

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

907B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
October 6, 2014

SUBJECT: GENERAL PLAN AMENDMENT NO. 945D1, CHANGE OF ZONE NO. 7822 - EA42679, Intent to Adopt a Negative Declaration, Approval of Indemnification Agreement - Applicant: Matthew Fagan Consulting – Engineer/Representative: JMM Consultants – Third/Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan – Rural: Rural Residential (R:RR) (5 Acre Minimum Lot Size) and Highway 79 Policy Area – Location: Northerly of Mazoe Street, southerly of Auld Road, easterly of Dickson Path and westerly of Maddalena Road – 4.5 Gross Acres – Zoning: Light Agricultural – 5 Acre Minimum Lot Size (A-1-5) – Request: to amend the General Plan Foundation Component of the subject site from Rural to Community Development and to amend the land use designation of the subject site from Rural Residential (R:RR) (5 Acre Minimum Lot Size within the Highway 79 Policy Area to Commercial Retail (CD:CR) (0.20-0.35 Floor Area Ratio). The Change of Zone proposes to amend the zoning designation of the subject site from Light Agriculture, Five Acre Minimum (A-1-5) to General Commercial (C-1/C-P).[\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

- ADOPT** a **NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 42679**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

(Continued on next page)

JCP:lr

[Signature]

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	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS: Deposit based funds

Budget Adjustment: N/A

For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY:

[Signature]
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:

16-2

FORM APPROVED COUNTY COUNSEL
BY: *[Signature]* DATE: 10/16/14
GREGORY P. PRIAMOS

Departmental Concurrence

2. **TENTATIVELY APPROVE GENERAL PLAN AMENDMENT NO. 945D1**, amending the Land Use Designation for the subject property from Rural - Rural Residential (R:RR) to Community Development-Commercial Retail (CD:CR) in accordance with the General Plan Land Use Exhibit; based on the findings and conclusions incorporated in the staff report, pending final adoption of the Resolution by the Board of Supervisors ; and,
3. **TENTATIVELY APPROVE CHANGE OF ZONE NO. 7822**, amending the zoning classification for the subject property from Light Agriculture 5 Acre Minimum (A-1-5) to General Commercial (C-1/C-P) in accordance with the Zoning Exhibit, based upon the findings and conclusions incorporated in the staff report, pending final adoption of the Zoning Ordinance by the Board of Supervisors; and,
4. **APPROVE** and authorize the Chairman to execute the attached Indemnification Agreement between the County of Riverside and Mark and Kathy Swannie; and,
5. **AUTHORIZE** the Planning Director or his designee to implement the above referenced Indemnification Agreement on behalf of the County.

BACKGROUND:

Summary

The Project was presented to the Planning Commission for recommendation to the Board on July 16, 2014. During the hearing, a memo was given by staff to the Planning Commission regarding two letters that were received. The first letter was from Endangered Habitats League, which stated a neutral position on the project. The second letter was from the City of Temecula requesting additional analysis. The Planning Commission recommended approval of the project by a vote of 5-0. Since the Planning Commission hearing, staff has met with representatives from the City of Temecula and addressed their concerns.

Impact on Citizens and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by Planning staff and the Planning Commission Hearing.

ATTACHMENTS:

- A. **September 30, 2014 Amended Staff Report for the Board of Supervisors**
- B. **July 16, 2014 Planning Commission Agenda Item 3.4 Staff Report**
- C. **July 16, 2014 Memo to Planning Commission with attached letters**
- D. **Indemnification Agreement between the County of Riverside and Mark and Kathy Swannie**



RIVERSIDE COUNTY PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

DATE: October 7, 2014

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: GPA00945D1, CZ 7822

(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 checked="" type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input checked="" type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | (3rd Dist) Press Enterprise and The Californian |
| <input type="checkbox"/> Place on Consent Calendar | <input checked="" type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC) | <input checked="" type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding (GPIP) | <input checked="" type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided) |
| | Controversial: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

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

Documents to be sent to County Clerk's Office for Posting within five days:

Notice of Determination and Neg Dec Forms
California Department of Fish & Wildlife Receipt (CFG06059)

**Do not send these documents to the County Clerk for
posting until the Board has taken final action on the subject cases.**

Please note: there is a indemnification contract included that the Chair of the Board will have to sign if the project is approved.

RECEIVED
OCT 07 2014
COUNTY COUNSEL *JS*

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 Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7040

"Planning Our Future... Preserving Our Past"

FORM APPROVED COUNTY COUNSEL
BY: GREGORY P. PRIAMOS DATE: 10/16/14

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SOURCE OF FUNDS: Deposit based funds				Budget Adjustment: N/A	
				For Fiscal Year: N/A	

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

☐ A-30
☐ 4/5 Vote
☐ Positions Added
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Agenda Number:

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INDEMNIFICATION AGREEMENT

This INDEMNIFICATION AGREEMENT ("Agreement") is made by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("COUNTY"), and Mark K. Swannie and Kathy A. Swannie ("PROPERTY OWNER"), relating to the PROPERTY OWNER'S indemnification of the COUNTY under the terms set forth herein:

WITNESSETH:

WHEREAS, the PROPERTY OWNER has a legal interest in the certain real property described as Assessor's Parcel Number 964-050-006 ("PROPERTY"); and,

WHEREAS, the PROPERTY OWNER filed an application for General Plan Amendment No. 945D1 and Change of Zone No. 7822 ("PROJECT"); and,

WHEREAS, judicial challenges of projects requiring discretionary approvals, including, but not limited to, California Environmental Quality Act determinations, are costly and time consuming. Additionally, project opponents often seek an award of attorneys' fees in such challenges; and,

WHEREAS, since property owners are the primary beneficiaries of such approvals, it is appropriate that such owners bear the expense of defending against any such judicial challenge, and bear the responsibility of any costs, attorneys' fees and damages which may be awarded to a successful challenger; and,

WHEREAS, in the event a judicial challenge is commenced against the PROJECT, the COUNTY has requested and the PROPERTY OWNER has agreed to defend, indemnify and hold harmless the COUNTY, its agents, officers, or employees from any claim, action or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void or annul any approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PROJECT or its associated environmental documentation ("LITIGATION"); and,

WHEREAS, this Agreement is entered into by the COUNTY and PROPERTY OWNER to establish specific terms concerning PROPERTY OWNER'S indemnification obligation for the PROJECT.

NOW, THEREFORE, it is mutually agreed between COUNTY and PROPERTY OWNER as follows:

1. **Indemnification.** PROPERTY OWNER, at its own expense, shall defend, indemnify and hold harmless the COUNTY, its agents, officers, and employees from and against any claim, action or proceeding brought against the

COUNTY, its agents, officers, and employees to attack, set aside, void or annul any approval of the PROJECT including any associated costs, damages, and expenses including, but not limited to, costs associated with Public Records Act requests submitted to the COUNTY related to the PROJECT and an award of attorneys' fees and costs incurred or arising out of the above-referenced claim, action or proceeding brought against the COUNTY ("Indemnification Obligation.")

2. ***Defense Cooperation.*** PROPERTY OWNER and the COUNTY shall reasonably cooperate in all aspects of the LITIGATION. Nothing contained in this Agreement, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, appeal or to decline to settle or to terminate or forego defense or appeal of the LITIGATION. It is also understood and agreed that all litigation pleadings are subject to review, revision and approval by COUNTY's Office of County Counsel.

3. ***Representation and Payment for Legal Services Rendered.*** COUNTY shall have the absolute right to approve any and all counsel retained to defend COUNTY in the LITIGATION. PROPERTY OWNER shall pay the attorneys' fees and costs of the legal firm retained by APPLICANT to represent the COUNTY in the LITIGATION. Failure by PROPERTY OWNER to pay such attorneys' fees and costs may be treated as an abandonment of the PROJECT and as a default of APPLICANT's obligations under this Agreement.

4. ***Payment for COUNTY's LITIGATION Costs.*** Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. LITIGATION costs include any associated costs, fees, damages, and expenses as further described in Section 1 herein as Indemnification Obligation. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the PROJECT, PROPERTY OWNER shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). PROPERTY OWNER shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. Within ten (10) days of written notice from COUNTY, PROPERTY OWNER shall make such additional deposits. Collectively, the initial deposit and additional deposits shall be referred to herein as the "Deposit."

5. ***Return of Deposit.*** COUNTY shall return to PROPERTY OWNER any funds remaining on deposit after ninety (90) days have passed since final adjudication of the LITIGATION.

6. ***Notices.*** For all purposes herein, notices shall be effective when personally delivered, delivered by commercial overnight delivery service, or sent by

certified or registered mail, return receipt requested, to the appropriate address set forth below:

COUNTY:
Office of County Counsel
Attn: Shellie Clack
3960 Orange Street, Suite 500
Riverside, CA 92501

PROPERTY OWNER :
Mark K. Swannie and Kathy A. Swannie
22 Golden Poppy Drive
Coto de Caza, CA 92679

7. ***Default and Termination.*** This Agreement is not subject to termination, except by mutual agreement or as otherwise provided herein. In the event of a default of PROPERTY OWNER's obligations under this Agreement, COUNTY shall provide written notification to PROPERTY OWNER of such alleged default and PROPERTY OWNER shall have ten (10) days after receipt of written notification to cure any such alleged default. If PROPERTY fails to cure such alleged default within the specified time period or otherwise reach agreement with the COUNTY on a resolution of the alleged default, COUNTY may, in its sole discretion, do any of the following or combination thereof:

- a. Deem PROPERTY OWNER's default of PROPERTY OWNER's obligations as abandonment of the PROJECT and as a breach of this Agreement;
- b. Rescind any PROJECT approvals previously granted;
- c. Settle the LITIGATION.

In the event of a default, PROPERTY OWNER shall remain responsible for any costs and attorney's fees awarded by the Court or as a result of settlement and other expenses incurred by the COUNTY related to the LITIGATION or settlement.

8. ***COUNTY Review of the PROJECT.*** Nothing in this Agreement shall be construed to limit, direct, impede or influence the COUNTY's review and consideration of the PROJECT.

9. ***Complete Agreement/Governing Law.*** This Agreement represents the complete understanding between the parties with respect to matters set forth herein. This Agreement shall be construed in accordance with the laws of the State of California.

10. ***Successors and Assigns.*** The obligations specific herein shall be made, and are binding on the successors in interest of the PROPERTY OWNER, whether the succession is by agreement, by operation of law or by any other means.

11. ***Amendment and Waiver.*** No modification, waiver, amendment or discharge of this Agreement shall be valid unless the same is in writing and signed by all parties.

12. **Severability.** If any term, provision, covenant or condition of this Agreement is held to be invalid, void or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder of this Agreement shall not be affected thereby, and each term, provision, covenant or condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

13. **Survival of Indemnification.** The parties agree that this Agreement shall constitute a separate agreement from any PROJECT approval, and if the PROJECT, in part or in whole, is invalidated, rendered null or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Agreement, which shall survive such invalidation, nullification or setting aside.

14. **Interpretation.** The parties have been advised by their respective attorneys, or if not represented by an attorney, represent that they had an opportunity to be so represented in the review of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not be applied in interpreting this Agreement.

15. **Captions and Headings.** The captions and section headings used in this Agreement are inserted for convenience of reference only and are not intended to define, limit or affect the construction or interpretation of any term or provision hereof.

16. **Jurisdiction and Venue.** Any action at law or in equity arising under this Agreement or brought by a party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed in the Courts of Riverside County, State of California, and the parties hereto waive all provisions of law providing for the filing, removal or change of venue to any other court or jurisdiction.

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WHEREAS, in the event a judicial challenge is commenced against the PROJECT, the COUNTY has requested and the PROPERTY OWNER has agreed to defend, indemnify and hold harmless the COUNTY, its agents, officers, or employees from any claim, action or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void or annul any approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PROJECT or its associated environmental documentation ("LITIGATION"); and,

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17. **Effective Date.** The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed by their authorized representatives as of the date written.

COUNTY:
COUNTY OF RIVERSIDE,
a political subdivision of the State of California

By: _____
Jeff Stone, Chairman
Board of Supervisors

Dated: _____

PROPERTY OWNER:

By: Mark K. Swannie
Name: Mark K. Swannie

Dated: 9-30-2014

PROPERTY OWNER:

By: Kathy A. Swannie
Name: Kathy A. Swannie

Dated: 9-30-2014

FORM APPROVED COUNTY COUNSEL

BY: Michelle Clack 10/15/14
MICHELLE CLACK DATE

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COUNTY, its agents, officers, and employees to attack, set aside, void or annul any approval of the PROJECT including any associated costs, damages, and expenses including, but not limited to, costs associated with Public Records Act requests submitted to the COUNTY related to the PROJECT and an award of attorneys' fees and costs incurred or arising out of the above-referenced claim, action or proceeding brought against the COUNTY ("Indemnification Obligation.")

2. ***Defense Cooperation.*** PROPERTY OWNER and the COUNTY shall reasonably cooperate in all aspects of the LITIGATION. Nothing contained in this Agreement, however, shall be construed to limit the discretion of COUNTY, in the interest of the public welfare, to settle, defend, appeal or to decline to settle or to terminate or forego defense or appeal of the LITIGATION. It is also understood and agreed that all litigation pleadings are subject to review, revision and approval by COUNTY's Office of County Counsel.

3. ***Representation and Payment for Legal Services Rendered.*** COUNTY shall have the absolute right to approve any and all counsel retained to defend COUNTY in the LITIGATION. PROPERTY OWNER shall pay the attorneys' fees and costs of the legal firm retained by APPLICANT to represent the COUNTY in the LITIGATION. Failure by PROPERTY OWNER to pay such attorneys' fees and costs may be treated as an abandonment of the PROJECT and as a default of APPLICANT's obligations under this Agreement.

4. ***Payment for COUNTY's LITIGATION Costs.*** Payment for COUNTY's costs related to the LITIGATION shall be made on a deposit basis. LITIGATION costs include any associated costs, fees, damages, and expenses as further described in Section 1 herein as Indemnification Obligation. Within thirty (30) days of receipt of notice from COUNTY that LITIGATION has been initiated against the PROJECT, PROPERTY OWNER shall initially deposit with the COUNTY's Planning Department the total amount of Twenty Thousand Dollars (\$20,000). PROPERTY OWNER shall deposit with COUNTY such additional amounts as COUNTY reasonably and in good faith determines, from time to time, are necessary to cover costs and expenses incurred by the COUNTY, including but not limited to, the Office of County Counsel, Riverside County Planning Department and the Riverside County Clerk of the Board associated with the LITIGATION. Within ten (10) days of written notice from COUNTY, PROPERTY OWNER shall make such additional deposits. Collectively, the initial deposit and additional deposits shall be referred to herein as the "Deposit."

5. ***Return of Deposit.*** COUNTY shall return to PROPERTY OWNER any funds remaining on deposit after ninety (90) days have passed since final adjudication of the LITIGATION.

6. ***Notices.*** For all purposes herein, notices shall be effective when personally delivered, delivered by commercial overnight delivery service, or sent by

certified or registered mail, return receipt requested, to the appropriate address set forth below:

COUNTY:
Office of County Counsel
Attn: Shellie Clack
3960 Orange Street, Suite 500
Riverside, CA 92501

PROPERTY OWNER :
Mark K. Swannie and Kathy A. Swannie
22 Golden Poppy Drive
Coto de Caza, CA 92679

7. **Default and Termination.** This Agreement is not subject to termination, except by mutual agreement or as otherwise provided herein. In the event of a default of PROPERTY OWNER's obligations under this Agreement, COUNTY shall provide written notification to PROPERTY OWNER of such alleged default and PROPERTY OWNER shall have ten (10) days after receipt of written notification to cure any such alleged default. If PROPERTY fails to cure such alleged default within the specified time period or otherwise reach agreement with the COUNTY on a resolution of the alleged default, COUNTY may, in its sole discretion, do any of the following or combination thereof:

- a. Deem PROPERTY OWNER's default of PROPERTY OWNER's obligations as abandonment of the PROJECT and as a breach of this Agreement;
- b. Rescind any PROJECT approvals previously granted;
- c. Settle the LITIGATION.

In the event of a default, PROPERTY OWNER shall remain responsible for any costs and attorney's fees awarded by the Court or as a result of settlement and other expenses incurred by the COUNTY related to the LITIGATION or settlement.

8. **COUNTY Review of the PROJECT.** Nothing in this Agreement shall be construed to limit, direct, impede or influence the COUNTY's review and consideration of the PROJECT.

9. **Complete Agreement/Governing Law.** This Agreement represents the complete understanding between the parties with respect to matters set forth herein. This Agreement shall be construed in accordance with the laws of the State of California.

10. **Successors and Assigns.** The obligations specific herein shall be made, and are binding on the successors in interest of the PROPERTY OWNER, whether the succession is by agreement, by operation of law or by any other means.

11. **Amendment and Waiver.** No modification, waiver, amendment or discharge of this Agreement shall be valid unless the same is in writing and signed by all parties.

17. **Effective Date.** The effective date of this Agreement is the date the parties sign the Agreement. If the parties sign the Agreement on more than one date, then the last date the Agreement is signed by a party shall be the effective date.

IN WITNESS WHEREOF, the parties hereto have duly caused this Agreement to be executed by their authorized representatives as of the date written.

COUNTY:
COUNTY OF RIVERSIDE,
a political subdivision of the State of California

By: _____
Jeff Stone, Chairman
Board of Supervisors

Dated: _____

PROPERTY OWNER:

By: Mark K. Swannie
Name: Mark K. Swannie

Dated: 9-30-2014

PROPERTY OWNER:

By: Kathy A. Swannie
Name: Kathy A. Swannie

Dated: 9-30-2014

FORM APPROVED COUNTY COUNSEL

BY: Michelle Clack DATE 10/15/14
MICHELLE CLACK

Agenda Item No.: 3.4
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third/Third
Project Planner: Larry Ross
Planning Commission: July 16, 2014

GENERAL PLAN AMENDMENT NO. 945D1
CHANGE OF ZONE NO. 7822
Environmental Assessment No. 42679
Applicant: Mathew Fagan Consulting Services
Engineer/Representative: JMM Consultants

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 945D1 proposes to amend the General Plan Foundation Component of the subject site from Rural (R) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (R: RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio).

Change of Zone No. 7822 proposes to change the zoning on the 4.5 acre site from Light Agriculture 5 Acre Minimum (A-1-5) to General Commercial (C-1/C-P).

The project is located in the Southwest Area Plan, more specifically on the southeast corner Auld Road and Dickson Path, westerly of Maddalena Road, North of Mazoe Street.

BACKGROUND:

The project is requesting a Foundation Level change. The application was submitted February 13, 2008. The application for the change was submitted during the permitted window in 2008 and is therefore consistent with the 'Certainty System' as outlined in the General Plan.

The proposed General Plan Amendment was before the Planning Commission on February 3, 2010 and before the Board of Supervisors on May 25, 2010 as part of the General Plan Initiation process (GPIP). The project was initiated by the Board. Staff recommended denial of the initiation.

The original application, General Plan Amendment No. 945, was an application to change 4 parcels with a total of 20 acres from Rural: Rural Residential 5 acre Minimum (R:RR) to Community Development: Commercial Retail (CD:CR). Staff considered the addition of 20 additional acres to the area plan to be "excessive", but would consider the change of single parcel 4.5 acres to a commercial designation to be reasonable due to the loss of acreage from a realignment of Pourroy Road (see figure below) and that the potentially non-viable 2.5 acre piece of commercial designated property directly adjacent could be merged with the 4.5 acre parcel.

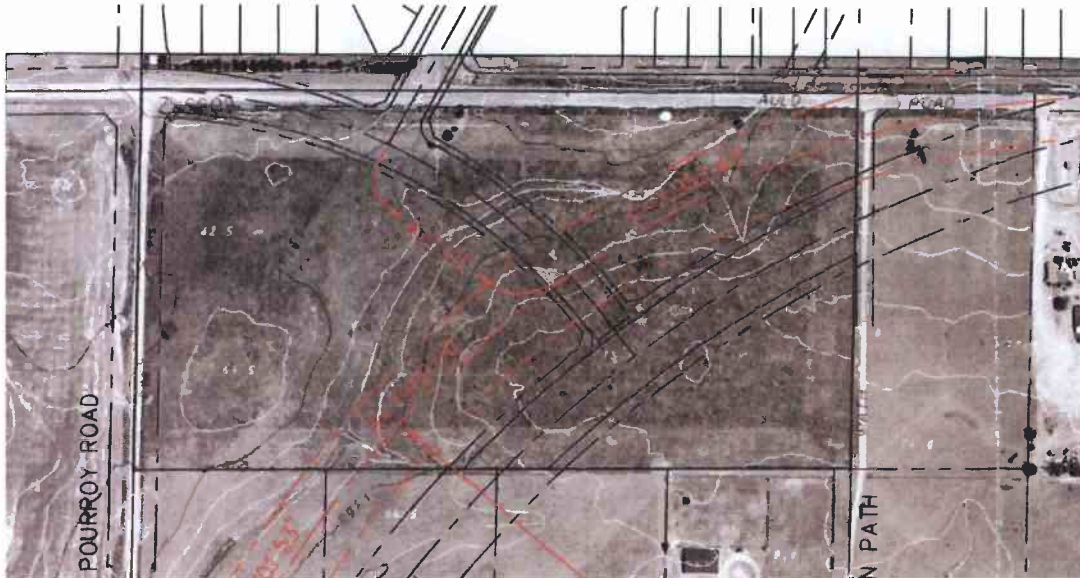
After meetings with staff, the applicant of the 4.5 acre parcel requested to be separated from the other applicants of General Plan Amendment No. 945, and the 4.5 acre parcel was disaggregated from the original application and the case number became General Plan Amendment No. 945D1. The other applicants for the original General Plan Amendment No. 945 are still contemplating their next course of action.

POTENTIAL ISSUES OF CONCERN:

Available Commercial Property

The concern that an ample supply of commercially designed property exists in the area and, in fact, commercial designated property exists adjacent to the project site. The proposed project addresses the

loss of commercial property to the west by a road realignment. The realignment divides the commercial property to the west into three parcels, the smallest of which is adjacent to the project site. With the change of the project site designation to commercial, the smaller piece can be combined with the project site that potentially could create a more viable sized parcel for commercial purposes. Currently the parcel to the west and the project site are under common ownership.



SB-18 Tribal Consultation

The Pechanga Tribe, through State required SB-18 consultation, has requested that any implementing project within the project area contact the Pechanga Tribe while processing any required entitlements. They additionally request to participate in all future CEQA analysis.

Highway 79 Policy Area

The current proposal is consistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The proposed project is changing away from residential to Commercial Retail, thus the policy does not apply.

City of Temecula – Letter dated May 19, 2014

The City of Temecula has requested a traffic impact analysis, and specified intersections that they would like to have analyzed. This analysis will occur when a use case or a map case is submitted, but without a use case or a map case any such analysis would be premature. The City did not state its support or opposition to the General Plan Amendment.

General Plan Findings

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal satisfies 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 that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 945D1 falls into the Foundation Component- Regular category, because the request to change foundations was made during the permitted 5 year (now 8 year) General Plan Review Cycle as outlined the General Plan.

The Administration Element of the General Plan explains that two findings must be made to justify a Foundation Component- Regular amendment. Further, the Administrative Element of the General Plan explains that an Entitlement/Policy Amendment requires that three findings must be made to justify an Entitlement/Policy Amendment. As the proposed project is changing from one foundation to another, and from one designation to another both sets of findings must be made. The five 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 Principal.
- b. The proposed change does not involve a change in or conflict with any Foundation Component Designation in the General Plan.
- c. 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.
- d. The change would not create an internal inconsistency among the elements of the General Plan.
- e. That there are new conditions or special circumstances that were disclosed during the review process that were unanticipated in preparing the General Plan and subsequently justify modifying the General Plan.

Consideration Analysis:

The first required finding per the General Plan Administrative Element explains that proposed change does not involve a change in or conflict with either the Riverside County Vision or any General Plan principal.

No limitation was imposed on the project area within this area plan on the conversion of rural land uses to another use. There is no net increase in the amount of commercial within the area plan due to the change in circumstances because of the road realignment. Therefore, there is no conflict with either the Riverside County Vision or any General Plan principal.

The second required finding per the General Plan Administrative Element states that the proposed change does not involve a change in or conflict with any Foundation Component Designation in the General Plan.

Upon changing the Foundation from Rural to Community Development, the designation change from Rural Residential to Commercial Retail is consistent with Community Development Foundation. Once foundation change to Community Development has been changed, no further changes will be needed and therefore there will not be any conflict with any Foundation Component Designation in the General Plan.

The third required finding per the General Plan Administrative Element states that 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.

One of the main purposes of the General Plan is for the logical development of the County. In LU 23.1 the General Plan states that one of its goals is "accommodate the development of commercial uses in areas appropriately designated by the General Plan and the plan land use maps". The General Plan designated the property to the west as commercial and limited the commercial to the one parcel. However, as a result of the realignment several acres of that commercial designation will be lost to roads and the one parcel will now become three parcels. Because of parking, landscaping, and other operational requirements commercial parcels need to be of certain sizes to be viable. The new parcel created directly adjacent to the project site will be undersized and may be difficult for a commercial use to be located there due to the size constraint. With the designation of the project site to Commercial Retail, this will help negate the loss of commercial acres due to road realignment and merging the parcel to the west and the project site will create a more viable size for a commercial site. Therefore, the project will contribute to the purposes of the General Plan by restoring the original intent of the net commercial acreage in the area which will be reduced as a result of the realignment.

The fourth required finding per the General Plan Administrative Element is that the change would not create an internal inconsistency among the elements of the General Plan.

No limitation was imposed on this area within this area plan on the conversion of rural land uses to another use. There is no net increase in the amount of commercial within the area plan due to the change in circumstances because of the road realignment. Therefore, the project will not create an internal inconsistency among the elements of the General Plan.

The fifth required finding per the General Plan Administrative Element is that there are new conditions or special circumstances that were disclosed during the review process that were unanticipated in preparing the General Plan and subsequently justify modifying the General Plan.

The new condition that occurred that was unanticipated during the preparation of the General Plan is the realignment of the road and the impacts that would occur as a result of that realignment. The special circumstance is that the realignment will result in a net loss of commercially designated acreage in the area plan and the potential that the smallest of the three newly created parcels could be non-viable for commercial purposes because of its size. This change justifies modifying the General Plan.

SUMMARY OF FINDINGS:

- | | |
|--|--|
| 1. Existing General Plan Land Use (Ex. #6): | Rural: Rural Residential (R:RR) |
| 2. Surrounding General Plan Land Use (Ex. #6): | Community Development Specific Plan to the north, Rural: Rural Residential (R:RR) to the east and south, Community Development: Commercial Retail (CD:CR) to west. |
| 3. Proposed Zoning (Ex. #3): | General Commercial (C-1/C-P) |
| 4. Surrounding Zoning (Ex. #3): | Specific Plan (SP) to the north, General Commercial (C-1/C-P) to the west, and Light Agriculture 5 Acre Minimum (A-1-5) to the south and east. |
| 5. Existing Land Use (Ex. #1): | Vacant and fallow farmland |
| 6. Surrounding Land Use (Ex. #1): | Vacant to the west and south. Tract homes to the north. Large lot single family to the east. |
| 7. Project Data: | Total Acreage: 4.5 |

Total Existing Parcels: 1

8. Environmental Concerns:

See attached environmental assessment

RECOMMENDATIONS:

APPROVAL of the **PLANNING COMMISSION RESOLUTION NO. 2014-05** recommending adoption of General Plan Amendment No. 945D1 to the Riverside County Board of Supervisors;

THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:

ADOPTION of a **NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 42679**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

APPROVAL of **GENERAL PLAN AMENDMENT NO. 945D1**, amending the Land Use Designation for the subject property from Rural- Rural Residential (R:RR) to Community Development- Commercial Retail (CD:CR) in accordance with the General Plan Land Use Exhibit; based on the findings and conclusions incorporated in the staff report; and, pending final adoption of the General Plan Amendment Resolution by the Board of Supervisors; and,

APPROVAL of **CHANGE OF ZONE NO. 7822**, amending the zoning classification for the subject property from Light Agriculture 5 acre minimum (A-1-5) to General Commercial (C-1/C-P) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption by the Board of Supervisors.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings and in the attached environmental assessment, which is incorporated herein by reference.

1. The project site is designated Rural: Rural Residential (R:RR) on the Southwest Area Plan.
2. The project site is surrounded by properties which are designated Community Development Specific Plan to the north, Rural: Rural Residential (R:RR) to the east and south, Community Development: Commercial Retail (CD:CR) to west.
3. As that the required findings for a Foundation Change – Regular and Entitlement/Policy Change are substantially the same in both the Administrative Element of the General Plan and Sections 2.4 and 2.5 of Ordinance No. 348 that the project is consistent with both the General Plan and Ordinance No. 348.
4. The proposed change does not involve a change in or conflict with either the Riverside County Vision or any General Plan principal. No limitation was imposed on the project area within this area plan on the conversion of rural land uses to another use. There is no net increase in the amount of commercial within the area plan due to the change in circumstances because of the road realignment.
5. The proposed change does not involve a change in or conflict with any Foundation Component Designation in the General Plan. Upon changing the Foundation from Rural to Community Development, the designation change from Rural Residential to Commercial Retail is consistent

with Community Development Foundation. Once foundation change to Community Development has been changed, no further changes will be needed.

6. 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 project will contribute to the purposes of the General Plan by restoring the original intent of the net commercial acreage in the area which will be reduced as a result of the realignment.
7. The proposed project change would not create an internal inconsistency among the elements of the General Plan. No limitation was imposed on this area within this area plan on the conversion of rural land uses to another use. There is no net increase in the amount of commercial within the area plan due to the change in circumstances because of the road realignment.
8. There are new conditions or special circumstances that were disclosed during the review process that were unanticipated in preparing the General Plan and subsequently justify modifying the General Plan. A new condition that occurred was the proposed realignment of the Pourroy Road road and the impacts that would occur as a result of that realignment. The special circumstance is that the realignment will result in a net loss of commercially designated acreage in the area plan and the potential that the smallest of the three newly created parcels could be non-viable for commercial purposes because of its size.
9. The zoning for the subject site is Light Agriculture 5 Acre Minimum (A-1-5).
10. The project site is surrounded by properties which are zoned Specific Plan (SP) to the north, General Commercial (C-1/C-P) to the west, and Light Agriculture 5 Acre Minimum (A-1-5) to the south and east.
11. This project is not located within a Criteria Area of the Multi-Species Habitat Conservation Plan.
12. This project is located within a CAL FIRE state responsibility area.
13. Fire protection and suppression services will be available for the project site through Riverside County Fire Department.
14. This project is within the City Sphere of Influence of the City of Temecula.
15. Environmental Assessment No. 42679 did not identify any potentially significant impacts.

CONCLUSIONS:

1. The proposed project is in conformance with the proposed Community Development: Commercial Retail Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the proposed General Commercial (C-1/C-P) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is compatible with the present and future logical development of the area.

5. The proposed project will not have a significant effect on the environment.
6. The proposed project will not preclude reserve design for the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP).

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 mapped fault zone.
 - b. The Stephens Kangaroo Rat Core Reserve Area; or,
 - c. California Gnatcatcher, Quino Checkerspot Butterfly habitat.
3. The project site is located within:
 - a. The city of Temecula sphere of influence;
 - b. The Stephens Kangaroo Rat Fee Area;
 - c. State Fire Responsibility Area
 - c. The Valley Wide Recreation and Parks District; and,
 - d. A flood zone, and dam inundation area.
4. The subject site is currently designated as Assessor's Parcel Number 964-050-006.

Agenda Item No.:
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third/Third
Project Planner: Larry Ross
Board of Supervisors: September 9, 2014

GENERAL PLAN AMENDMENT NO. 945D1
CHANGE OF ZONE NO. 7822
Environmental Assessment No. 42679
Applicant: Mathew Fagan Consulting Services
Engineer/Representative: JMM Consultants

COUNTY OF RIVERSIDE PLANNING DEPARTMENT AMENDED STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 945D1 proposes to amend the General Plan Foundation Component of the subject site from Rural (R) to Community Development (CD) and to amend the General Plan Land Use designation of the subject site from Rural Residential (R: RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area to Commercial Retail (CD-CR) (0.20-0.35 Floor Area Ratio).

Change of Zone No. 7822 proposes to change the zoning on the 4.5 acre site from Light Agriculture 5 Acre Minimum (A-1-5) to General Commercial (C-1/C-P).

The project is located in the Southwest Area Plan, more specifically on the southeast corner Auld Road and Dickson Path, westerly of Maddalena Road, North of Mazoe Street.

BACKGROUND:

The project is requesting a Foundation Level change. The application was submitted February 13, 2008. The application for the change was submitted during the permitted window in 2008 and is therefore consistent with the 'Certainty System' as outlined in the General Plan.

The proposed General Plan Amendment was before the Planning Commission on February 3, 2010 and before the Board of Supervisors on May 25, 2010 as part of the General Plan Initiation process (GPIP). The project was initiated by the Board.

The original application, General Plan Amendment No. 945, was an application to change 4 parcels with a total of 20 acres from Rural: Rural Residential 5 acre Minimum (R:RR) to Community Development: Commercial Retail (CD:CR). Staff considered the addition of 20 additional acres to the area plan to be "excessive", but would consider the change of single parcel 4.5 acres to a commercial designation to be reasonable due to the loss of acreage from a realignment of Pourroy Road (see figure below) and that the potentially non-viable 2.5 acre piece of commercial designated property directly adjacent could be merged with the 4.5 acre parcel.

After meetings with staff, the applicant of the 4.5 acre parcel requested to be separated from the other applicants of General Plan Amendment No. 945, and the 4.5 acre parcel was disaggregated from the original application and the case number became General Plan Amendment No. 945D1. The other applicants for the original General Plan Amendment No. 945 are still contemplating their next course of action.

FURTHER PLANNING CONSIDERATIONS:

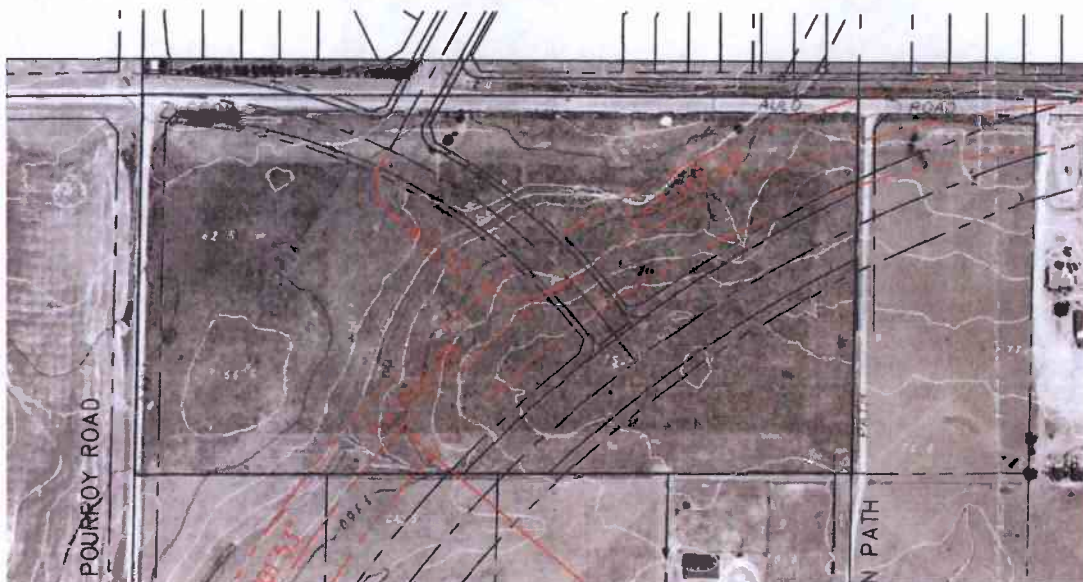
On August 4, 2014, staff met with representatives from the City of Temecula to address their request for more analysis. Staff explained the project in detail and how the "Certainty System" worked in relation to the County's General Plan and that this project was one of the projects that came in during that 45 day window. The City of Temecula representatives said based upon what was discussed, they were fairly

certain that their concerns had been addressed and would let the County know if they continued to have any concerns.

POTENTIAL ISSUES OF CONCERN:

Available Commercial Property

The concern that an ample supply of commercially designed property exists in the area and, in fact, commercial designated property exists adjacent to the project site. The proposed project addresses the loss of commercial property to the west by a road realignment. The realignment divides the commercial property to the west into three parcels, the smallest of which is adjacent to the project site. With the change of the project site designation to commercial, the smaller piece can be combined with the project site that potentially could create a more viable sized parcel for commercial purposes. Currently the parcel to the west and the project site are under common ownership.



SB-18 Tribal Consultation

The Pechanga Tribe, through State required SB-18 consultation, has requested that any implementing project within the project area contact the Pechanga Tribe while processing any required entitlements. They additionally request to participate in all future CEQA analysis.

Highway 79 Policy Area

The current proposal is consistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The proposed project is changing away from residential to Commercial Retail, thus the policy does not apply.

City of Temecula – Letter dated May 19, 2014

The City of Temecula has requested a traffic impact analysis, and specified intersections that they would like to have analyzed. This analysis will occur when a use case or a map case is submitted, but without a use case or a map case any such analysis would be premature. The City did not state its support or opposition to the General Plan Amendment.

General Plan Findings

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal satisfies 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 that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 945D1 falls into the Foundation Component- Regular category, because the request to change foundations was made during the permitted 5 year (now 8 year) General Plan Review Cycle as outlined the General Plan.

The Administration Element of the General Plan and Article 2 of Ordinance No. 348 provides that two findings must be made to justify a Foundation Component - Regular amendment. Further, the Administrative Element of the General Plan and Article 2 of Ordinance No. 348 provides that an Entitlement/Policy Amendment requires that three findings must be made to justify an Entitlement/Policy Amendment. As the proposed project is changing from one foundation to another, and from one designation to another both sets of findings must be made. The five 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 Principal.
- b. The proposed change does not involve a change in or conflict with any Foundation Component Designation in the General Plan.
- c. 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.
- d. The change would not create an internal inconsistency among the elements of the General Plan.
- e. That there are new conditions or special circumstances that were disclosed during the review process that were unanticipated in preparing the General Plan and subsequently justify modifying the General Plan.

Consideration Analysis:

The first required finding per the General Plan Administrative Element explains that proposed change does not involve a change in or conflict with either the Riverside County Vision or any General Plan principal.

The County's General Plan designates the area adjoining the project site as commercial. The proposed realignment of Pourroy Road will reduce the area's total commercial acres. The proposed project will replace this reduction resulting in a no net change in the amount of commercially designated property in the area. The General Plan's Vision discusses many concepts for housing, population growth, community, transportation, etc. The project has been reviewed against these visions and staff has determined that they are consistent with them. More specifically, to select a few key concepts, the Livable Centers portion of the Riverside County Vision states that there be a mix of uses in an area. The commercial designation breaks up the homogeneity of medium density residential to the north and west, and the lower density residential to the east and south and provides a mix of uses. The Employment portion of the Riverside County Vision states that gainful employment is one of the most

basic individual needs, and commercially designated property provides for potential wide variety of employment opportunities for the future. Therefore, there is no conflict with either the Riverside County Vision or any General Plan principal.

The second required finding per the General Plan Administrative Element states that the proposed change does not involve a change in or conflict with any Foundation Component Designation in the General Plan.

Upon changing the Foundation from Rural to Community Development, the designation change from Rural Residential to Commercial Retail is consistent with Community Development Foundation. Once foundation change to Community Development has been changed, no further changes will be needed and therefore there will not be any conflict with any Foundation Component Designation in the General Plan.

The third required finding per the General Plan Administrative Element states that 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.

One of the main purposes of the General Plan is for the logical development of the County. In LU 23.1 the General Plan states that one of its goals is "accommodate the development of commercial uses in areas appropriately designated by the General Plan and the plan land use maps". The General Plan designated the property to the west as commercial and limited the commercial to the one parcel. However, as a result of the realignment several acres of that commercial designation will be lost to roads and the one parcel will now become three parcels. Because of parking, landscaping, and other operational requirements commercial parcels need to be of certain sizes to be viable. The new parcel created directly adjacent to the project site will be undersized and may be difficult for a commercial use to be located there due to the size constraint. With the designation of the project site to Commercial Retail, this will help negate the loss of commercial acres due to road realignment and merging the parcel to the west and the project site will create a more viable size for a commercial site. Therefore, the project will contribute to the purposes of the General Plan by restoring the original intent of the net commercial acreage in the area which will be reduced as a result of the realignment.

The fourth required finding per the General Plan Administrative Element is that the change would not create an internal inconsistency among the elements of the General Plan.

The County General Plan consists of nine elements including, but not limited to, Land Use, Circulation and Multipurpose Open Space. The project has been reviewed against these elements and staff has determined that the project is consistent and causes no internal inconsistency among the elements because the project replaces the commercial acreage lost as a result of the realignment of Pourroy Road and there is no net change in the Commercial designation for the area. Additionally, the project together with the realignment of Pourroy Road reduces the amount of trips generated in the area because the area's commercial designation remains the same while there is a net reduction in its Rural Residential designation. Therefore, the project will not create an internal inconsistency among the elements of the General Plan.

The fifth required finding per the General Plan Administrative Element is that there are new conditions or special circumstances that were disclosed during the review process that were unanticipated in preparing the General Plan and subsequently justify modifying the General Plan.

The new condition that occurred that was unanticipated during the preparation of the General Plan is the realignment of the road and the impacts that would occur as a result of that realignment. The special circumstance is that the realignment will result in a net loss of commercially designated acreage in the area plan and the potential that the smallest of the three newly created parcels could be non-viable for commercial purposes because of its size. This change justifies modifying the General Plan.

SUMMARY OF FINDINGS:

- | | |
|--|--|
| 1. Existing General Plan Land Use (Ex. #6): | Rural: Rural Residential (R:RR) |
| 2. Surrounding General Plan Land Use (Ex. #6): | Community Development Specific Plan to the north, Rural: Rural Residential (R:RR) to the east and south, Community Development: Commercial Retail (CD:CR) to west. |
| 3. Proposed Zoning (Ex. #3): | General Commercial (C-1/C-P) |
| 4. Surrounding Zoning (Ex. #3): | Specific Plan (SP) to the north, General Commercial (C-1/C-P) to the west, and Light Agriculture 5 Acre Minimum (A-1-5) to the south and east. |
| 5. Existing Land Use (Ex. #1): | Vacant and fallow farmland |
| 6. Surrounding Land Use (Ex. #1): | Vacant to the west and south. Tract homes to the north. Large lot single family to the east. |
| 7. Project Data: | Total Acreage: 4.5
Total Existing Parcels: 1 |
| 8. Environmental Concerns: | See attached environmental assessment |

RECOMMENDATIONS:

ADOPT a **NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 42679**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

TENTATIVELY APPROVE GENERAL PLAN AMENDMENT NO. 945D1, amending the Land Use Designation for the subject property from Rural- Rural Residential (R:RR) to Community Development-Commercial Retail (CD:CR) in accordance with the General Plan Land Use Exhibit; based on the findings and conclusions incorporated in the staff report; and, pending final adoption of the General Plan Amendment Resolution by the Board of Supervisors; and,

TENTATIVELY APPROVE CHANGE OF ZONE NO. 7822, amending the zoning classification for the subject property from Light Agriculture 5 acre minimum (A-1-5) to General Commercial (C-1/C-P) in accordance with the Zoning Exhibit; based upon the findings and conclusions incorporated in the staff report; and, pending Ordinance adoption by the Board of Supervisors.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings and in the attached environmental assessment, which is incorporated herein by reference.

1. The project site is designated Rural: Rural Residential (R:RR) on the Southwest Area Plan.

2. The project site is surrounded by properties which are designated Community Development Specific Plan to the north, Rural: Rural Residential (R:RR) to the east and south, Community Development: Commercial Retail (CD:CR) to west.
3. As that the required findings for a Foundation Change – Regular and Entitlement/Policy Change are substantially the same in both the Administrative Element of the General Plan and Sections 2.4 and 2.5 of Ordinance No. 348 that the project is consistent with both the General Plan and Ordinance No. 348.
4. The proposed change does not involve a change in or conflict with either the Riverside County Vision or any General Plan principal. The project furthers the Riverside County Vision for Livable Centers by providing a variety of uses in the area. Additionally, the project also furthers the Riverside County Vision for Employment by providing the potential for a variety of employment opportunities for the project site. The project also maintains the vision for the area since no net change in the amount of commercial is proposed beyond what was contemplated in 2003 when the General Plan was adopted.
5. The proposed change does not involve a change in or conflict with any Foundation Component Designation in the General Plan. Upon changing the Foundation from Rural to Community Development, the designation change from Rural Residential to Commercial Retail is consistent with Community Development Foundation. Once foundation change to Community Development has been changed, no further changes will be needed.
6. 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 project will contribute to the purposes of the General Plan by restoring the original intent of the net commercial acreage in the area which will be reduced as a result of the realignment.
7. The proposed project change would not create an internal inconsistency among the elements of the General Plan. Specifically, the project is consistent with the Land Use element and the Circulation element because there is no net change in the amount of commercial within the Land Use element. Also, the project and the realignment of Pourroy Road reduces the amount of trips generated in the area because the area's commercial designation remains the same while there is a net reduction in its Rural Residential designation. These two factors do not cause an internal inconsistency with Land Use or Circulation elements or other elements of the General Plan.
8. There are new conditions or special circumstances that were disclosed during the review process that were unanticipated in preparing the General Plan and subsequently justify modifying the General Plan. A new condition that occurred was the proposed realignment of the Pourroy Road and the impacts that would occur as a result of that realignment. The special circumstance is that the realignment will result in a net loss of commercially designated acreage in the area plan and the potential that the smallest of the three newly created parcels could be non-viable for commercial purposes because of its size.
9. The zoning for the subject site is Light Agriculture 5 Acre Minimum (A-1-5).
10. The project site is surrounded by properties which are zoned Specific Plan (SP) to the north, General Commercial (C-1/C-P) to the west, and Light Agriculture 5 Acre Minimum (A-1-5) to the south and east.

11. This project is not located within a Criteria Area of the Multi-Species Habitat Conservation Plan.
12. This project is located within a CAL FIRE state responsibility area.
13. Fire protection and suppression services will be available for the project site through Riverside County Fire Department.
14. This project is within the City Sphere of Influence of the City of Temecula.
15. Environmental Assessment No. 42679 did not identify any potentially significant impacts.

CONCLUSIONS:

1. The proposed project is in conformance with the proposed Community Development: Commercial Retail Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the proposed General Commercial (C-1/C-P) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is compatible with the present and future logical development of the area.
5. The proposed project will not have a significant effect on the environment.
6. The proposed project will not preclude reserve design for the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP).

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 mapped fault zone.
 - b. The Stephens Kangaroo Rat Core Reserve Area; or,
 - c. California Gnatcatcher, Quino Checkerspot Butterfly habitat.
3. The project site is located within:
 - a. The city of Temecula sphere of influence;
 - b. The Stephens Kangaroo Rat Fee Area;
 - c. State Fire Responsibility Area
 - c. The Valley Wide Recreation and Parks District; and,
 - d. A flood zone, and dam inundation area.
4. The subject site is currently designated as Assessor's Parcel Number 964-050-006.

2
3 **RESOLUTION**
4 **RECOMMENDING ADOPTION OF**
5 **GENERAL PLAN AMENDMENT NO. 2014-005**
6

7 **WHEREAS**, pursuant to the provisions of Government Code Section(s) 65350/65450 et. seq.,
8 public hearings were held before the Riverside County Planning Commission in Riverside, California on
9 July 16, 2014, to consider the above-referenced matter; and,

10 **WHEREAS**, all the provisions of the California Environmental Quality Act (CEQA) and
11 Riverside County CEQA implementing procedures have been met and the environmental document
12 prepared or relied on is sufficiently detailed so that all the potentially significant effects of the project on
13 the environment and measures necessary to avoid or substantially lessen such effects have been evaluated
14 in accordance with the above-referenced Act and Procedures; and,

15
16 **WHEREAS**, the matter was discussed fully with testimony and documentation presented by the
17 public and affected government agencies; now, therefore,

18 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Planning
19 Commission of the County of Riverside, in regular session assembled on July 16, 2014, that it has
20 reviewed and considered the environmental document prepared or relied on and recommends the
21 following based on the staff report and the findings and conclusions stated therein:
22

23 **ADOPTION** of the Negative Declaration environmental document, Environmental Assessment
24 No. 42679; and

25 **ADOPTION** of General Plan Amendment No. 945D1
26
27
28

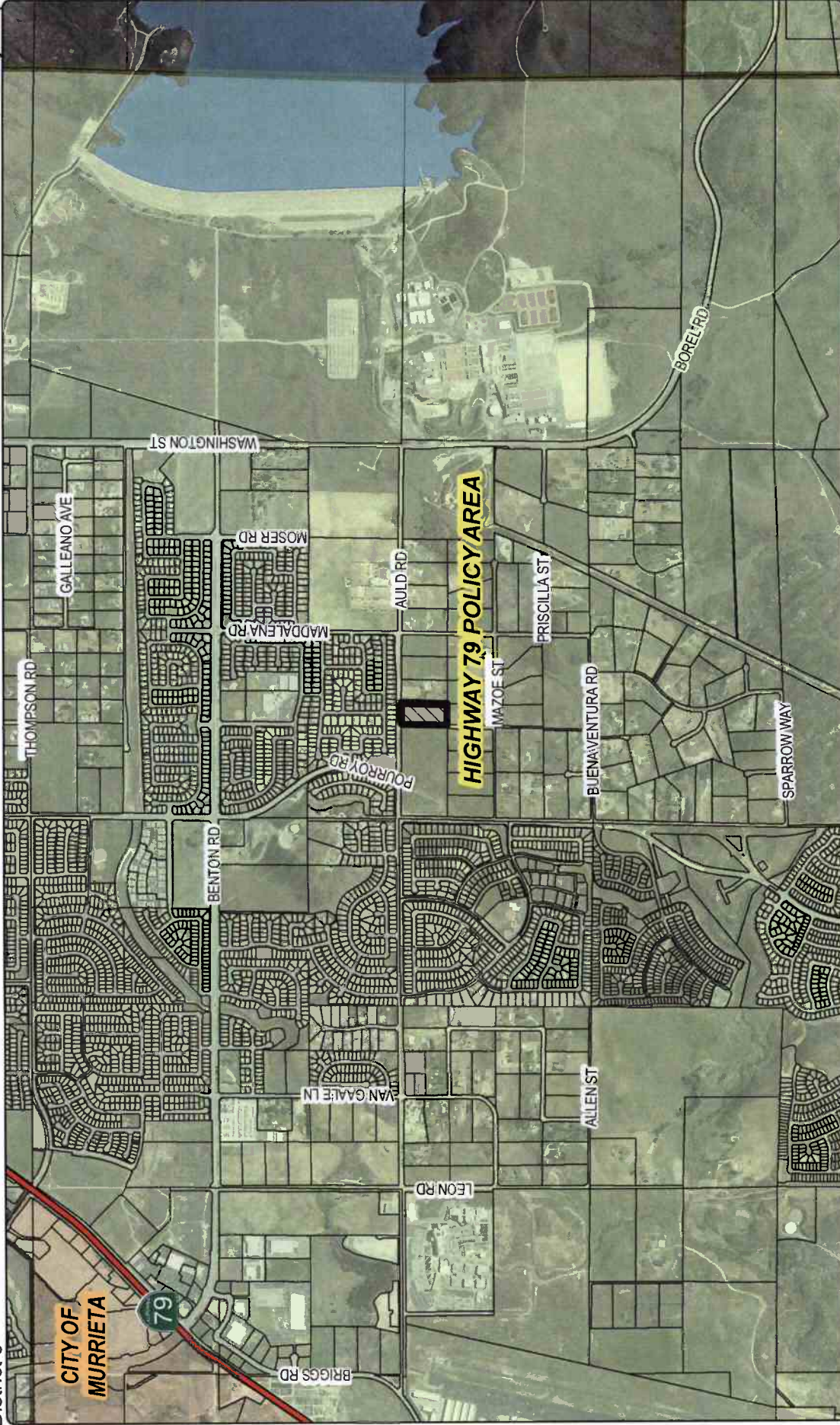
RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07822 GPA00945D1

VICINITY/POLICY AREAS

Supervisor Stone
District 3

Date Drawn: 05/30/2014
Vicinity Map



Assessors Bk. Pg. 964-05-05
Thomas Bros. Pg. 929 E2
Edition 2014



Zoning Area: Rancho California
Township/Range: T7SR2W
Section: 9

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.ltrm.co/riverside.ca.us/index.html>

RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07822 GPA00945D1

Supervisor Stone
District 3

LAND USE

Date Drawn: 05/30/2014
Exhibit 1



Zoning Area: Rancho California
Township/Range: T7SR2W
Section: 9

Assessors Bk. Pg. 964-05-05
Thomas Bros. Pg. 929 E2
Edition 2014

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0 300 600 1,200
Feet

RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07822 GPA00945D1

PROPOSED ZONING

Supervisor Stone
District 3

Date Drawn: 05/30/2014
Exhibit 3



Zoning Area: Rancho California
Township/Range: T7SR2W
Section: 9



Assessors Bk. Pg. 964-05-05
Thomas Bros. Pg. 929 E2
Edition 2014

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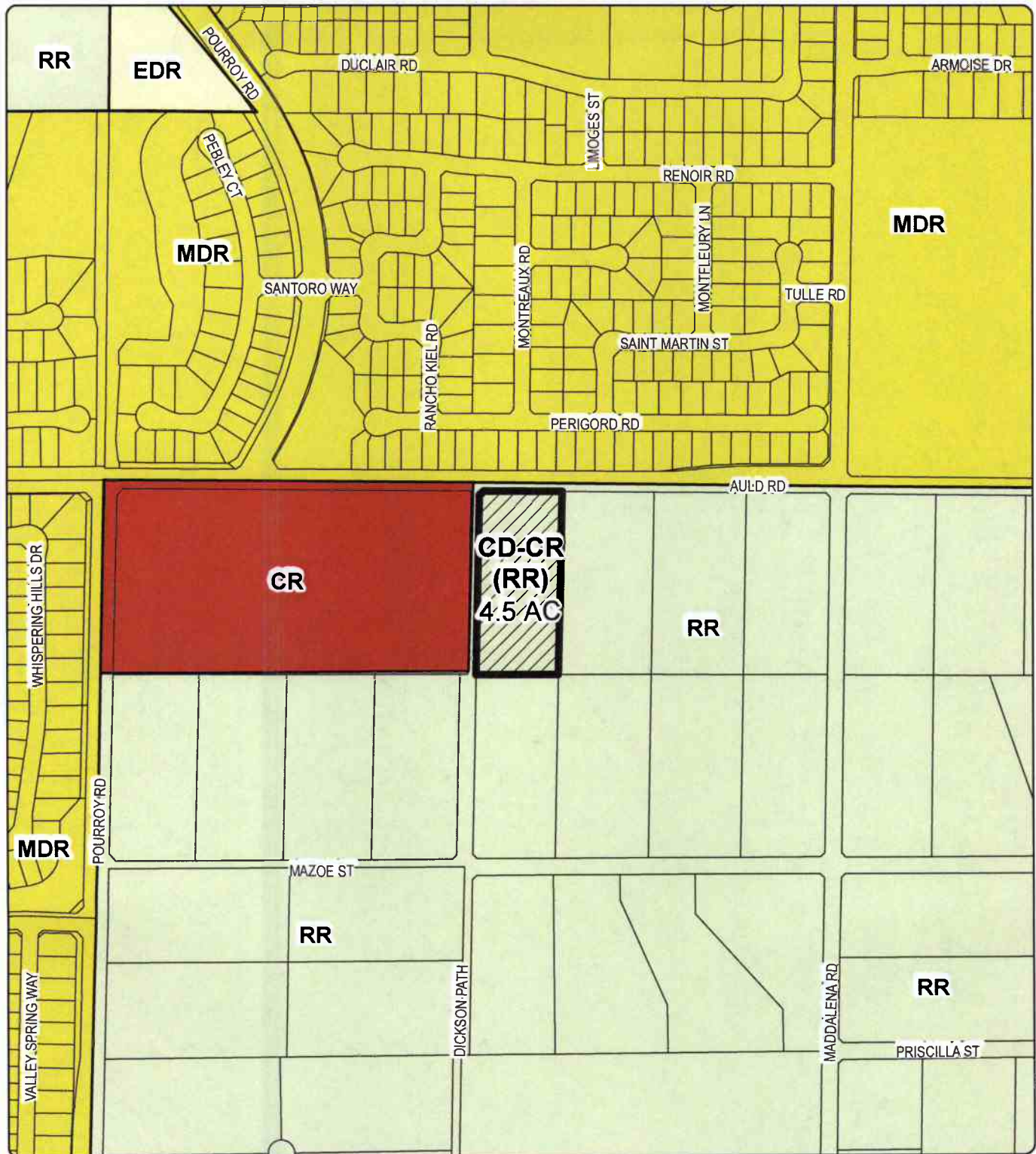
RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07822 GPA00945D1

PROPOSED GENERAL PLAN

Supervisor Stone
District: 3

Date Drawn: 05/30/2014
Exhibit 6



Zoning Area: Rancho California
Township/Range: T7SR2W
Section: 9



Assessors Bk. Pg. 964-05-05
Thomas Bros. Pg. 929 E2
Edition 2014



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APN 964-050-006
General Plan Amendment and Change of Zone
Justification for Amendment

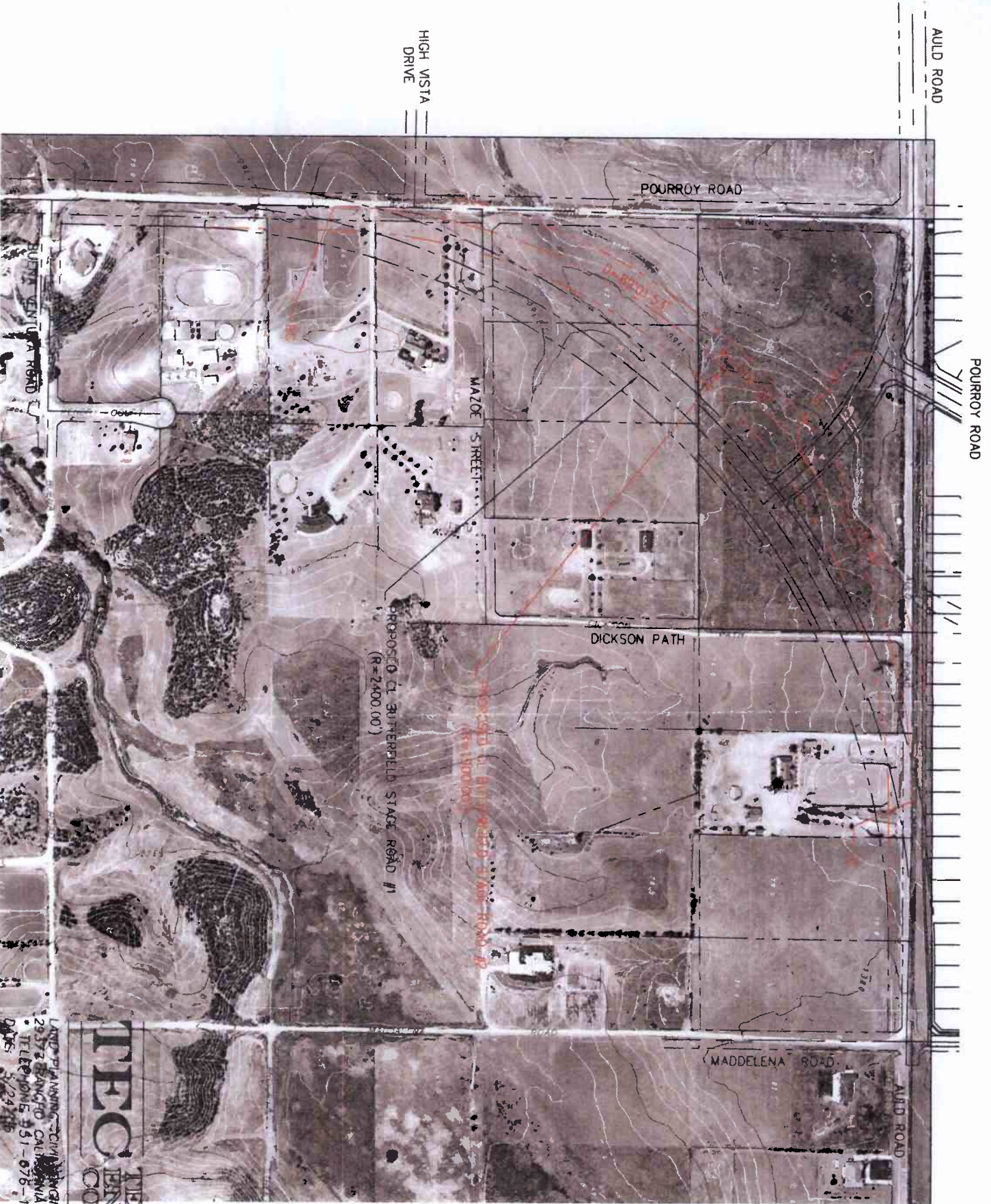
The following is a justification for the proposed General Plan Amendment (GPA) on the 4.5 acre parcel known as Assessor's Parcel Number 964-050-006 from RR (Rural Residential) to CR (Commercial Retail):

1. The 4.5 acre parcel is located immediately to the east of a 19.4 acre parcel (APN 964-050-006) which currently has a General Plan Land Use designation of CR (Commercial Retail) and a Zoning designation of C-1/C-P (General Commercial). The GPA will be consistent with the existing commercial property to the west. Adequate buffers can be provided to the parcels to the east and south. No buffering is needed to the north. The modification of 4.5 acres to CR (Commercial Retail) represents a logical extension of the existing CR acreage.
2. As depicted on Tentative Parcel Map 32379 (PM 32379), the intersection of Auld Road and Pourroy Roads, which now create a "T" intersection, will be modified. The proposed re-alignments are as follows:
 - a. Auld Road will be re-aligned within the boundaries of PM 32379 to curve to the south, where it will intersect with Pourroy Road (future Butterfield Stage Road).
 - b. Pourroy Road (future Butterfield Stage Road) will be re-aligned within the boundaries of PM 32379 and will arc to the northeast, where it will intersect with Auld Road, as described in 3.a., above, and proceed off-site, where it will re-align with the current Auld Road alignment.
 - c. Pourroy Road, north of the existing Auld Road will proceed southwesterly to intersect with the re-aligned Auld Road.
 - d. Auld Road and Pourroy Roads will be Secondary Highways (100' ROW), and future Butterfield Stage Road (Pourroy Road) will be an Urban Arterial (152' ROW).

WRCOG Southwest Zone 5-Year TIP (05-SW-RCY-1057): the Butterfield Stage Road, Auld Road to Murrieta Hot Springs Road – 2.326 miles, 0-4 lanes) has been "started." It is in the planning stages, with funding provided for this task in FY13-14. Engineering is anticipated in FU14-16 and FY16-18.

The additional 4.5 acres will be increase the viability of the existing commercial property to the west, which will ultimately be subdivided into three (3) parcels. Acreage will be increase for the northerly and southerly parcels. And access to both the northerly and southerly parcels will be enhanced with the inclusion into the existing 19.4 acre commercial parcel. This will enhance vehicular safety in the vicinity of these roadways.

3. Tentative Parcel Map 32379 was approved, with conditions, on June 14, 2006, and will expire on June 14, 2016. Barring any additional extensions of time granted by the State of California, pursuant to Section 8.4 of Ordinance No. 460, three (3) one-year extensions of time may be filed for PM 32379, potentially extending the life of the map to June 14, 2019. The addition of 4.5 acres of commercial property to the existing 19.4 acres, will represent a logical extension of commercial development to the east, and will enhance access, marketability, and potentially facilitate roadway improvements.



HIGH MSTA
DRIVE

AULD ROAD

POURROY ROAD

POURROY ROAD

MAZOE STREET

DICKSON PATH

PROPOSED CL BUTTERFIELD STAGE ROAD #1
(R=2400.00')

PROPOSED CL BUTTERFIELD STAGE ROAD #2
(R=1500.00')

MADDELENA ROAD

AULD ROAD

EXHIBIT 'A'

"ALTERNATIVE" STREET ALIGNMENT
PREPARED FOR:
PARCEL 1-3, T.P.M. 323
BUTTERFIELD STAGE ROAD



SCALE: 1"=300'

TEC ENGINEERING
CONSULTANTS, I

LAND PLANNING, CIVIL ENGINEERING, CONSTRUCTION CONSULTANTS
29172 SANJOSE CALIFORNIA RD, STE. 202, TEMECULA, CA
TELEPHONE 951-676-1018 * FACSIMILE 951-676-1018
JOB No. #

EXHIBIT "B"

INDEX SHEET

SCALE: 1"=400'

SEE SHEET NO. 6

PARCEL "H"

PARCEL "M"

SEE SHEET NO. 2

PARCEL 1
P.M. 38 / 80

PARCEL "J"

PARCEL "I"

P.M. 22 / 55

PARCEL "C"

PARCEL "E"

PARCEL "D"

PARCEL 3
P.M. 38 / 80

SEE SHEET NO. 3

SEE SHEET NO. 4

SEE SHEET NO. 5

P.M. 30 / 82

PARCEL "G"

TR. 28942

PARCEL "N"

TR. 28852

EXISTING AULD ROAD

PROPOSED AULD ROAD

PARCEL "K"

PARCEL "F"

STAGE 1

BUTTERFIELD

STAGE 2

STAGE 3

STAGE 4

STAGE 5

STAGE 6

STAGE 7

STAGE 8

STAGE 9

STAGE 10

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SUBMITTAL 1 - THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: TLMA - Planning Department

SUBMITTAL DATE:
May 13, 2010

SUBJECT: GENERAL PLAN AMENDMENT NO. 945 – Foundation-Regular - Applicant: Leonard Bustin – Engineer/Representative: Michael Schweitzer. - Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Policy Area(s) – Highway 79 Policy Area; Rural: Rural Residential (RUR-RR) (5 acre minimum lot size)– Location: Northerly of Mazoe Street, southerly of Auld Road, easterly of Dickson Path and westerly of Maddalena Road – 18.99 Gross Acres – Zoning: Light Agriculture- 5 acre minimum lot size (A-1-5)
REQUEST: This General Plan Amendment proposes to change the General Plan Foundation Component of the subject site from Rural to Community Development and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 acre minimum lot size) to Commercial Retail (CD: CR) (0.20-0.35 FAR) - APNs: 964-050-006, 964-050-007, 964-050-008 and 964-050-009

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

BACKGROUND: The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on every GPA application and submit it to the Board of Supervisors. Prior to the submittal to the Board, comments on the application are requested from the Planning Commission, and the Planning Commission comments are included in the

Ron Goldman
Planning Director

Initials:
RG:th

(continued on attached page)

☐ Policy

☒ Consent

Dep't Re
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Third

Agenda Number:

report to the Board. The Board will either approve or disapprove the initiation of proceedings for the GPA requested in the application. The consideration of the initiation of proceedings by the Planning Commission and the Board of Supervisors pursuant to this application does not require a noticed public hearing. However, the applicant was notified by mail of the time, date and place when the Planning Commission and the Board of Supervisors would consider this GPA initiation request.

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings on this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance.

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

- I. AGENDA ITEM 7.1: GENERAL PLAN AMENDMENT NO. 945** - Foundation / Regular - Applicant: Leonard Bustin - Engineer/Representative: Michael Schweitzer. - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Policy Area(s) - Highway 79 Policy Area; Rural: Rural Residential (RUR-RR) (5 Acre Minimum Lot Size)- Location: Northerly of Mazoe Street, southerly of Auld Road, easterly of Dickson Path and westerly of Maddalena Road - 18.99 Gross Acres - Zoning: Light Agriculture- 5 Acre Minimum Lot Size (A-1-5)

II. PROJECT DESCRIPTION

This General Plan Amendment proposes to change the General Plan Foundation Component of the subject site from Rural to Community Development and to amend the General Plan Land Use designation of the subject site from Rural Residential (RUR: RR) (5 Acre Minimum Lot Size) to Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio).

III. MEETING SUMMARY

The following staff presented the subject proposal:

Project Planner: Tamara Harrison, Ph: (951) 955-9721 or E-mail tharriso@rctlma.org

The following did not wish to speak but want to be recorded in favor of the subject proposal:

Scott Seidman, Applicant, 43696 Ortena St., Temecula, CA 92592

Leonard Bustin, Applicant

No one spoke in a neutral position or in opposition of the subject proposal.

IV. CONTROVERSIAL ISSUES

NONE

V. PLANNING COMMISSION ACTION

The Planning Commission, recommended to the Board of Supervisors;

TO DECLINE TO INITIATE the GENERAL PLAN AMENDMENT

VI. CD

The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rctlma.org.

Agenda Item No.: 7.1
Area Plan: Southwest Area
Zoning District: Rancho California
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: February 3, 2010

General Plan Amendment No. 945
Applicant: Leonard Bustin
Engineer/Representative: Michael Schweitzer

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommended that the Board of Supervisors tentatively decline to adopt an order initiating proceedings for GPA00945 from Rural: Rural Residential to Community Development: Commercial Retail and the Planning Commission made the comments below. The Planning Director continues to recommend that the Board tentatively decline to adopt an order initiating proceedings for the general plan amendment. For additional information regarding this case, see the attached Planning Department Staff Report(s).

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

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

Commissioner John Roth: No Comments

Commissioner John Snell: No Comments

Commissioner John Petty: Commissioner Petty disagreed with staff's recommendation to decline to initiate proceedings for General Plan Amendment No. 945. Mr. Petty commented that the re-alignment of Butterfield Stage Road presents a new circumstance for the area that would justify reconsidering the current General Plan designation. Commissioner Petty also commented that he would have liked for staff to present an alternative designation as opposed to recommending to tentatively decline to adopt an order initiating proceedings for the case. Finally, Mr. Petty stated that the applicant should be allowed to move forward with the proposal to Commercial Retail.

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: No Comments

Agenda Item No.: 7.1
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: February 3, 2010

General Plan Amendment No. 945
Applicant: Leonard Bustin
Engineer/Representative: Michael Schweitzer

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation Component of the subject site from "Rural" (RUR) to "Community Development" (CD) and to amend the General Plan Land Use designation of the subject site from "Rural Residential" (RR) (5 acre minimum lot size) to "Commercial Retail" (CR) for an approximately 18.99 acre site. The project is located southerly of Auld Road, northerly of Mazoe Street, easterly of Dickson Path and westerly of Maddalena Road.

POTENTIAL ISSUES OF CONCERN:

The subject site is located in the "French Valley" community within the "Southwest" area plan and is also located within the City of Temecula's Sphere of Influence. The Rural Residential designation can be found to the south and to the east of the subject site. The Commercial Retail designation can be found to the west of the site directly across Dickson Path. Medium Density Residential can be found directly north of the site across Auld Road. The City of Temecula's General Plan has given the subject site an anticipated land use designation of Rural (RR) (0-0.2 du/ac max).

A 20 acre parcel to the west of the subject site across Dickson Path at the southeast corner of Pourroy Road and Auld Road is currently designated as Commercial Retail (CR) and remains vacant. The planned realignment of a number of General Plan Circulation Element roads will break up the existing 20 acre piece of CR and the applicant is seeking to replace the full 20 acres of CR at the subject site (the existing Commercial Retail parcel does not share the same owner as the parcels in question). Staff recognizes that the anticipated road alignment will alter the existing CR in the area; however, there will be an adequate amount of CR that will remain once the re-alignment is complete and an additional 20 acres of Commercial Retail would be excessive for the area. Once the road alignment is complete, the existing 20 acres of CR will be broken down into 3 pieces (see attached exhibit titled "Circulation Element Roads"). One of the parcels will be approximately 7 acres, one will be approximately 4 acres and the third parcel will be approximately 2 ½ acres.

The subject site falls within the General Plan's Highway 79 Policy Area and would be required to comply with the policy area and its requirements before any approvals can be made. A workshop was held at the regular Planning Commission meeting on September 30, 2009 in order to discuss the Highway 79 Policy area and the regular Foundation General Plan Amendments that fall within the policy area. As a result of the workshop, the Planning Commission recommended that those Foundation General Plan Amendments within the policy area be brought forward on a case by case basis in order to determine the appropriateness of each proposal and that the Highway 79 policies be reviewed during the General Plan update for potential amendments.

County mapping has identified the subject site as being located within the boundaries of the County Multi-Species Habitat Conservation Plan (MSHCP). Although the site is not specifically listed within a Cell Group under MSHCP, the site will be required to conform to additional plan wide requirements of