

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

704B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
May 21, 2014

SUBJECT: GENERAL PLAN AMENDMENT NO. 01111– Applicant: Peak Emerald Acres LLC- Third/Third Supervisorial District – 334.2 Gross Acres – Location: Southerly of Florida Ave. and westerly of California Ave. - Zoning: Heavy Agriculture - 10 Acre Minimum (A-2-10) and Controlled Development Areas (W-2) – REQUEST: The General Plan Amendment proposes to create the boundary of a Specific Plan and change the designations for the site from Community Development: Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio), Low Density Residential (LDR)(1/2 Acre Minimum), Medium Density Residential (CD-MDR) (2-5 Dwelling Units Per Acre), Medium High Density Residential (CD-MHDR) (5-8 Dwelling Units Per Acre), Rural: Rural Mountainous (RM)(10 Acre Minimum) to an SP designation for the site, with Land Uses reflected on the Specific Plan Land Use Plan including High Density Residential (HDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), Open Space - Water (OS-W), Open Space - Recreation (OS-R) and Open Space - Conservation (OS-C). The change from R:RM to CD:SP will be a technical correction pursuant to the Administration element of the General 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)

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

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

Departmental Concurrence

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

FORM 11: General Plan Amendment No. 1111

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: Harvest Valley/ Winchester
Zoning District: Hemet-San Jacinto Zoning District
Supervisory District: Third/Third
Project Planner: Matt Straite
Planning Commission: May 21, 2014

GENERAL PLAN AMENDMENT NO. 1111
Applicant: Peak Emerald Acres LLC
Engineer/Rep.: Ainslie Communities

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 1111 proposes to create the boundary of a Specific Plan and change the designations for the site from Community Development: Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio), Low Density Residential (LDR)(1/2 Acre Minimum), Medium Density Residential (CD-MDR) (2-5 Dwelling Units Per Acre), Medium High Density Residential (CD-MHDR) (5-8 Dwelling Units Per Acre), Rural: Rural Mountainous (RM)(10 Acre Minimum) to an SP designation for the site, with Land Uses reflected on the Specific Plan Land Use Plan including High Density Residential (HDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), Open Space- Water (OS-W), Open Space- Recreation (OS-R) and Open Space- Conservation (OS-C). The change from R:RM to CD:SP will be a technical correction pursuant to the Administration element of the General Plan.

The proposed Amendment is located in the Community of Green Acres of the Harvest Valley/Winchester Area Plan of Western Riverside County; more specifically, it is southerly of Florida Ave and westerly of California Ave.

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 and Technical Correction GPA, under Section 2.4.

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

REQUIRED FINDINGS:

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

General Plan Amendment No. 1111 falls into the Entitlement/Policy and Technical Correction category, because it is changing within the same Foundation-Component, Community Development and revising the Rural: Rural Mountainous designation which is based on existing slope.

For the Entitlement/Policy portion:

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 staffs review it is possible that the proposed designation could satisfy each of the General Plan Principals and Policies. The top portion of the proposed amendment is currently Community Development: Commercial Retail (CD:CR) (APN 465-040-005). This 12.62 Acre parcel is within the Green Acres Policy Area which states-

HVWAP 4.1 Allow for lot sizes within the residential land use designation that accommodate limited animal keeping per the Riverside County Zoning Ordinance.

The 12.62 acre parcel is currently designated Community Development: Commercial Retail (CD:CR) and therefore, staff has interpreted this to mean the policy does not apply because the policy only applies to residential land use designations.

(3) Any Foundation Component designation in the General Plan. The project designation would be within the same Foundation, except sections of the project that would be in the Rural: Rural Mountainous (R:RM) foundation and designation. However, the Administration Element of the General Plan explains that a change from this specific designation requires a Technical change which will be explained in the next section of this staff report. 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. According to the applicant, who provided a detailed findings memo (attached), 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 provided the following justification:

The State of California passed the Global Warming Solutions Act (AB 32) in 2006 to mandate that greenhouse gas (GHG) emissions across the State be reduced by 2020. To facilitate in the implementation of AB 32, the California Legislature passed the Sustainable Communities and Climate Protection Act (SB 375) in 2008. SB 375 requires local metropolitan planning agencies to prepare a Sustainable Communities Strategy (SCS) that demonstrates how the region will meet its GHG reduction targets through integrated land use, housing, and transportation planning. The Southern California Association of Governments (SCAG) is the metropolitan planning agency for the project area. The SCS for the southern California region, including Riverside, Los Angeles, Orange, and San Bernardino counties was prepared by SCAG and approved on April 4, 2012 and Riverside County is continuing to work with SCAG to modify the SCS. The SCS plans to concentrate future development and provide higher intensity development, including residential development, in proximity to transit hubs in order to reduce vehicle miles traveled and, thereby, reduce GHG emissions from personal vehicles. The Winchester area has been targeted for several major transportation projects, including the future extension of the Metrolink Perris Valley Line, expansion of bus rapid transit service along the Highway 74 corridor, and major roadway/highway expansion projects. As such, the Winchester area has been identified by the SCS as an appropriate area to direct future growth. Due to the proximity of the subject property to these planned transportation projects, the land uses and development intensity proposed for the site would be appropriate for the site and would meet the goals of the SCS to a much higher degree than the current land uses designated for the site.

In addition, the City of Hemet adopted their 2030 General Plan on January 24, 2012. The 2030 General Plan provides a land use plan for areas within the City's incorporated limits as well as areas within the City Sphere of Influence, which includes the areas surrounding the subject property. The 2030 General Plan envisions the Highway 74 corridor east of the subject property being developed as a commercial and mixed-use corridor, and also envisions areas just to the south of the subject property being developed with a transit center, mixed-uses, and a business park. The land uses and development intensity proposed for the project site would be a more appropriate transition to the planned higher intensity uses to the east and south, and would provide a buffer to the more rural areas of Winchester located to the west of the subject property. In addition, the residential land uses proposed for the subject property would support and provide local housing opportunities for the planned employment-generating land uses in the area.

Staff, at this stage, finds that there is enough merit in the applicant's justification to indicate that the required findings could be made. Additional analysis will be required.

For the Technical Correction portion:

The Administration Element further explains that two required findings must be made to justify a technical amendment. The first is mandatory and at least one is from a list of four possible findings. The required finding is:

a. The proposed amendment would not change any policy direction or intent of the General Plan.

At least one of the following must also be made:

b. An error or omission needs to be corrected.

c. A land use designation was based on inaccurate or misleading information and should therefore be changed to properly reflect the policy intent of the General Plan.

d. A point of clarification is needed to more accurately express the General Plan's meaning or eliminate a source of confusion.

e. A minor change in boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.

Consideration Analysis:

Required Finding: The required finding must indicate that the proposed amendment would not change any policy direction or intent of the General Plan. Generally, a technical correction usually addresses an error discovered in the process of implementing the General Plan, including mapping errors.

The technical correction requested for this general plan amendment would revise the Rural: Rural Mountainous Designation as it was applied to the subject property. The General Plan explains that this designation was given to properties that generally contained slopes greater than twenty five percent. The designations were applied somewhat liberally, but with the flexibility to let an applicant provide more specific contour data to show where the toe of slope (where under 25% and over 25% slope meet) actually exists. Generally if the slopes are shown to be less than 25%, a change is permitted to those portions. The project is proposing a Specific Plan which, as previously mentioned, is a very flexible document. It is possible for the project to satisfy this finding.

Additional Required Finding:

The Administration element requires that one additional finding be made from a list of four possible findings. The applicable finding in this case would be "an error or omission needs to be corrected." Again, if the slopes are being corrected due to an error in mapping, and that has been demonstrated with slope studies provided by the applicant, then this finding can be made.

SUMMARY OF FINDINGS:

- | | |
|-----------------------------------|--|
| 1. Existing Land Use (Ex. #1): | Vacant |
| 2. Surrounding Land Use (Ex. #1): | Vacant to the north, south and parts of the east |

- and west, some single family residential to the east and west as well.
- 3. Existing Zoning (Ex. #2): Controlled Development Areas (W-2), and Heavy Agriculture 10 acre minimum (A-2-10)
 - 4. Surrounding Zoning (Ex. #2): Controlled Development Areas (W-2) and Mobile Home Subdivisions & Mobile Home Parks 20,000 Square Foot Minimum (R-T-20,000), to the north, Heavy Agriculture 10 acre minimum (A-2-10), Light Agriculture 15 Acre Minimum (A-1-15) and Light Agriculture 2 1/2 Acre Minimum (A-1-2 1/2) to the east, Heavy Agriculture 10 acre minimum (A-2-10) and Rural Residential (RR) to the west.
 - 5. Existing General Plan Land Use (Ex. #6): Community Development: Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio), Medium High Density Residential (MHDR)(5-8 Dwelling Units Per Acre), Community Development: Low Density Residential (CD: LDR) (1/2 Acre Minimum), and Rural: Rural Mountainous (R:RM)(10 Acre Minimum)
 - 6. Proposed General Plan Land Use: Community Development Specific Plan including High Density Residential (HDR)(8-14 dwelling Units Per Acre), Medium High Density Residential (MHDR)(5-8 Dwelling Units Per Acre), Medium Density Residential (MDR)(2-5 Dwelling Units Per Acre), Open Space-Recreation (OS-R), Open Space- Conservation (OS-C), Open Space- Water (OS-W) as reflected on the Land Use Plan
Total Acreage: 334.2 Gross
 - 7. Project Data: Not applicable at this time
 - 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. 1111. 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 100-year flood plain, an area drainage plan, or dam inundation area;
 - a. A County fault zone;

- b. A Redevelopment Area;
 - b.
 - c. An Agriculture Preserve; or
 - d. An SKR Fee Area (Ordinance No. 663.10).
3. The project site is located within:
- c. The City of Hemet Sphere of Influence;
 - d. An area subject to the Mt. Palomar Lighting Ordinance No. 655;
 - e. The Highway 79 General Plan Policy area;
 - a. The Green Acres General Plan Policy area;
 - b. An MSHCP Fee area (Ordinance No. 810);
 - c. A Development Impact Fee area (Ordinance No. 659);
 - d. A West T.U.M.F. Fee area (Ordinance No. 824);
 - e. The Hemet Unified School District;
 - f. Paleontological High Sensitivity (High B);
 - g. A County Service Area (CSA No. 80);
 - f. An Airport Influence Area (Hemet Ryan);
 - a. Circulation Element Right-Of-Way;
 - b. An Area Susceptible to Subsidence; and
 - g. Liquefaction Potential (low-moderate).
4. The subject site is currently designated as Assessor's Parcel Number 465-040-005, 465-040-016, 465-050-005, 465-050-006, and 465-040-014.