Amendment that apply here and the type of specific evidence that will support the required findings:

1. The foundation change is based on ample evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan; and
2. A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, Principles, or Policies. An Extraordinary Amendment must still result in a consistent direction for the subsequent planning period. The condition stimulating such amendment may involve private properties, public properties or both.

In addition to the two (2) mandatory findings, one (1) or more of the following findings must also be made:

- 1) An unconstitutional taking of property would occur without the amendment, and the amendment alters the General Plan Foundation Component designation only to the extent necessary to avoid the taking;
- 2) A natural or man-made disaster or public emergency has occurred that warrants a change in the General Plan Foundation Component designations in order to protect the public health, safety and welfare;

- 3) A component amendment is required to conform to changes in State or Federal law, or applicable findings of a court of law;
- 4) A component change is required to comply with an update of the Housing Element or change in State Housing Element law;
- 5) A General Plan component amendment is required to significantly expand basic structural employment, such as industrial, agricultural, processing and research and development, excluding retail, service, commercial, warehousing, and residential uses not ancillary to the primary employment use; or
- 6) A component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the MSHCP and Community Environmental Transportation Acceptability Program (CETAP) programs that are contained in this General Plan, and that could not be accomplished by a lesser change to the General Plan.

B. Facts Supporting Extraordinary Amendment:

In the case of this project, all or portions of requirement numbers 2), 3) and 5) are met; and taken together, these meet the requirements for an Extraordinary Amendment.

Number 2), disaster or public emergency, could occur absent sewer service to the area. Such service preserves and enhances public health and safety by removing illegal dumping and improper septic drainage and dumping.

Number 3), meeting changes in statutory and case law: Under number 2), the component amendment will meet changes in state and federal law as to sewer service to high schools. In addition, recent case law provides that public agencies may require dedications of park facilities in addition to the requirements of the Quimby Act. *Homebuilders Association of Tulare/Kings County v. City of Lemoore* (2010) 185 Cal. App. 4th 554.

Number 5), the expansion of structural employment requirement, is met by the jobs created for the installation of the sewer and park, and the ability of the school to hire personnel and open.

The French Valley 170 project meets these requirements for such a change for the following reasons: there is specific, strong and documented evidence (which can be put into the record) of new conditions or circumstances, those new conditions are "unusually compelling," and the General Plan change requested is not in conflict with the other portions of the General Plan or other County policies.



A Sempra Energy company

April 15, 2011

Attn: Grant Becklund
30811 Garbani Road
Winchester, Ca 92596

Pipeline Information Request: Engineering Project #11-0218

RE: Santa Rosa Academy, Riverside County, California

Dear Mr. Becklund

The Gas Company operation and maintenance procedures are in compliance with the Department of Transportation, Title 49 of the Code of Federal Regulations, Part 192. These Company Procedures are on file with the California Public Utilities Commission that audits The Gas Company's compliance annually. In addition, The Gas Company is aware of the new requirement under Title 5, California Code of Regulations, Section 14010 (h), Standards for School Site Selection, which applies to gas pipelines near schools, and has been very responsive in providing necessary pipeline data to outside consultants conducting risk analysis studies on proposed school sites. The new requirement specifies that:

"The site shall not be located near an above-ground water or fuel storage tank or within 1500 feet of the easement of an above-ground or underground pipeline that can pose a safety hazard as determined by a risk analysis study, conducted by a competent professional, which may include certification from a local public utility commission."

The Gas Company continues to strive to reduce the risk to public safety through technological advances, an active pipeline integrity management program, and being an active participant in the statewide Underground Service Alert Program. We operate our pipelines at or below the allowable pressures and make every effort to use the latest engineering advances in the design and construction of our pipeline system. As a result, The Gas Company operates nearly 4,000 miles of high-pressure transmission pipelines and over 44,000 miles of distribution lines collectively, contributing to one of the safest pipeline systems in the nation.

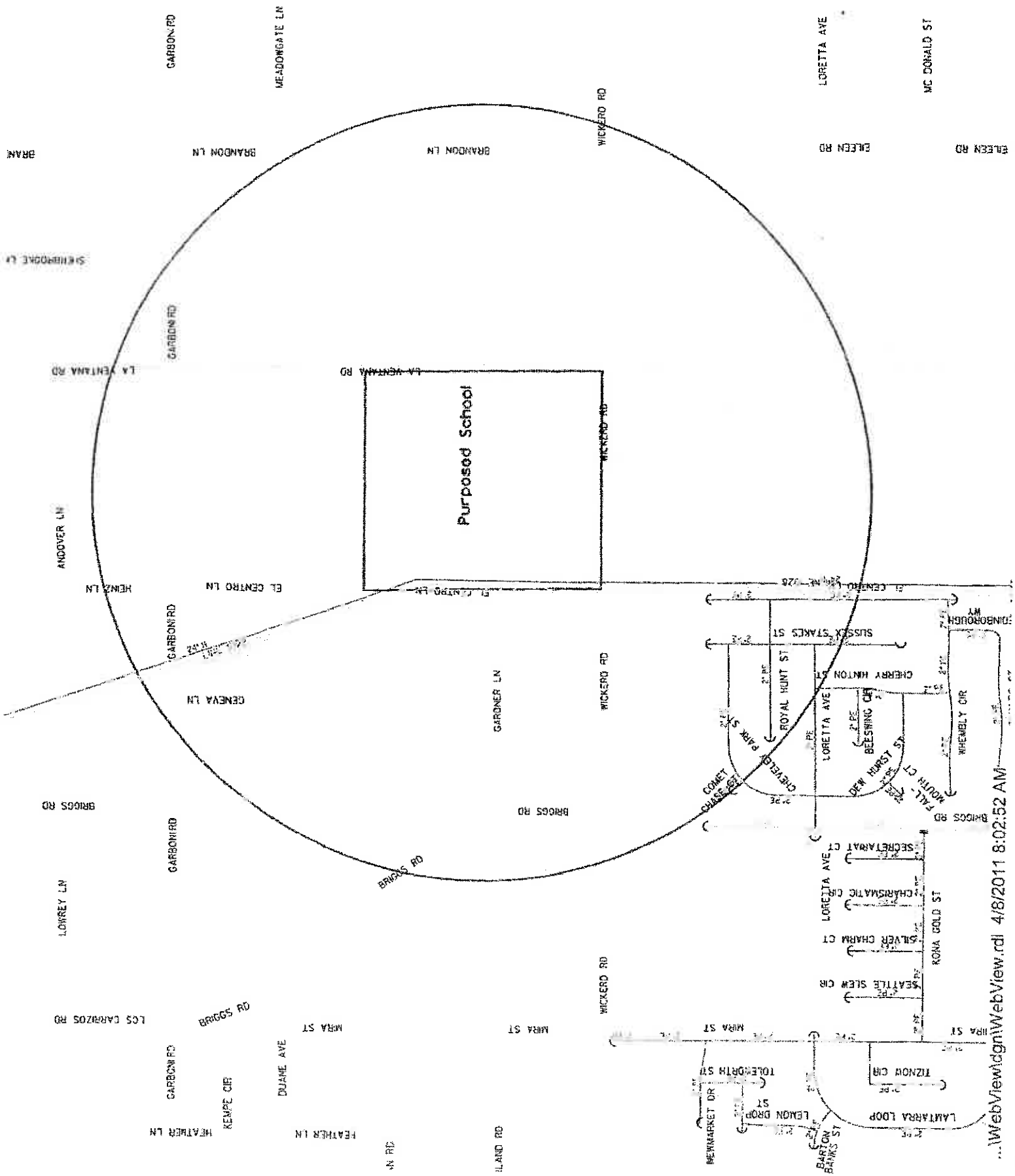
In response to your question concerning the proposed school site located at the intersection of Wickerd Road and El Centro Ln, we have determined that The Gas Company does currently own and operate 3 high-pressure pipelines within a 1,500 ft radius. The high-pressure pipelines that are located near the proposed site are size 16", 24" and 30" lines in good condition that operates above 20% Specified Minimum Yield Strength. The operating pressures of the 16" and 24" lines is 788 psig and have a Maximum Allowable Operating Pressure of 792 psig. The operating pressure of the 30" line is 788 psig and has a Maximum Allowable Operating Pressure of 788 psig. High-pressure lines are surveyed on an annual basis. The leakage records within the proposed school zone have been reviewed and indicate no leakage on the pipeline in question.

If there are any further questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Máz", written over a horizontal line.

Aaron Máz
Region Associate Engineer
Office (909) 335-7807





A  Sempra Energy™ company

April 8, 2011

Brad Burke
Competitive Edge Development, LLC
1120 Simpson Way
Escondido, CA 92026

Re: Santa Rosa Academy - Wickerd Road and El Centro Lane

Dear Mr. Burke:

We have reviewed the proposed location and offer the following to assist you in the development of this project.

As you are aware, an easement for three (3) existing gas lines runs along the west side of the property. Southern California Gas Company will work you and your project engineers regarding the design of improvements along this easement to insure that our safety standards are met.

Overall, we have no issues with the project as proposed, however, I have not received any plan and profile drawings so The Gas Company may have issues regarding the proposed work within the Gas Company easement once we have had a chance to review the actual plans.

The County of Riverside will require a non-interference or consent letter from SCG for the proposed storm drain within the SCG easement area. The SCG consent letter will be issued upon our review and approval of the final engineering drawings.

This project will not unreasonably interfere with full and complete exercise of this Utility's rights within the boundaries of said location; providing we are able to maintain our easements as recorded. **The Gas Company has no objections to the proposed construction provided the following conditions for construction over our easements are met:**

1. No change of grade without prior written approval of The Gas Company.
2. No permanent structures within the easement: i.e. buildings, concrete pads, walls, vaults, etc. Should the Gas Company have to remove any temporary/permanent structures over our easements, the demolition would be at the property owner's expense.
3. No planting of trees or deep rooted plants.

Southern California
Gas Company

9400 Oakdale Avenue
Chatsworth, CA
91313

Mailing Address:
P. O. Box 2300
Chatsworth, CA
91313-2300
M.L.9314

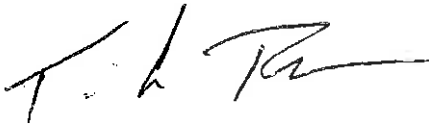
tel 818-701-4546
fax 818-701-3441

4. No poles, signs or fence posts to be installed without the written approval of The Gas Company.
5. Ingress and egress rights to and from the pipeline must be maintained.
6. All substructure crossings must be perpendicular to the gas lines and maintain a minimum two (2) foot separation.
7. Only light loaded, rubber tire equipment will be allowed over the gas facility and any work over or around the pipeline must be approved by The Gas Company.
8. All work within the Gas Company Easement must be witnessed by a Gas Company representative and no work will be allowed without the Gas Company representative on site.

This letter should not be construed as a subordination of this company's right, title and interest in and to said easement (s) nor should this letter be construed as a waiver of any of the provisions contained in said easements.

Should you have any questions or require additional information, please contact me at (951) 845-0719.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. A. Pearce', with a long horizontal flourish extending to the right.

Tim A. Pearce
Transmission Project Manager



Juan C Perez
Interim Planning
Director

RIVERSIDE COUNTY

PLANNING DEPARTMENT

Memorandum

DATE: February 19, 2014
TO: Planning Commission
FROM: Matt Straite, Project Planner
RE: **AGENDA ITEM 2.1- ADDITIONAL INFORMATION FOR GPA01129**

Since the Staff Report was published 1 letter in support has been revived and 13 letters in opposition regarding Agenda Item 2.1:

Support:

- Perris Unified School District

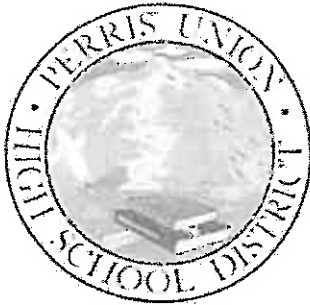
Opposed:

- Massie 1/28/14
- Croy 1/30/14
- Sorum, Sorum, Romburger and Romburger 1/31/14
- Croy 2/1/14
- Hernandez (Gabriel and Hilda) 2/4/14
- Hernandez (Jorge and Juana) 2/4/14
- Ramirez 2/7/14
- Stimmel 2/7/14
- Shane 2/12/14
- Sell 2/15/14
- McCormick 2/17/14
- Wyscarver 2/18/14
- Penny 2/18/14

Y:\Planning Case Files-Riverside office\GPA01129\GPIP\Memo to PC\Memo To PC GPA1129 2-19-14 PC GPIIP.docx

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



*"Growing Together
Through Education"*

**2010-2011
Advanced Placement
Achievement District**

Board of Trustees
Edward Agundez
Joan D. Cooley
William F. Hulstrom
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Jonathan L. Greenberg, Ed.D.
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Candace Reines
Assistant Superintendent
Business Services

Marcy Savage
Assistant Superintendent
Educational Services

Steve Swartz
Assistant Superintendent
Human Resources

District Administration Center
155 E. Fourth Street
Perris, CA 92570-2124
951-943-6369

Fax Numbers:
Superintendent's Office
951-940-5378
Business Services
951-940-5301
Human Resources
951-943-9852

Student Services Center
1151 N. "A" Street
Perris, CA 92570
951-943-6773
Fax: 951-943-6799

District Website:

January 21, 2014

Matt Straite
Riverside County Planning
4080 Lemon Street 12th Floor
Riverside, CA 92501

Dear Matt,

Thank you for talking this afternoon with Fred Good and me regarding the proposed development project (French Valley 170) that is being proposed on the property adjacent to our new high school site in the Winchester area of the school district. As we told you this afternoon, we have had a long and productive working relationship with the planners for this project. We are very positive about the potential to continue our collaborative efforts with them – especially as relates to joint planning for very important infrastructure and street improvements for this area.

We have had a chance to review some of the early materials that have been prepared to describe the French Valley 170 project and some of its potential benefits. In doing so, we would like to provide a couple of clarifications. First of all, within their GPA/GPIP Application they identify that our district has successfully approved and issued \$150,000,000 in bonds. While our voters did approve a \$153,000,000 General Obligation Bond authorization in November 2012 we have only issued \$35,000,000 in bonds to date. Secondly, within their GPA/GPIP application they mention that \$110,000,000 will be allocated to the new high school that is adjacent to their French Valley 170 project; our District has not yet determined how much of our \$153,000,000 bond authorization will be used for the high school project. It is our intent to continue to pursue State funding for this project and to leverage the local funds that have and will be generated. Our overall intent will be to judiciously use voter generated bond funds on a wide range of projects over the next decade or so and attempt to meet respective project expenditures through a combination of local and outside funding sources.

In closing, we greatly appreciate the opportunity to provide these comments to you. We want to thank you for the outstanding working relationship that we continue to have with your department and the County of Riverside. We are looking forward to our ongoing mutual efforts on projects of importance for the students, residents and communities within the Perris Union High School District.

Sincerely,


Hector Gonzalez
Facilities Project Manager

From: [Jeff Massie](#)
To: [Straite, Matt](#)
Subject: FW: Zoning Change for Menifee Rural Residential
Date: Tuesday, January 28, 2014 8:15:49 PM

Matt Straite,

My name is Jeff Massie, I am writing to you about the change to lot size in our area East of Briggs Rd. and South of Garbani Rd. I do not wish for this zone to change from a 2 acre zone to a high density zone for the following reasons !

My family has lived here for many years and have always enjoyed the rural life style we have. We have Great neighbors that take good care of each other and the area that we live in and enjoy.

I understand that growth is important to our city, however our area has experienced the result of growth from previous projects that surround our area. Outsiders use our roads as short cuts to traffic problems, and dumping grounds by people building new homes or moving in and are too lazy to go to the dump!

This area was full of wild life not so long ago, we need to try and keep open space for that and for our way of rural life style. Good neighbors are hard to come by, but easier to know when they live in the same fashion as ours. To chop up this area with smaller lots and high volumes of houses is wrong for this community, if more homes are needed they need to butt up to other tracts not just plopped down so that the people that live here have adjust to it.

Sincerely,

Jeff Massie

From: VRomberger@aol.com
To: [Straite, Matt](#); [Stark, Mary](#)
Cc: district3@rcbos.org
Subject: Letter in Opposition to General Plan Amendment 1129 (previous GPA 946 2009)
Date: Friday, January 31, 2014 2:24:25 PM

We want our letter to be part of the public record for the Feb. 19, 2014 Hearing
Letter in Opposition to General Plan Amendment 1129

Dear Planning Commissioners and Supv. Stone

The people who live in this area fully agree with the Staff Report, "no go" on this GPA Amendment 1129. There is no justification for an Extraordinary Amendment (Fast Track) to the General Plan as the report says. **There are other large projects approved adjacent to the new High School that can handle the sewer issue, and EMWD has already put in the main water line which runs down Wickerd to Leon from EICentro, just a few years ago and is ready to be hooked up to.**

GPA 946 in 2009 is on this same exact property. " It states the area has a well established rural character, and it shall retain its existing estate density and rural character." This is similar to the long battle for compatible zoning next to Bell Mountain two blocks north west of this property in Menifee. Which is back to Estate Density Residential (2 acres) that won the wishes of the area residents and protected the rural character of this area.

We the residents have heard the owner of past Ron Hartley/ Rancon (Jim Lydle) **have had this property in escrow after the denial of the Santa Rosa Charter School by Supv. Jeff Stone.** They never notified any residents of what was taking place by putting the Santa Rosa School on a **Fast Track, this was done to by pass telling the residents what was taking place in our area by the property owner.**

In our meetings with Supv. Stone and the planning department, we requested a change be made on how a Fast Track was handled going forward, so we the residents were not left out in the cold again. Well, again we are in the middle of the same issue. We didn't even know about the High Schools purchase of land until escrowed closed and was made public in the paper for a new school.

Why haven't there been any Public Meetings with us on this project & GPA 1129 ????

The owners of this property didn't and still haven't taken any steps to work with the residents in this area to what is being requested and planned in the area. Why such a secret?

We the residents feel the owners sold to the High School District and tried to sell to the Santa Rosa Charter School only to justify the rezoning of this property to High Density Residential Homes for their benefit.

Now Global Invest. wants to put 600 homes in without our knowledge too, why? The map of the development isn't very clear, as the south west corner at EICentro and Wickerd only shows 6000 sq. ft lots, this is also where there are 3 high pressure gas lines an 18", 24" and 30".

We are not against development in this area, but it must be compatible with the surrounding properties.

The area is 2, 5, 10 and 20 acre lots and we want to protect our area to be the same with the land use of horses, and our farm animals etc.

This area will be hard pressed enough just to deal with the traffic from the High School when built. No

stop signs or traffic lights and dirt roads that can not take High School kids driving at high rates of speed and being reckless.
600 homes in this area would be a disaster on it's own even without the High School going in.

GPA 1129, if approved is planning at its worst, with no regard to the General Plan let alone the residents of the area. It should be denied, and kept at 2 acre lots, with the possibility of a minimum of 1 acre horse property lots to conform to the rural character we have here and want to keep here.

Thank you for the opportunity to comment on GPA 1129, and please make our letter part of the public record.

Rural Residents

Glen Sorum - Pat Sorum

Vicki Romberger - Frank Romberger - Janet Romberger

Letter in Opposition to General Plan Amendment 1129

Dear Planning Commissioners;

We who live in this area fully agree with the Staff Report which calls for a “no go” on this GPA. Not only is this high density completely devoid of any “Extraordinary Foundation Level Amendment” reasoning, it is also violating the stated General Plan Policies referred to in the Staff report.

This General Plan Amendment is no different than the previous attempt under GPA 946 in 2009 [see attached] regarding the exact same property. It also correctly stated “ This policy area recognizes that the area has a well established rural character and requires that “residential development in this area shall retain its existing estate density and rural character.”

No one does not want to see development in the area, however it must be compatible. This GPA, on any level, can't be.

Similar to the long battle for compatible zoning next to Bell Mountain only two blocks west of this property, the City of Menifee wisely followed the original recommendation of the County Planning Commission and returned that property back to Estate Density Residential [2 acre mins]. This action confirmed the hard won wishes of the area residents and protected the rural character of the area.

GPA 1129 is clearly planning at its worst, with no regard for the General Plan. It should be denied.

I wish to have this letter as part of the public record.

Thank you for the opportunity to comment

Rick Croy

Rural Residents and Friends

“People for Balanced Growth”

We want our letter to be part of the public record for the Feb. 19, 2014 Hearing
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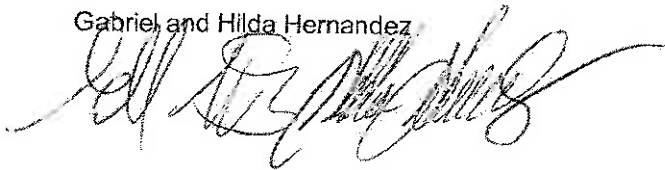
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Thank you for the opportunity to comment on GPA 1129, and please make our letter part of the public record.

Rural Residents

Gabriel and Hilda Hernandez

A handwritten signature in black ink, appearing to be a cursive representation of the names Gabriel and Hilda Hernandez. The signature is written over the printed name.

We want our letter to be part of the public record for the Feb. 19, 2014 Hearing
Letter in Opposition to General Plan Amendment 1129

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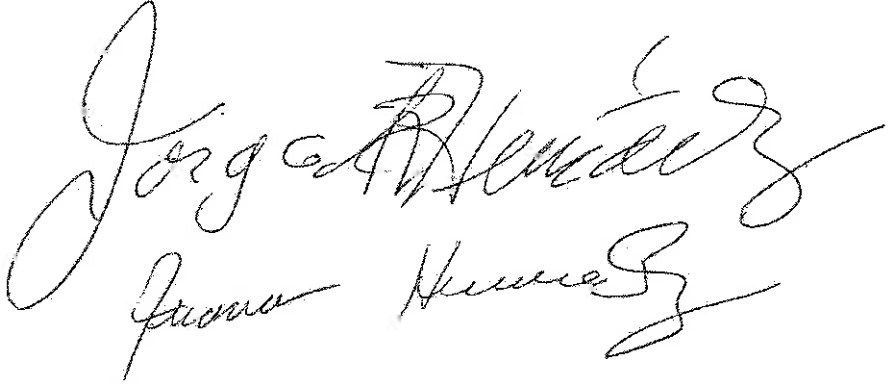
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Rural Residents

Jorge and Juana Hernandez



Jorge Hernandez
Juana Hernandez

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Straite, Matt

To: Mares, David
Subject: RE: General plan Ammendment

From: pintoranch7@gmail.com [<mailto:pintoranch7@gmail.com>]
Sent: Friday, February 07, 2014 3:23 PM
To: Stark, Mary
Subject: General plan Ammendment

As a property owner in the area of Bell Mt I am strongly in favor of the Rural designation being maintained for that area....thank you, a friend of Rural Residents and Friends..... Sincerely Marcie Stimmel

From: Philshane@aol.com
To: Straitte, Matt
Subject: Fwd: proposed development
Date: Thursday, February 13, 2014 8:39:30 AM

From: Philshane@aol.com
To: mstralte@rctima.org
Sent: 2/12/2014 5:10:56 P.M. Pacific Standard Time
Subj: Fwd: proposed development

From: Philshane@aol.com
To: mstraitte@rctima.org
Sent: 2/12/2014 10:40:04 A.M. Pacific Standard Time
Subj: proposed development

Dear Matt

I live on Gardner Lane and El Centro. I am strongly opposed to the proposed development adjacent to my property. It seems that you are ignoring the high pressure gas line running through the development. I am also very concerned the bad traffic situation will only get worse to an impossible senaro.

It seems that the zoning change tramples our life in Menifee.

Phil Shane
30220 Gardner Lane
Menifee, calif 92584

February 15, 2014

Mr. Matt Straite
Riverside County Planning Commission
4080 Lemon Street
12th Floor
Riverside, CA 92502

Re: General Plan Amendment No. 1129

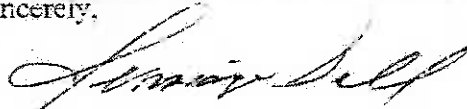
Dear Mr. Straite:

I moved out here about 15 years ago to enjoy the peace and quiet and get away from the busy activity of the city life. I wanted a quieter life for my family and horses. I do not want to see the zoning changed from the 2 acre minimum to allow 2 to 5 homes per acre. The current zoning is appropriate for our rural area and should remain in effect.

Having a school in the neighborhood changes the dynamic enough without adding 600 homes. The only reason to have an aquatic center and soccer fields would be to satisfy the new homes. Our area does not need either amenity. The proposed changes would be in conflict with the Riverside County's General Plan for the area as they would create traffic and congestion not typical to a rural zoning. Any new development should be required to adhere to the 2 acre minimum to maintain the rural lifestyle of our neighborhoods.

Please vote against General Plan Amendment No. 1129 and keep the current zoning in place

Sincerely,



Jennings Sell
Winchester, CA

February 13, 2014

Mr. Matt Straite
Riverside County Planning Commission
4080 Lemon Street
12th Floor
Riverside, CA 92502

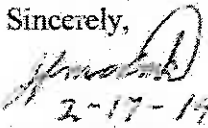
Re: General Plan Amendment No. 1129

Dear Mr. Straite:

I have lived in this area for 15 years. I enjoy the open space, the fresh air and my privacy. I do not want to see this area developed into tract housing with 2 to 5 homes per acre. This is a rural area with the majority of the lots being 5 and 10 acres. I am opposed to the change from our current zoning which is a 2 acre minimum to allow 2 to 5 homes per acre. The addition of 600 homes with all the people and traffic would ruin the peace and quiet we currently enjoy in our neighborhood.

Don't allow the developers to destroy the rural areas in Riverside County by changing the zoning. Please vote against General Plan Amendment No. 1129.

Sincerely,



2-17-14
James McCormick
Winchester, CA

From: shomors@verizon.net
To: [Straite, Matt](#)
Subject: Amendment #1129
Date: Tuesday, February 18, 2014 3:17:32 PM

Mr Matt Straite

We Arline Wyscarver and Ronald Wyscarver are against General Plan Amendment # 1129 as our 5 acres are on the corner of Gardner Lane, El Centro and Wickard. This will effect us greatly as we have livestock. 2- 5 homes is a very high density which will bring a lot of car traffic to this area, which can not handle this traffic. We are also afraid that these homes will sell in a lower bracket which will bring a different type of people to this rural area. We do understand that this land will be developed and to keep with this rural community would not mind 2 acre, 1 acre or even 1/2 acre. This would bring like minded people to this area to buy these homes. Please include our letter with the other letters of opposition against these homes.

Thank You

Arline and Ronald Wyscarver
30155 Gardner Lane
Menifee, Ca 92584
e.mail shomors@verizon.net

From: Lynn Penny
To: Straite, Matt
Subject: Re: GPA 1129
Date: Tuesday, February 18, 2014 7:14:59 PM

- > Please be advised that we strongly
- > support the Planning Staff report
- > recommendation which is consistent with General Plans Estate
- > Density Residential and Rural Residential Area East of I 215
- > policy area. The report recognizes that this area has a well
- > established rural community that residents support. It is
- > imperative that development in this area be compatible not
- > only to the current community but also to maintain the
- > availability of a rural lifestyle for future families that
- > would choose that environment for themselves and their
- > families.
- >
- > There will be thousands upon thousands of homes on 6000 foot
- > lots as we are a vast and rapidly growing county. However,
- > with that vast amount of land available growth should not
- > and need not come by destroying the small number of existing
- > rural communities.
- >
- >
- > We urge the Planning Commission to support the Planning
- > Staff report and to guide our growth to reflect a county
- > that offers choices in environmental lifestyles.
- >
- > Please make this document a part of the permanent record in
- > this matter.
- >
- >
- > Sincerely,
- >
- > Brian and Lynn Penny,
- > Rural Residents and Friends
- > "People for Balanced Growth"
- >
- >
- >
- >
- >
- >

Attachment B

Agenda Item No.:
Area Plan: Sun City/ Menifee Valley
Zoning Area: Winchester
Supervisory District: Third/Third
Project Planner: Matt Straite
Planning Commission: February 19, 2013

GENERAL PLAN AMENDMENT NO. 1129
(Foundation Amendment - Extraordinary)
Applicant: Joseph Rivani
Engineer/Representative: Jeff Anderson

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

RECOMMENDATIONS:

The Planning Director recommended that the appropriate findings per the General Plan Administration Element can be made and the Planning Commission made the comments below. The Planning Director continues to recommend that the appropriate findings per the General Plan Administration Element can be made. 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 Petty: The Commissioner, using a red, green, yellow light analogy, gave this project a "strong yellow light." He wanted to know more about the school site. He indicated some concern over the schools need for the project. Further, he indicated that if the school is viable in this location it could be a "game changer" for the area that may warrant a land use change to neighboring properties.

Commissioner Charissa Leach: The Commissioner gave the project a red light. She indicated that the General Plan Amendment was inappropriate for the area. She explained that we are creating a land use inconsistency, the homeowners in the area purchased their land with expectations of the surrounding development, based on the existing Land Use Designations, and this application is changing those understandings. She said it was not fair to those homeowners. She also echoed staff's concern that successful communities need a mix of housing types, and further erosion of the mix in this area would be detrimental to the community in the future.

Commissioner Ed Sloman: The Commissioner echoed Commissioner Petty's strong yellow light. He said he was in favor of protecting rural areas, but he felt the school was a "game changer."

Commissioner Bill Sanchez: None

Commissioner Mickey Valdivia: The Commissioner indicated that the initiation was inappropriate for this area.

Attachment C



*"Growing Together
Through Education"*

**2010-2011
Advanced Placement
Achievement District**

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Assistant Superintendent
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District Administration Center
155 E. Fourth Street
Perris, CA 92570-2124
951-943-6369

Fax Numbers:
Superintendent's Office
951-940-5378
Business Services
951-940-5301
Human Resources
951-943-9852

Student Services Center
1151 N. "A" Street
Perris, CA 92570
951-943-6773
Fax: 951-943-6799

District Website:
www.puhsd.org

March 25, 2014

Mr. Juan Perez
Director Transportation and Land Management
County of Riverside
4080 Lemon Street, 14th Floor
Riverside, California 92501

Dear Mr. Perez:

We are writing to provide comments on behalf of the Perris Union High School District for a proposed development project (French Valley 170) that is located directly adjacent to our proposed high school site in the Winchester area – we refer to this new school as High School #4. We have been working cooperatively with representatives from French Valley 170 for the better part of the past year with regard to infrastructure and street improvement planning.

It has been brought to our attention that the Riverside County Planning Commission may have received testimony/public comment for this project at the February 13, 2014 hearing that does not necessarily accurately reflect facts associated with our high school project. As such, we are providing the following information so that you clearly understand the potential impacts that the French Valley 170 project could have upon our badly needed High School #4 project.

First of all, it appears that questions may have been raised during the February 13th Planning Commission hearing as to whether or not we are proceeding with this project and if, in fact, it is actually needed by the Perris Union High School District at this time. We can assure you that we are proceeding as expeditiously as possible on the design of this new school and we are extremely serious in our desire to advance the project toward the construction phase. This sense of urgency is exacerbated by the fact that this school – when constructed – will be located within the Menifee Union School District that is actively pursuing unification. If/when unification of the Menifee Union School District occurs it will be necessary for them to provide approximately 1,000 additional seats for current high school students who attend our Heritage High School but reside within what would become the boundaries of the Menifee Unified School District. The sole existing high school within Menifee – Paloma Valley – is currently operating at its functional capacity. Additionally, new residential development within this area of our District is very active and we are anticipating an influx of additional new high school students for whom new seats will need to be provided.

There have been a small number of critics who feel that our High School #4 site is not best located in consideration of current and future high school needs. We believe it is important for you to know that we couldn't feel more positive about the location of this school – especially when considering the potential for future additional growth in this area over the next several decades. We

Page two

March 25, 2014 Correspondence to Mr. Juan Perez re: High School #4 and French Valley 170

carefully studied and considered approximately 20 alternatives before choosing the site that we now own for High School #4. The California Department of Education was involved with us during all of these analytical activities and assisted us in determining the site that best met their site selection criteria in consideration of our long-range school facility needs.

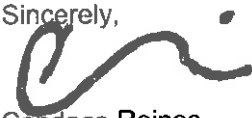
As a public school district, we believe it is not our role to state an "advocate" or "opposition" opinion as pertains to a development proposal such as French Valley 170. In this instance, however, we feel it would be irresponsible for us to not provide you with comments on a development project that could significantly benefit our important public project. While current sewer capacity exists for our project, the eventual construction of sewer facilities for our school can be completed much more economically and qualitatively if done so in conjunction with a neighboring development project such as French Valley 170. Even though several development proposals exist within the anticipated attendance area for this new school, the French Valley 170 project is the only one that is physically proximate and whose timing appears to be on a similar track to that of our school project. Concurrent construction of our High School #4 and the French Valley 170 project would result in requisite flows within the new sewer to allow it to more reliably and effectively function. Similar types of benefits would accrue to our project and the neighboring communities for other infrastructure and street improvements from concurrent construction schedules. We believe the completion of the school and development projects on similar schedules will result in improvements to the area that far surpass the individual needs of either High School #4 or French Valley 170.

As we believe you are aware, the voters within the Perris Union High School District supported the long-term implementation of our Facilities Master Plan through their passage of our \$153,000,000 local bond ballot Measure T in November 2012. As we have done in the past, we will continue to pursue every possible alternative funding source with the goal of "leveraging" our local funds in order to be able to meet a wider range of facility needs. A portion of the Measure T proceeds will be allocated to the High School #4 project as we continue to aggressively pursue other "matching" funding opportunities.

In closing, it is our hope that this information provides greater clarification about the planning and working relationship we have had with the French Valley 170 representatives and the significant benefits that the eventual construction of their project could bring to our High School #4 project. It would be greatly appreciated if you could notify us as to when this development proposal will be considered by the Board of Supervisors as we would very much like to be in attendance at that meeting.

We appreciate the opportunity to provide this information and to continue the excellent working relationships we maintain with your staff.

Sincerely,



Candace Reines
Assistant Superintendent, Business Services



Fred Good
Facilities Consultant to the PUHSD



Board of Directors

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City of Perris

Executive Staff

Charles Landry
Executive Director

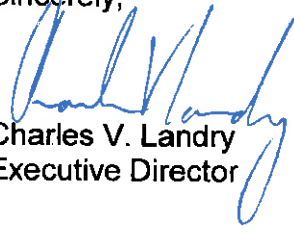
March 20, 2014

To Whom It May Concern:

RE: GENERAL PLAN AMENDMENT 1129 AND FRENCH VALLEY 170

The Western Riverside County Regional Conservation Authority would support the concept of an extraordinary foundation element change whereby in addition to the payment of the MSHCP Local Development Mitigation Fees, an assessment to be paid prior to Certificate of Occupancy was levied on each unit. Such a self-assessment would be unique and provide the Western Riverside County Regional Conservation Authority funding to acquire critical conservation lands within the Western Riverside County MSHCP Plan Area.

Sincerely,


Charles V. Landry
Executive Director

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW

One Ridgeway Drive, Suite 245
Temecula, California 92590
Telephone: (951) 252-6150
Fax: (951) 252-6151
www.lewisbrisbois.com

SAMUEL C. ALHADEFF
DIRECT DIAL: 951.252.6152
SAMUEL.ALHADEFF@LEWISBRISBOIS.COM

April 17, 2014

File No.
32711.4

VIA ELECTRONIC MAIL ONLY

Matt Straite
Riverside County Planning
4080 Lemon Street 12th Floor
Riverside, CA 92501
MSTRAITE@rctlma.org

Re: French Valley 170

Dear Mr. Straite:

As you know, we represent the applicant on the French Valley 170 project. In reviewing the Application, we are also going to be submitting, at the time we process through the GPA, a special assessment for the Scott Road and I-215 interchange. Although this property is burdened by a road and bridge benefit district fee and other fees related to transportation, the applicants are voluntarily agreeing to add a special assessment on each closing of the units in the proposed project. That special assessment will go directly to County funds earmarked for the development of design and engineering for the Scott Road interchange at 215.

Since we are only at the GPIP status, it would be inappropriate to discuss any specifics other than to advise that this special assessment will be a term and condition of project approval and it is voluntarily being suggested by the applicant.

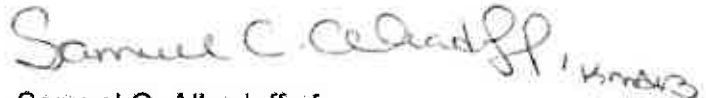
We believe this process closely mirrors what the City of Temecula required from the Morgan Hill project at the time the Morgan Hill project was approved where the City asked that the County consider a special assessment be applied to that project approval for the benefit of the interchange at 15 and Temecula Parkway.

We also understand that this interchange is a vitally needed project by the City of Menifee, as well as, the County of Riverside. We want to acknowledge and be a participant in working with both entities and providing this special assessment.

Matt Straite
April 17, 2014
Page 2

We have confirmed with the City of Menifee that, indeed, the interchange at Scott Road and 215 is a priority project and urgently needed by the City of Menifee. Should we be allowed to proceed with the GPA process, we will provide additional information from the City with regard to the specific needs and the urgency for an interchange at Scott Road and 215.

Sincerely,

A handwritten signature in black ink that reads "Samuel C. Alhadeff" with a date "4/17/14" written at the end.

Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA:ch

cc: Juan Perez
Olivia Barnes

**LEWIS
BRISBOIS
BISGAARD
& SMITH LLP**
ATTORNEYS AT LAW

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SAMUEL C. ALHADEFF
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SAMUEL.ALHADEFF@LEWISBRISBOIS.COM

February 18, 2014

VIA ELECTRONIC MAIL ONLY

Jeff Stone, Supervisor
District No. 3
County Administration Center
4080 Lemon Street, 5th Floor
Riverside, CA 92501
jestone@rcbos.org

Olivia Barnes
Legislative Asst. to Supervisor Jeff Stone
County Administration Center
4080 Lemon Street, 5th Floor
Riverside, CA 92501
OBBarnes@rcbos.org

Re: Menifee 168 - Qualification for General Plan Amendment - Extraordinary
General Plan Amendment

Dear Supervisor Stone:

Please allow this letter to serve as our response to the County of Riverside Planning Department's Staff Report for General Plan Amendment No. 1129.

As an initial comment, in the General Plan Initiation Process, the staff should focus its report on the fundamental question of whether the proposed change to the General Plan is worthy of further analysis. The staff should not discuss or consider the details of the accompanying development proposal. It is our view that the staff exceeded its role by focusing its recommendations on the details of the development proposal rather than simply whether the proposed change is worthy of further analysis. This letter will provide you with our comments with respect to the Staff Report.

Staff Comment A.1 - Good planning should dictate where density is located.

In the "Consideration Analysis" portion of its report, the staff recognizes that the high school site is intended to serve the more urban uses planned to the east of the school site in the Dominagoni Specific Plan as well as the more rural area to the west of the high school site. The staff takes the position that "the high school site should not drive urban

development into existing areas” and “the value of land should not drive density, good planning should dictate where the density is located.”

General Plans cannot forecast potential changes that can occur and can provide a framework for amendment to adjust to changing conditions. The high school proposes a significant change to this location, we believe the staff’s last comment about “good planning should drive where density is located” as being appropriate in this situation. Good planning would necessitate that more transitional densities be used adjacent to a 52-acre high school site and not rural densities. In fact, medium density residential land uses exist adjacent to the high school on the east side.

Comment A.2 - Density should be along state highways.

In its second comment, the staff notes that in general, the density proposed by the General Plan is along state highways, not in rural areas. The staff incorrectly states that the “proposed project is not located along any significant transportation circulation corridors.” Actually, the area is surrounded by “transportation” corridors, starting with Garbani Road, located adjacent to the site, being planned as a major highway (118’ ROW) classification consisting of a 4-lane, divided, highway. One half-mile south is Scott Road, which has an urban arterial highway (152’ ROW) designation and a significant east-west corridor in the County’s system. Additionally, the site is located within 2.5 miles of I-215 and SR 79. There are areas of the County with less transportation capacity with similar land uses as being proposed here, thus we feel we meet this requirement.

There are also several projects that are increasing the transportation capacities in that area. The Riverside County Transportation Commission is working to widen 12.5 miles of I-215 between Scott Road in Menefee and Nuevo Road in Perris by adding one lane in each direction on I-215. Once completed, there will be three continuous northbound lanes and three continuous southbound lanes on I-215 between I-15 and SR 60. The Riverside County Transportation Commission has noted that this project will, in part, help to meet the transportation needs created by the area’s current and future population and business needs, facilitate the movement of people and goods in a more effective connection between San Diego and Riverside County.

The Riverside County Transportation Commission also widened Clinton Keith Road in the vicinity of the I-15 interchange to three lanes in each direction and is working to realign SR 79 between Domenigoni Parkway and Gillman Springs Road. It has noted that this project is developed to meet mobility goals including creating roadway capacity for the area’s population and business needs in 2030 and facilitating the regional movement of people and goods. Finally, the Winchester plan and the Spencer’s Crossing neighborhood are both medium density residential areas of 600 acres located between I-215 and SR 79.

Comment A.3 - Proposed change will be growth inducing.

In its third comment, the staff contends that the proposed land use change will likely be growth inducing. The fact is that the high school already presents a significant change in the area.

Comment A.4 - Proposed facilities should be placed in existing plans.

In its fourth comment, the staff incorrectly states that, “the applicant’s materials indicate that the Valley Wide Parks and Recreation District (VWRPD) needs more soccer fields and a special needs aquatic park” and argues that these facilities should be placed in nearby specific plans that are seeking revisions.

First, as a point of clarification, it is Perris Union High School District, not VWRPD, that was identified as needing an additional area for soccer fields which needs to be contiguous with the school site for safety. With that, it makes more sense to combine the fields within a larger park concept to share valuable infrastructure. VWRPD only has one other aquatic park but it is not designed specifically for “special needs” children or military veterans that live within the proximity of the site. Second, staff is well aware that there are no guarantees that any adjacent specific plan redesign will propose a regional level, “special needs” aquatic feature that IS being proposed in this plan.

Comment A.5 - Aquatic center would best serve the community along a circulation corridor.

In its fifth comment, the staff proposes that an aquatic center would best serve the community along a significant circulation corridor and criticizes the proposed location for being miles from State Route 79 or I-215. In fact, every major VWRPD regional park facility (with the odd exception), including the existing aquatic center, is located much further from either State Route 79 and I-215 than the proposed project. Those parks are located within the communities that they serve. What makes this location even more unique is that it will be the only VWRPD facility directly off of a major highway (Garbani Road) with its own interchange on I-215. This location will have the necessary regional infrastructure to support it.

Comment A.6 - Proximity to High-Powered Gas Lines

The sixth comment takes issue with the proximity of the proposed project to three high-powered gas lines. The staff recognizes that a residential development can work around such high pressured lines, but points out that the proposed project will increase density around the gas lines. The County has yet to ever concern itself with allowing density within close proximity of the gas lines and has classically not allowed them to drive land planning. In the attached examples, notice the density in close proximity of gas lines;

in one case, a local road was designed over gas lines with houses lining each side. Gas lines have been incorporated within commercial centers (in Temecula) and even adjacent to a school classroom. If there was an issue with having homes within proximity of these transmission mains, it is not represented in many projects in this region. To be more precise, the County has no specific policy with regard to planning adjacent to major gas corridors.

Comment A.7 - Community concerns.

In comment seven, the staff points out that the proposed site, which includes the high school and aquatic center, is on the same site as Public Use Permit 907, the Santa Rosa Academy Charter School. The staff comments that in 2011, community members raised concerns with respect to the high-pressure gas lines, the increase in traffic and the increasing urban development. The proposed High School already has been approved and the EIR addressed many of the issues raised (growth, traffic, etc.). The aquatic park is located a half-mile from the gas lines. The proposed project supports a lot of the concerns raised by the local residents, including completing the paving of Garbani Road to Briggs Road which will reduce dust to local residents from students and parents potentially commuting. A more rural design might not bring similar improvements to the area.

Comments B.1(a-c) - Riverside County Vision.

The staff suggests that the proposed plan is inconsistent with the Riverside County Vision. It states that the vision of the General Plan is that this area is rural and increases in residential density are not permitted based on this policy. The conversion of rural areas to community development is discouraged. Any further erosion of the rural areas could jeopardize the appropriate mix and diversity envisioned by the General Plan.

Much of staff's discussion states opinion and guidance information (not requirements) that are not consistent with this setting. Again, the new high school has changed the rural character in the immediate vicinity and the proposed density will provide the necessary transition of land uses in the area. Additionally, staff keeps claiming this to be a strictly "rural area" but not presented that in close proximity to the project is medium density residential, both to the immediate southwest and along the eastside of Leon Road (connected to the project through the new high school). In fact, in the Winchester Area Plan, the County recently converted a significant portion of the rural and agricultural land uses into medium density residential and even commercial land uses to better transition from the Domenigoni Specific Plan. This plan proposes to do the same.

Comment B.2.a - Consistency with the Estate Density Residential and Rural Residential Policy Areas.

The staff then contends that the density proposed is inconsistent with the Estate Density Residential and Rural Residential Policy Areas. It cites to a very vocal contingency in the area, which helped forge the General Plan in 2003 to prevent an increase in density to this rural area. This policy was instituted based on circumstance that have since changed, all policies are meant to be re-valuated and possibly changed/eliminated, partially or wholly, based on changing circumstances on the ground.

Comment B.2.b - Consistency with the Highway 79 Policy Area

In comment B.2.b, the staff contends that the density proposed is inconsistent with the Highway 79 Policy Area and that the project must be 9% below the midpoint density of the land use designation and the increased density would be inconsistent with the policy. Staff did not mention that Section 1 of the Highway 79 Policy calls for the acceleration of the transportation infrastructure in the Highway 79 Policy Area. This policy was implemented when no such transportation infrastructure existed. With the current widening of Hwy 79, and the funding for the Clinton Keith Road connection from Hwy 79 to I-215, core elements of the Policy's basis have been met.

Essentially, Staff has presented a portion, and a general interpretation, of Section 2 of the Policy's requirements. Truthfully, the Policy has no requirement to meet "9% less than midpoint density", but talks of "trip generations". Moreover, Section 2 also states that "Individually, projects could exceed the General Plan traffic model trip generation level, provided it can be demonstrated that sufficient reductions have occurred on other projects in order to meet Level of Service standards". This requirement can be met in several ways, and will be a key aspect of the processing of this Project.

Comment B.2.c - A Community Separator.

The staff states that the density proposed is inconsistent with the requirement for a Community Separator. The plan is not inconsistent with the requirement for a community separator. There are significant physical features in the area which act as community separators. This project does not change this.

The Second Finding - An Unusually Compelling Condition or Event.

The staff cites that a condition must exist or an event must occur that is unusually compelling in order to make changes to the current policy. It argues that the conditions that we had pointed out (additional housing, cost sharing by developers, and help involve youths in sports) are not unusually compelling. As mentioned previously, this is the only project uniquely qualified to solve the specific issues presented. The high school must have fields adjacent to its borders, only this project can provide this solution. There are no other current projects in the County that can assist with the sewer solution. The fact is, no other project borders the High School and assist in solving several infrastructure issues. An aquatic "specific needs" project is needed and this is the only project proposing to construct it. This proposed project clearly meets the Second Finding.

Letter E: A Component Amendment is Required to Conform to Changes in State and Federal Law.

As we have pointed out, the component amendment will meet changes in federal and state law with respect to sewer services in the high school. The staff acknowledges that the proposed project and the increased density would assist the school, but then argues against the project that the school would be constructed with or without this project. The staff then speculates that urban density to the east of the school site could help carry costs and that a school site located ½ mile from the proposed high school could share costs. This is speculation. These facts are incorrect because the infrastructure is not related. There is no other project that can provide the fields or the sewer solution. This is the only project which can fulfill these needs. The proposed project would actually help in carrying the costs of the sewer run to the school.

Further, recent case law provides that public agencies may require dedications to park facilities in addition to the requirements of the Quimby Act. The staff acknowledges in its report that recent case law does support land use authority requesting more park land than is required by local law. The staff acknowledges that "the case law clarification increasing the ability to require park land may help support the proposed aquatic center." It then argues that such a change does not require an Extraordinary Amendment. It is our position that an Extraordinary Amendment is appropriate when the entirety of these issues is taken into account. Additionally, the proposed aquatic park will incorporate new ADA standards to better meet the special needs. The staff does not contest this assertion.

Letter G: Significant Expansion of Basic Structural Employment

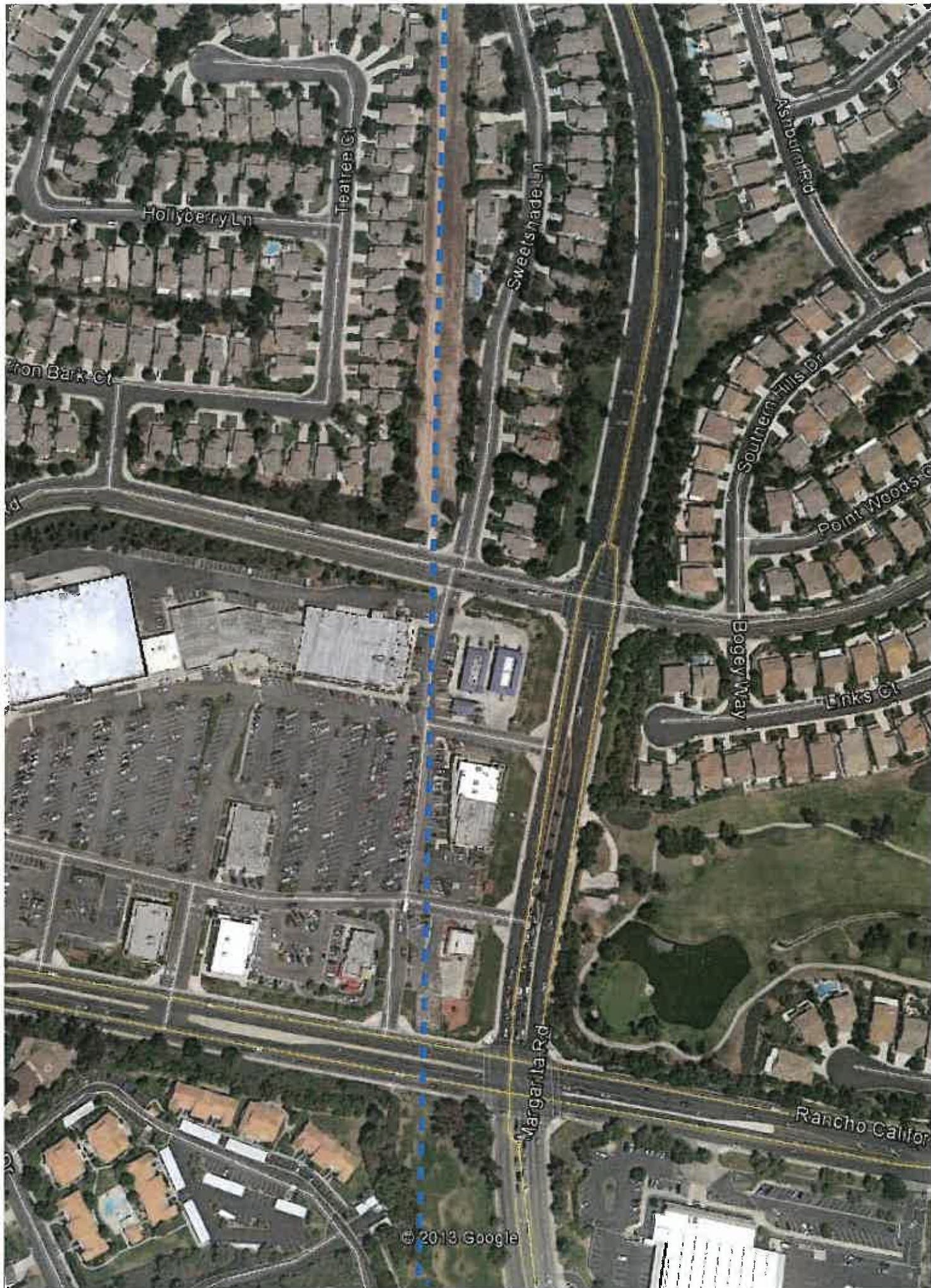
We have established that the basic structural employment element is met because jobs will be created through the installation and ongoing maintenance of the sewer. Jobs will be created through the operations of the aquatic park and through staffing and administering the high school. The staff diminishes this approach by stating that the park would create some seasonable jobs "like lifeguards." While properly trained lifeguards and public safety are extremely important, the aquatic park will also create jobs for persons in maintenance, management, swim instruction, and emergency care.

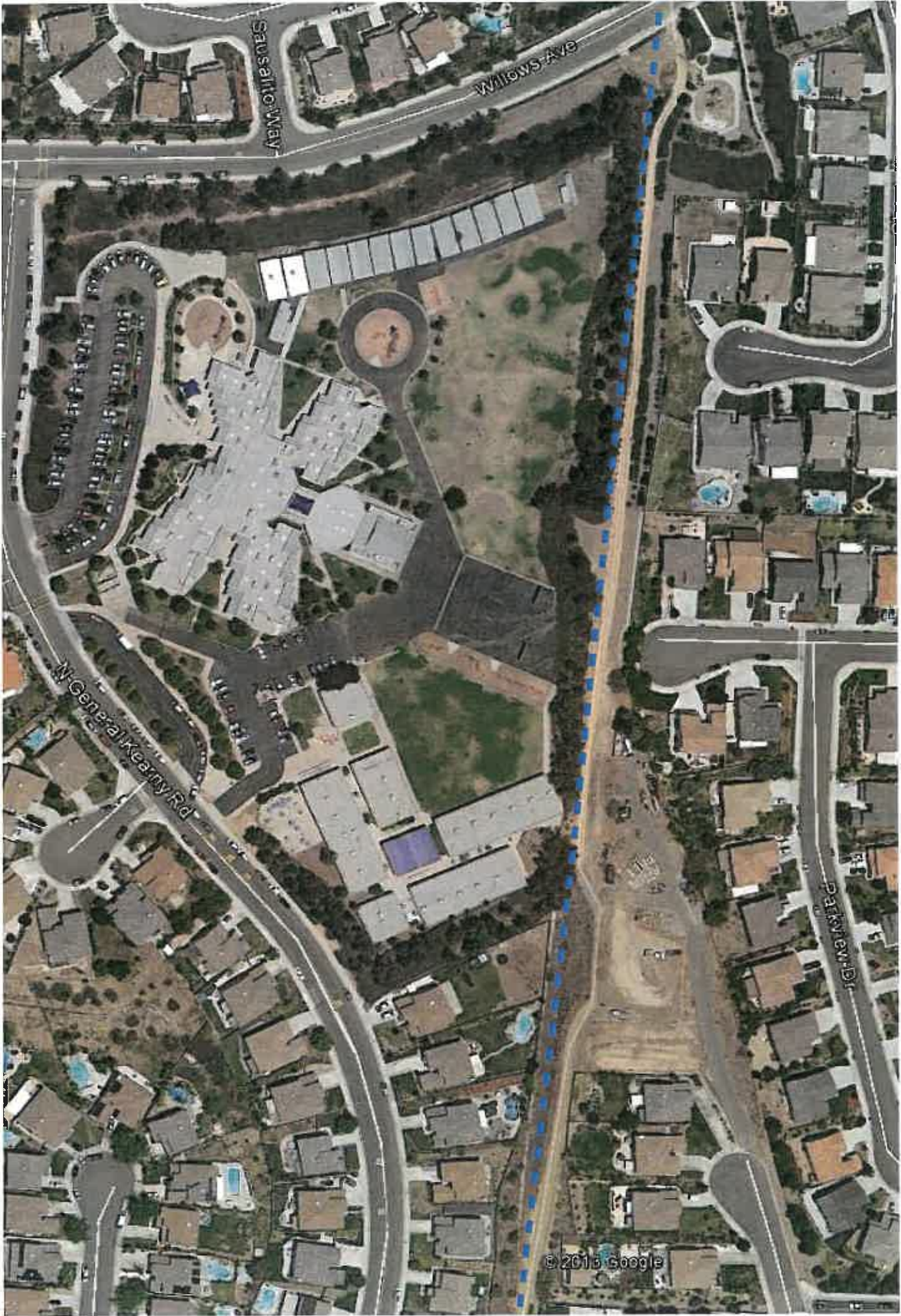
We are happy to answer any questions and are prepared to proceed in conformance with applicable County requirements.

Very truly yours,

Samuel C. Alhadeff of
LEWIS BRISBOIS BISGAARD & SMITH LLP

SCA





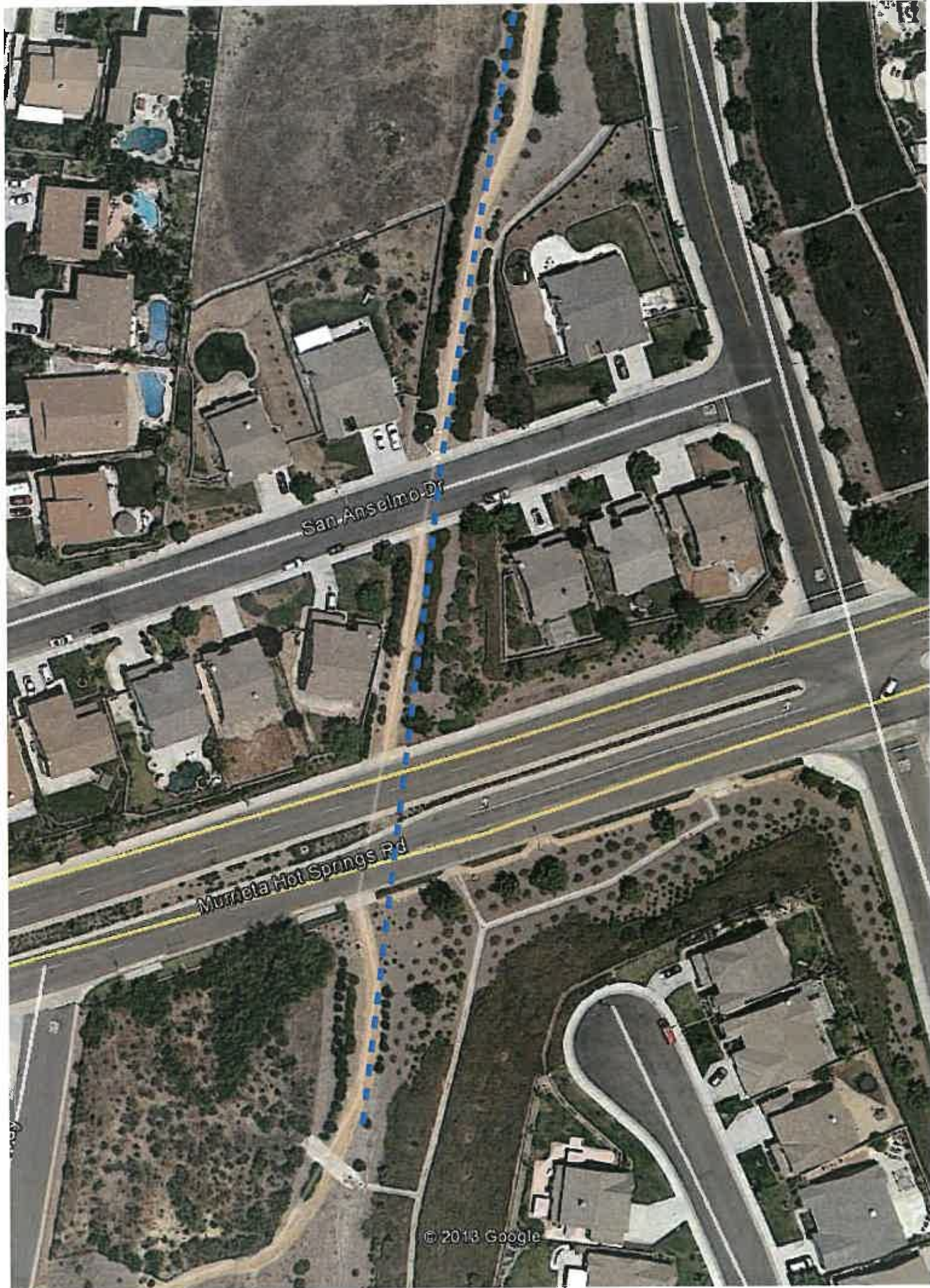
WILLOW'S AVE

WILLOW'S AVE

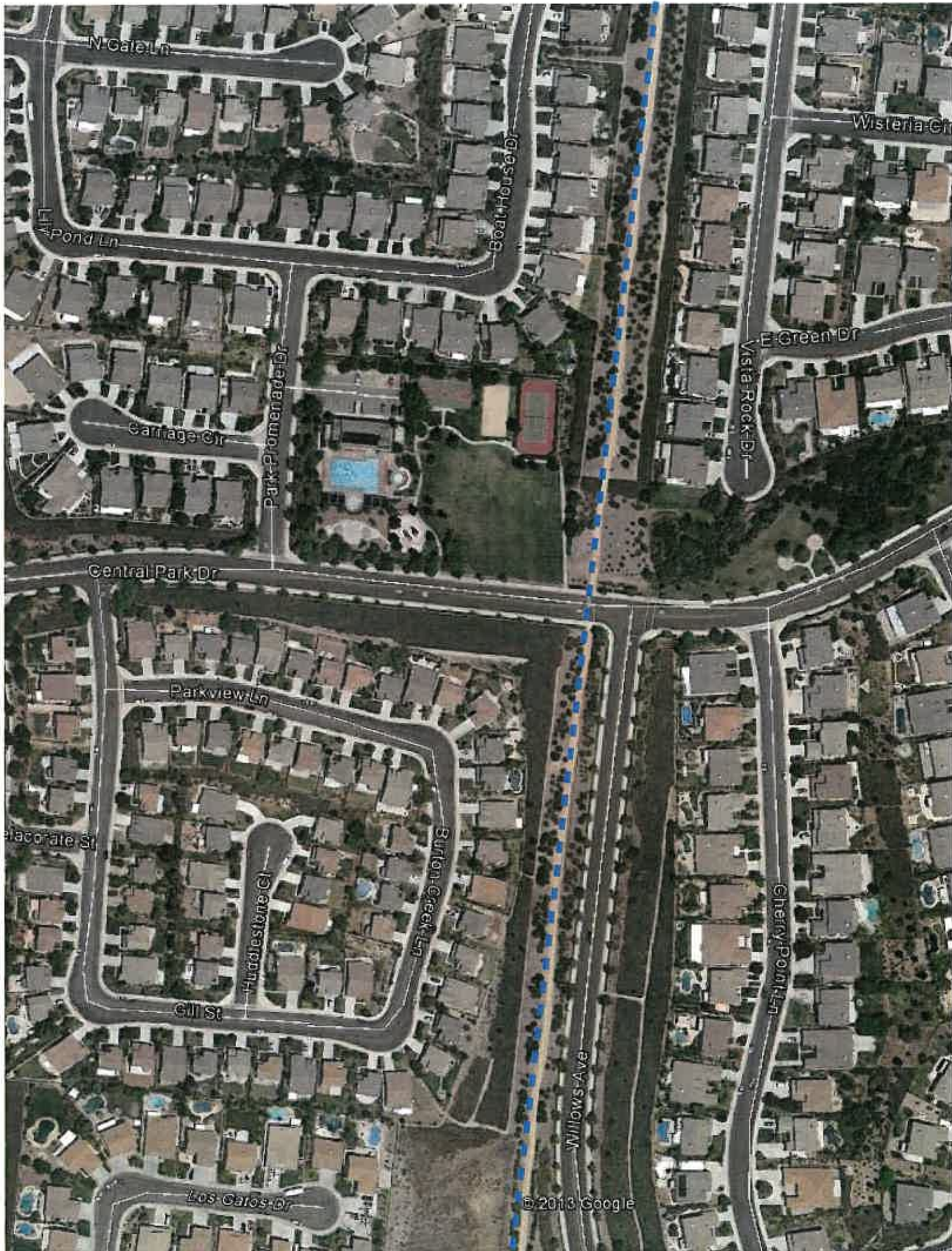
N General Kearny Rd

Parkview Dr

© 2015 Google







N Gate Ln

Pond Ln

Boat House Dr

Wisteria Cr

E Green Dr

Vista Rock Dr

Carriage Cr

Park Promenade Dr

Central Park Dr

Parkview Ln

Decorate St

Burton Creek Ln

Huddstone Cr

Ell St

Willow Ave

Cherry Point Ln

Los Caros Dr

© 2013 Google

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



February 13, 2014

VIA ELECTRONIC MAIL

Riverside County Planning Commission
County of Riverside
4080 Lemon St., 9th Floor
Riverside, CA 92501

**RE: Item 2.1 (February 19, 2014): General Plan Amendment 1129 –
*OPPOSITION TO INITIATION***

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) opposes this proposed GPA and concurs with Staff's conclusions regarding its multi-faceted and irreconcilable inconsistency with the General Plan. We urge your Commission to comment to the Board in support of Staff's analysis and *against initiation* on those identified grounds.

This proposal would convert 171 acres currently designated as Rural Community to Community Development. An Extraordinary Foundation Level Amendment is requested. Staff's exhaustive and well-reasoned analysis demonstrates that the project *cannot* qualify for such an out-of-cycle Foundation change and is otherwise inconsistent with General Plan policies and the Riverside County Vision. The applicant's arguments simply don't hold water. There is little that EHL can add to the compelling analysis by Staff, and we commend them for this work.

We also note that back in 2009, EHL found no planning merits in a related in-cycle initiation request (GPA 946).

We ask you to protect the integrity of the General Plan, its commitment to communities, and its guidance of new development toward existing infrastructure and services and away from rural locations. Please recommend against initiation of this proposed GPA, which is fatally flawed both legally and as a matter of policy.

Thank you for considering our views.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Dan Silver', is positioned above the printed name and title.

Dan Silver, MD
Executive Director

February 17, 2014

Letter in Opposition to General Plan Amendment 1129

Dear Planning Commissioners;

As a long time property owner adjacent to this proposal we respectfully request that you fully support the recommendation of denial of this request by the Staff Report which calls for small lot high density single family housing in a well-established rural area. The General Plan for this area of the County, approved in 2003, required that new "residential development shall retain its existing estate density and rural character" and was given a designation of Estate Density Residential - 2 acre minimum to protect the neighborhood from this type of proposal.

This application is another attempt to ignore the General Plan and force a high density project into a rural area. General Plan 946 which was submitted in 2008 proposed the same "Medium Density Residential" (MDR) (2-5 du/ac) which again is being requested. This application was rejected by the Planning Commission as not being compatible with the neighborhood or the intent of the General Plan. The Planning Commission's recommendation in 2009 was to keep this area "Estate Density Residential" (EDR) (2 acre minimum lot size).

This proposal is, again, an ill-conceived land use proposal that has no regard for the General Plan. This GPA should be denied again.

Thank you for the opportunity to comment on this proposal.

A handwritten signature in blue ink that reads "Marsha Becklund". The signature is written in a cursive style.

February 17, 2014

Letter in Opposition to General Plan Amendment 1129

Dear Planning Commissioners;

As a long time property owner adjacent to this proposal we respectfully request that you fully support the recommendation of denial of this request by the Staff Report which calls for small lot high density single family housing in a well-established rural area. The General Plan for this area of the County, approved in 2003, required that new "residential development shall retain its existing estate density and rural character" and was given a designation of Estate Density Residential - 2 acre minimum to protect the neighborhood from this type of proposal.

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February 17, 2014

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Thank you for the opportunity to comment on this proposal.

A handwritten signature in blue ink, appearing to be "J. H. [unclear]", written in a cursive style.

February 17, 2014

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Thank you for the opportunity to comment on this proposal.

A handwritten signature in blue ink, appearing to read "R. H. H. H.", is located at the bottom right of the page.

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 Pam Richard

 Wade Richard

February 17, 2014

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Thank you for the opportunity to comment on this proposal.

Gretchen A. Herndon

February 17, 2014

Letter in Opposition to General Plan Amendment 1129

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Thank you for the opportunity to comment on this proposal.

Donald Herndon

RIVERSIDE COUNTY GIS

Going to Wickard & Gardner
today to pass our Agenda

1. Ricardo Hernandez
Gab Hernandez
32061 Geneva Lane
2. Jorge Hernandez
32190 Geneva Lane
3. Vicki Roubinger
32100 Geneva Ln.
4. Phil Shae
Gardner & El Centro
5. Riding Academy
Rusty & Sara
Garbani & El Centro (Heinz Ln)
6. Lyle Christensen
Garbani Rd
7. Randy & wife plus the
3 houses on prop (incl & inc)
(Monarch's Business)
Garbani & LaVerana
House is on Maxine Ln.
8. Mr & Mrs Seales
Maxine Ln
9. George & Mary
Maxine Ln



Riverside County TLMA GIS

Handwritten: 17

10. Mr & Mrs. Laise ?
Maxine Ln
11. Cole & Lisa Friedrichs
Briggs & Maxine Ln
12. Ed & Elva
Briggs & Maxine Ln
13. Phil & wife
Briggs & Maxine Ln.

Selected parcel(s)
455-210-025 455-210-030 455-210-031 455-210-032 455-210-033 455-210-034 455-210-035
455-210-036 455-210-037 455-210-038 455-210-040

LEGEND

<input type="checkbox"/> SELECTED PARCEL	UNRESERVED	RESERVED	PARCEL A
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14. Pat & Glen Schram
Lindenberg
15. Scott & Lisa
Lindenberg
16. Frank & Janet Rosenberg
Clarend Ln.

IMPORTANT:
Maps and data are to be used for reference purposes only. Map data are not guaranteed, and are not necessarily accurate to surveying or legal standards. The County of Riverside makes no warranty, or guarantee, in the use of the County of Riverside GIS, including business and any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to any transaction shall be the sole responsibility of the user.

Handwritten: 1/2 acre prop off Garbani west of Briggs & El Centro
1/2 acre prop off Garbani west of Briggs & El Centro

17. Jesse & Laura
Leon & Scott

February 13, 2014

Mr. Matt Straite
Riverside County Planning Commission
4080 Lemon Street
12th Floor
Riverside, CA 92502

Re: General Plan Amendment No. 1129

Dear Mr. Straite:

We live on 5 acres on Gardner Lane. There are currently no parcels smaller than 5 acres in our area. We are opposed to the change from our current zoning which is a 2 acre minimum to allow 2 to 5 homes per acre. Two to 5 homes per acre would be considered tract housing and does not fit in the rural community that we now have. The people who live here do so to enjoy the wide open space and to have horses and other animals which would not be allowed on smaller lots.

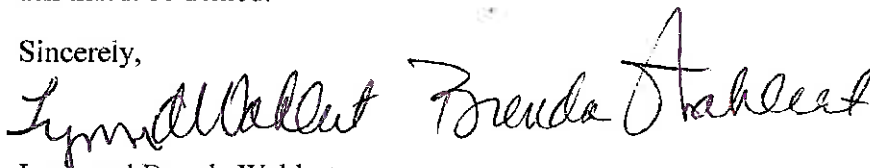
The Audie Murphy Ranch is building and selling homes on the west side of Menifee. If an aquatic park and soccer fields are needed it would seem that this area would have a greater demand and be more suited. Mira Park is located at the intersection of Mira and Wickered Roads which is visible from our home. Other than an occasional baseball game this park is very under- utilized.

With the housing development that is already under way in the Menifee and Murrieta area (near the proposed property) we question whether there is really a need for 600 more homes. The housing market has barely started to turn around, the economy is still flat, job creation is nil and the financial market is volatile.

We are not anti-development but feel any new development should meet the criteria of the rural area. A transitional development where the lot sizes gradually get smaller might be considered. If the lot size remains larger those who want can have a pool on their own lot. There would not be much need for an aquatic center. Two to 5 homes per acre and an aquatic center would create too much traffic and be too many homes for a rural area.

If the zoning is allowed to change the next thing you know the area will be annexed into the City of Menifee. We are opposed to any change in the current zoning and ask that it be denied.

Sincerely,

Handwritten signatures of Lynn and Brenda Wahlert in black ink.

Lynn and Brenda Wahlert
30020 Gardner Lane
Menifee, CA 92584

18 April 2014

Matt Straite

Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501

RE: Memo on GPA 1129 Developer Meeting with Neighbors on 4/3/2014

Dear Matt,

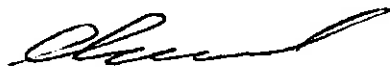
On April 3rd the applicant, Joseph Rivani of Global Investments, held an informational meeting at the French Valley Pizza Factory in French Valley. The meeting was attended by eleven property owners that live adjacent to GPA 1129. Mr. Rivani introduced himself and his team and stated that he is requesting an Extraordinary Foundation Amendment. This would amend the General Plan Land Use Designation from Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) to Community Development: Medium Density Residential (CD:LRD)(2-5 DU/Ac).

A discussion then took place with the applicant about the project that ended with every one of the adjoining property owners stating there is absolutely **No Support** for this proposal. A very loud and clear message was given by every person attending this meeting that this proposal is totally inappropriate given that it will place high density urban development in the middle of a rural area that was to be preserved under the General Plan. There are no extraordinary reasons to justify moving this application forward at this time.

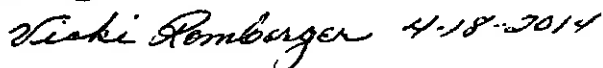
All of the property owners will support a development that would honor the General Plan and build 2 acre Estate Residential homes on this property.

Respectfully submitted by the attendees:

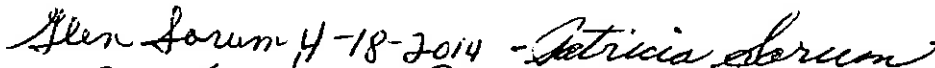
Grant Becklund




Vicki Romberger



Glen and Patricia Sorum



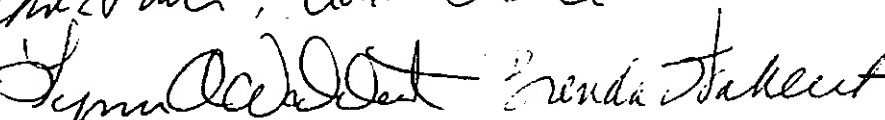
Don and Gretchen Herndon



Phil and Mona Shane



Lynn and Brenda Wahler



Jim McCormick