

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

703 B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
May 21, 2014

SUBJECT: GENERAL PLAN AMENDMENT NO. 1136 – Applicant: 71-91 LLC – Second/Second Supervisorial District – Location: Westerly of Highway 71 and the Prado Dam, easterly of San Bernardino County, northerly of the Riverside Freeway (91) - REQUEST: The General Plan Amendment proposes to change the Land Use Designation for the site from Open Space - Mineral (OS-Min) to Open Space - Specific Plan.

RECOMMENDED MOTION:

The Planning Director recommends that the Board of Supervisors adopt an order initiating the above referenced General Plan Amendment based on the attached report. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

(Continued on next page)

Departmental Concurrence

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 checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: DBF	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:** 2/2 **Agenda Number:** _____

15 - 1

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

FORM 11: General Plan Amendment No. 1136

DATE: May 21, 2013

PAGE: Page 2 of 2

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 Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573, which amended Article II of that ordinance.

Impact on Citizens and Businesses

This action will initiate the County's review of the General Plan Amendment application, which 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.

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**

Agenda Item No.:
Area Plan: Temescal Canyon
Zoning District: Prado- Mira Loma
Supervisory District: Second/Second
Project Planner: Matt Straite
Planning Commission: March 19, 2014

GENERAL PLAN AMENDMENT NO. 1136
Applicant: 71-91, LLC
Engineer/Rep.: KWC Engineering

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.

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

The following comment(s) were provided by the Planning Commission to the Planning Director:

Commissioner John Petty: None

Commissioner Charissa Leach: None

Commissioner Ed Sloman: Recused himself and did not participate.

Commissioner Bill Sanchez: None

Commissioner Mickey Valdivia: None



RIVERSIDE COUNTY
PLANNING DEPARTMENT

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

I. AGENDA ITEM 2.1

GENERAL PLAN AMENDMENT NO. 1136 – Applicant: 71-91 LLC - Second/Second Supervisorial District – Location: Westerly of SR 71 and the Prado Dam, easterly of San Bernardino County, and northerly of the Riverside SR 91. (Legislative)

II. PROJECT DESCRIPTION:

The General Plan Amendment proposes to change the Land Use Designation for the site from Community Development: Open Space- Mineral (OS-Min) to Specific Plan.

III. MEETING SUMMARY:

The following staff presented the subject proposal:

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

(Commissioner Sloman recused himself)

STAFF RECEIVED NO COMMENTS FROM THE PLANNING COMMISSION.

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.

2.1

Agenda Item No.:
Area Plan: Temescal Canyon
Zoning District: Prado-Mira Loma
Supervisory District: Second/Second
Project Planner: Matt Straite
Planning Commission: March 19, 2014

GENERAL PLAN AMENDMENT NO. 1136
Applicant: 71-91, LLC
Engineer/Rep.: KWC Engineering

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 1136 proposes to change the General Plan Land Use designation from Open Space- Mineral (OS-M) to Specific Plan. The specific Land Use designations within the Specific Plan are yet to be determined at this stage.

The Specific Plan is currently proposed to be an Open Space foundation Specific Plan.

The proposed Amendment is located in the Temescal Canyon Area Plan of Eastern Riverside County; more specifically, it is westerly of Highway 71 and the Prado Dam, easterly of San Bernardino County, northerly of the Riverside Freeway (91).

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 an Entitlement/Policy GPA, under Section 2.4.

REQUIRED FINDINGS:

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal could possibly satisfy certain required findings. The Administration Element of the General

D.M.

Plan explains that there are four categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings.

General Plan Amendment No. 1136 falls into the Entitlement/Policy category, because it is changing within the same Foundation-Component, Open Space. The project is proposing to be an Open Space Foundation Specific Plan.

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

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

- (1) The Riverside County Vision;
- (2) Any General Plan Principle; or,
- (3) Any Foundation Component designation in the General Plan.

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

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

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

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

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

f. An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.

g. An amendment is required to address changes in public ownership of land or land not under Board of Supervisors' land use authority.

Consideration Analysis:

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

A. The proposed change does not conflict with:

- (1) The Riverside County Vision. It is reasonable to assume that a Specific Plan Land Use designation for parcels in question will permit enough flexibility to achieve the future vision of the General Plan. It is possible to make this finding.
- (2) Any General Plan Principle. Given staff's review it is possible that the proposed designation could satisfy each of the General Plan Principals and Policies.
- (3) Any Foundation Component designation in the General Plan. The proposed project designation and the current designation are within the same Foundation. Thus, the proposed Amendment is consistent within the Community Development Foundation.

Second Required Finding: The second required finding explains that the proposed Amendment must either contribute to the achievement of the purposes of the General Plan or, at a minimum, not be detrimental to them. The General Plan Amendment is proposing a Specific Plan. Specific Plans afford a significant degree of flexibility. It is too early at this stage of the projects review to compare the project to all of the purposes of the General Plan; however, because of the flexibility afforded by Specific Plans, it is possible to contend that a Specific Plan on this site could contribute to the purposes of the General Plan. The findings can be made, at this stage, that the proposed Amendment may contribute to the purposes of the General Plan.

Third Required Finding: In addition to the two required findings, the General Plan indicates that an additional finding, from a list of five, must also be made. The appropriate additional finding for the proposed Amendment is "Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan." The proposed development plan for the subject property was devised in response to special circumstances or conditions that were not anticipated when the General Plan was approved in 2003.

The applicant has provided the following circumstances which have occurred since the adoption of the General Plan Update in 2003 and warrant the further consideration of GPA 1136. Specifically:

Since the General Plan was approved in 2003 the area surrounding the existing, permitted surface mine that is currently on the site has experienced a significant increase in illegal off-road use. The federal Government is in the process of closing thousands of acres in the desert that were previously used for off road use, resulting in an increase of off-road use surrounding the site. This General Plan Amendment would allow the current mine site to transmission to a legal location for off-road activities.

SUMMARY OF FINDINGS:

- | | |
|-----------------------------------|--|
| 1. Existing Land Use (Ex. #1): | Mining Activities |
| 2. Surrounding Land Use (Ex. #1): | Vacant land to the west north and south, Prado Basin to the east. |
| 3. Existing Zoning (Ex. #2): | Mineral Resources & Related Manufacturing (M-R-A) and Controlled Development Areas- 5 Acre Minimum (W-2-5) |
| 4. Surrounding Zoning (Ex. #2): | The County of San Bernardino to the west, Watercourse, Watersheed & Conservation Areas (W-1) to the south Controlled |

- | | |
|---|---|
| | Development Areas (W-2) to the north, and east. |
| 5. Existing General Plan Land Use (Ex. #6): | Open Space- Mineral (OS-M) |
| 6. Proposed General Plan Land Use: | Specific Plan |
| 7. Project Data: | Total Acreage: 162.3 Gross |
| 8. Environmental Concerns: | Not applicable at this time |

RECOMMENDATIONS:

Staff recommends that the appropriate findings per the General Plan Administration Element can be made and that the Planning Commission recommend to the Board of Supervisors to adopt an order initiating proceedings for General Plan Amendment No. 1136. 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. Corona City Sphere of Influence;
 - b. A Redevelopment Area;
 - c. A County Service Area;
 - d. A General Plan Policy Area;
 - e. An Airport Influence Area;
 - f. An area subject to the Mt. Palomar Lighting Ordinance No. 655;
 - g. An SKR Fee Area (Ordinance No. 663.10);
 - h. A 100-year flood plain;
 - i. A mapped liquefaction area;
 - j. An Agriculture Preserve; or
 - k. An area drainage plan or dam inundation area.
3. The project site is located within:
 - l. A County Fault zone;
 - a. MSHCP Criteria Cell numbers 1426 and 1520;
 - b. A Development Impact Fee area; and,
 - c. Corona- Norco Unified School District.
4. The subject site is currently designated as Assessor's Parcel Number 101-040-005, 101-040-006, 101-040-007, 101-040-008, and 101-040-009

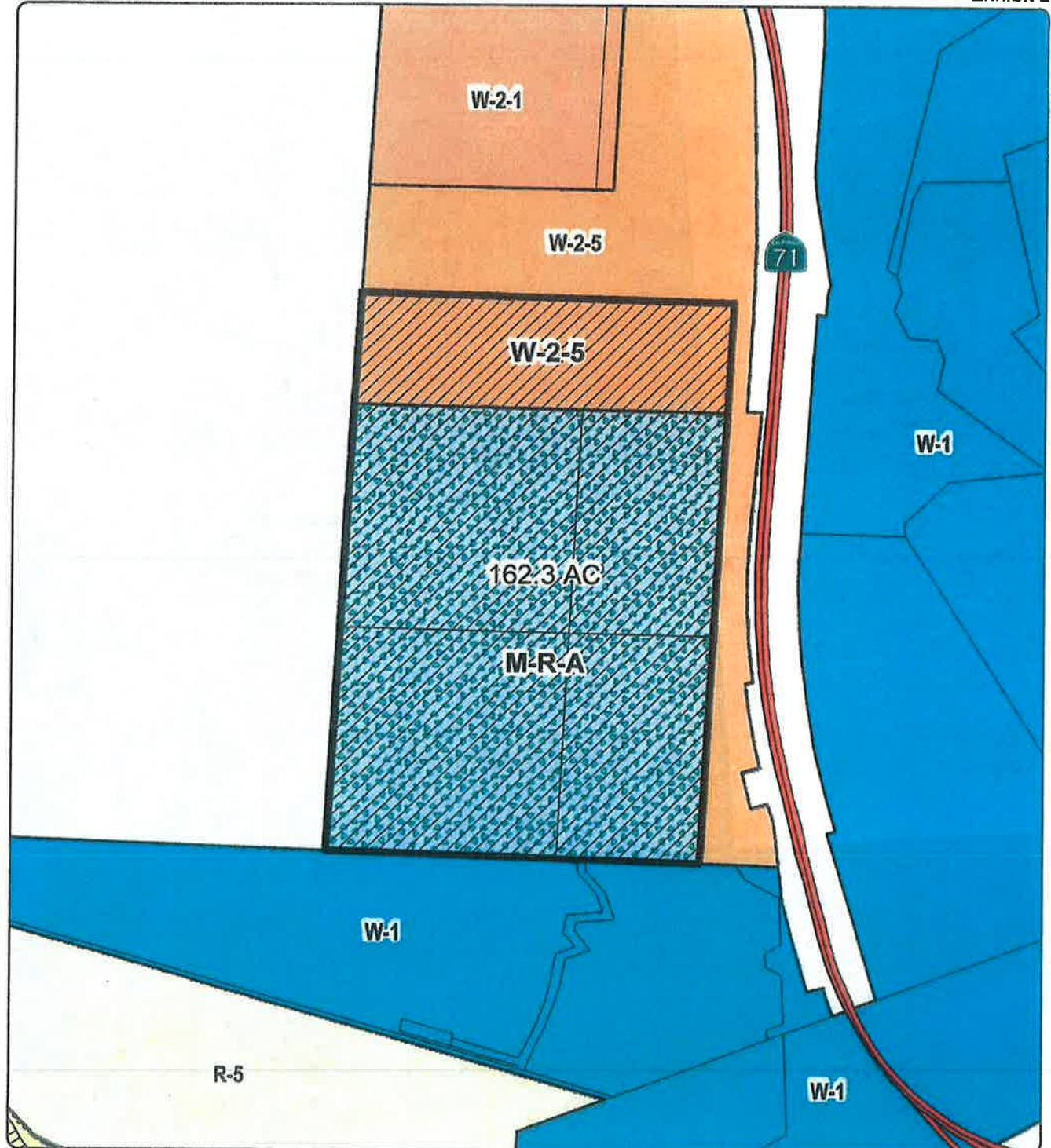
RIVERSIDE COUNTY PLANNING DEPARTMENT

GPA001136

EXISTING ZONING

Supervisor Tavaglione
District 2

Date Drawn: 01/22/2014
Exhibit 2



Zoning District: Prado-Mira Loma
Township/Range: T3SR7W
Section: 19

Assessors Bk. Pg. 101-04
Thomas Bros. Pg. 742 C3
Edition 2011

DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.lma.co.riverside.ca.us/index.html>



RIVERSIDE COUNTY PLANNING DEPARTMENT

Supervisor Tavaglione
District 2

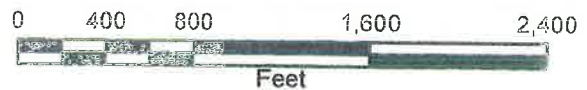
GPA001136
PROPOSED GENERAL PLAN

Date Drawn: 01/22/2014
Exhibit 6



Zoning District: Prado-Mira Loma
Township/Range: T3SR7W
Section: 19

Assessors Bk. Pg. 101-04
Thomas Bros. Pg. 742 C3
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RIVERSIDE COUNTY PLANNING DEPARTMENT
GPA001136

Supervisor Tavaglione
District 2

Date Drawn: 01/22/2014
Exhibit 1

LAND USE



Zoning District: Prado-Mira Loma
Township/Range: T3SR7W
Section: 19

Assessors Bk. Pg. 101-04
Thomas Bros. Pg. 742 C3
Edition 2011



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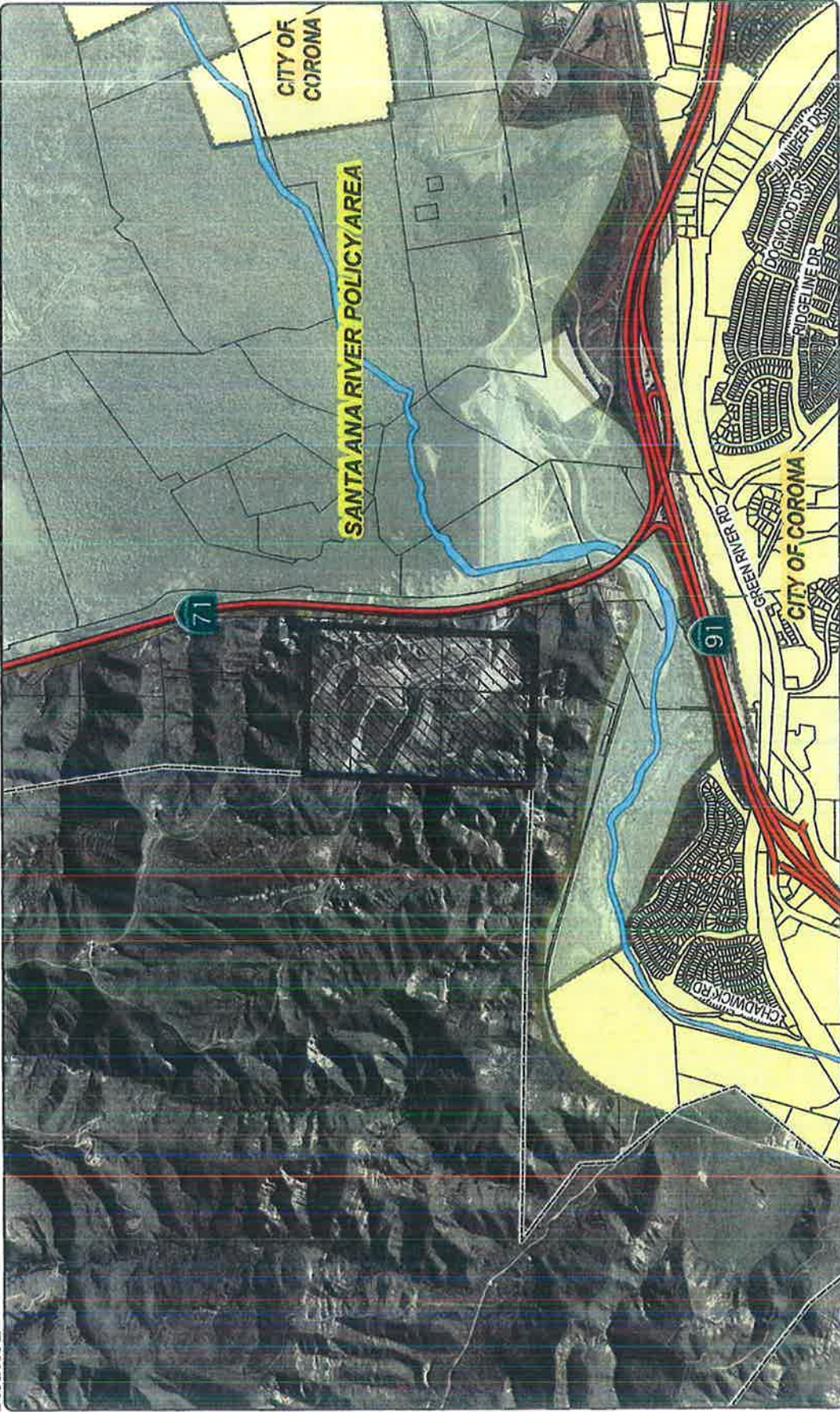
RIVERSIDE COUNTY PLANNING DEPARTMENT

GPA001136

VICINITY/POLICY AREAS

Supervisor Tavaglione
District 2

Date Drawn: 01/22/2014
Vicinity Map



Zoning District: Prado-Mira Loma
Township/Range: T3SR7W
Section: 19

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