

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



612-5

**FROM:** TLMA- Planning Department

**SUBMITTAL DATE:**  
January 12, 2016

**SUBJECT: GENERAL PLAN AMENDMENT NO. 921 (Foundation and Entitlement/Policy Amendment) and CHANGE of ZONE NO. 7763** – Intent to adopt a Mitigated Negative Declaration – APPLICANT: Sook P. Choh – ENGINEER/REPRESENTATIVE: Rick Engineering – Third Supervisorial District – AREA PLAN: Sun City/Menifee Valley – ZONE AREA: Winchester – ZONE: A-1-5 (Light Agriculture, 5-Acre Minimum) – POLICY AREAS: Estate Density Residential and Highway 79 – LOCATION: North of Scott Road, south of Wickerd Road, east of El Centro, and west of Leon Road. – PROJECT SIZE: 77.7-acres – REQUEST: The General Plan Amendment proposes to amend the project site's General Plan Foundation Component from Rural (R) to Community Development (CD), amend its General Plan Land Use Designation from Rural Residential (RR) (5-Acre Minimum) to Medium Density Residential (MDR) (2-5 DU/AC), amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map, and the Change of Zone proposes to change the site's Zoning Classification from A-1-5 (Light Agriculture, 5-Acre Minimum) to R-1 (One-Family Dwelling) on one parcel, totaling 77.7-acres, located within the Sun City/Menifee Valley Area Plan. Deposit Based Funds 100%.

Departmental Concurrence

*Steve Weiss*

Steve Weiss, AICP  
Planning Director

(Continued on next page)

*Juan C. Perez*

Juan C. Perez  
TLMA Director

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost:</b>	<b>POLICY/CONSENT (per Exec. Office)</b>
<b>COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
<b>NET COUNTY COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
<b>SOURCE OF FUNDS:</b> Deposit Based Funds				<b>Budget Adjustment:</b>	
				For Fiscal Year:	

**C.E.O. RECOMMENDATION:**

APPROVE

BY *Tina Grande*  
Tina Grande

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

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

Prev. Agn. Ref.:

District: 3

Agenda Number:

**16-5**

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA  
FORM 11: GENERAL PLAN AMENDMENT NO. 921 AND CHANGE OF ZONE NO. 7763**

**DATE:** January 12, 2016

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**RECOMMENDED MOTION:** The Planning Commission and Staff recommend that the Board of Supervisors:

1. **ADOPT** a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41744**, 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
2. **TENTATIVELY APPROVE** **GENERAL PLAN AMENDMENT NO. 921** amending the project site's General Plan Foundation Component from Rural (R) to Community Development (CD) and amending its General Plan Land Use Designation from Rural Residential (RR) (5-Acre Minimum) to Medium Density Residential (MDR) (2-5 DU/AC), in accordance with the Proposed General Plan Land Use Exhibit #6, and amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map, in accordance with the Proposed Sun City/Menifee Area Plan Figure 4: Policy Areas Map; 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
3. **TENTATIVELY APPROVE** **CHANGE OF ZONE NO. 7763** changing the project site's Zoning Classification from A-1-5 (Light Agriculture, 5-Acre Minimum) to R-1 (One-Family Dwelling) in accordance with the Proposed Zoning Exhibit #3 based on the findings and conclusions incorporated in the staff report; and, pending final adoption of a Zoning Ordinance by the Board of Supervisors.

**BACKGROUND:**

*Project Scope*

This General Plan Amendment proposes to amend the project site's General Plan Foundation Component from Rural (R) to Community Development (CD), amend its General Plan Land Use Designation from Rural Residential (RR) (5-Acre Minimum) to Medium Density Residential (MDR) (2-5 DU/AC), and amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map, and the Change of Zone proposes to change the site's Zoning Classification from A-1-5 (Light Agriculture, 5-Acre Minimum) to R-1 (One-Family Dwelling) on one parcel, totaling 77.7-acres, located within the Sun City/Menifee Valley Area Plan.

The project site is located within the Estate Density Residential and Rural Residential Policy Area, which requires new development to adhere to the existing land use of Estate Density Residential (2-Acre Minimum) and Rural Residential (5-Acre Minimum). However, this policy contains a provision that allows for development at a denser range, if there is a general area-wide property owner consensus to change the land use pattern. This area-wide change is demonstrated by the number of other Foundation Component General Plan Amendment applications that were also submitted during the 2008 cycle, which include GPA00998, GPA00976, GPA00926, and GPA00974, although some of these have since been withdrawn. These projects are located along Scott Road, and are also Foundation Component Amendment requests to change from Rural to Community Development in order to establish a Medium Density Residential (MDR) (2-5 DU/AC) Land Use Designation. Changing the project site's land use will enable development of a compatible and consistent density as that of the existing residential tract immediately to the west, which was also constructed at a Medium Density Residential (2-5 DU/AC) range. Additionally, a new high school will be located to the northeast of the project site approximately a quarter mile away.

*General Plan Initiation Proceedings ("GPIP")*

This project was submitted to the County of Riverside on February 14, 2008, during the 2008 General Plan Review Cycle application period and was recommended for initiation to the Board of Supervisors. On April 6, 2010, the Riverside County Board of Supervisors adopted an order initiating proceedings for General Plan Amendment No. 921.

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

This project was presented to the Planning Commission for recommendation to the Board of Supervisors on October 21, 2015. The Planning Commission recommended approval of the project by a vote of 4-0.

Prior to the Planning Commission hearing, County staff received several letters from residents and agencies, including the Endangered Habitats League ("EHL"), in opposition of this project. Of primary concern from those in opposition was the proposed shift from a rural residential development and lifestyle to an urbanized, higher density project. During the Planning Commission hearing, several of these same residents spoke to reiterate their concerns of opposition. There were also residents who spoke in favor of the project, citing a desire for additional improvements through the area, which would result from this project moving forward. In addition, a representative from the Menifee Union School District spoke in favor of this proposed project.

Staff also received a letter from the City of Menifee, which expresses a concern over the adequacy of the environmental review. All 2008 Foundation Component applications were considered in their total impacts and incorporated into the previous county-wide General Plan Amendment. As a result, this project resulted in preparation of a Mitigated Negative Declaration of environmental effects, similar to each of the other stand-alone, 2008 Foundation Component General Plan Amendment applications.

*Sphere of Influence*

Although the project site is not located within an established sphere of influence, the site abuts the City of Menifee to the south and is in close proximity to the City of Murrieta, located to the southwest. This project was transmitted to both cities for their review.

*Estate Density Residential and Rural Residential Policy Area*

The project site is located within the Estate Density Residential and Rural Residential Policy Area of the Sun City/Menifee Area Plan. Approval of this application is contingent upon removal of the project site from the Policy Area. The Policy Area provides that the project site and all properties within its boundary are developed at an Estate Density Residential (2-acre minimum) or Rural Residential (5-acre minimum) range.

*Highway 79 Policy Area*

The project site is located within the Highway 79 Policy Area. Mitigation measures have been included with this project's Mitigated Negative Declaration and are restated in the Planning Commission Staff Report. Since the time of the November 2, 2015 Planning Commission hearing, revisions were made to the mitigation measures for the purpose of clarification, which have been incorporated into the Mitigated Negative Declaration. These revisions are not substantive in nature, rather they are meant to clarify and reduce ambiguity. The revised Mitigation measures clarify the details pertaining to the timing of mitigation implementation and restate the funding mechanism provision more concisely.

*Environmental Assessment*

The cumulative impacts of all proposed 2008 Foundation Component applications have been previously analyzed in conjunction with a County-wide General Plan Amendment (GPA No. 960). As a result, this project was analyzed under an Initial Study, which resulted in preparation of a Mitigated Negative Declaration of environmental effects. This project includes a General Plan Amendment only. There is no accompanying implementing project and there will be no significant impacts resulting from this project.

*General Plan Amendment Findings*

Pursuant to the Riverside County General Plan, certain findings justifying this General Plan Amendment were made and discussed in the accompanying Planning Commission staff report. During the time between Planning Commission staff report preparation and the Board of Supervisors staff report preparation, the General Plan amendment that updated the County's General Plan (GPA No. 960) was adopted by the Board of Supervisors. This proposed General Plan Amendment (GPA No. 921) is consistent with the General Plan as updated though GPA No. 960.

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

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

- A. Planning Commission Minutes**
- B. Indemnification Agreement**
- C. City of Menifee Letter (January 25, 2016)**
- D. Planning Commission Staff Report**

# **Attachment A:**

Planning Commission Minutes



RIVERSIDE COUNTY  
PLANNING DEPARTMENT

**PLANNING COMMISSION  
MINUTE ORDER  
OCTOBER 21, 2015**

**I. AGENDA ITEM 4.1**

**GENERAL PLAN AMENDMENT NO. 921 (FOUNDATION AND ENTITLEMENT/POLICY) AND CHANGE OF ZONE NO. 7763** – Intent to Adopt a Mitigated Negative Declaration – Applicant: Sook P. Choh – Engineer/Representative: Rick Engineering – Third Supervisorial District – Area Plan: Sun City/Menifee Valley – Zone Area: Winchester – Zone: A-1-5 (Light Agriculture, 5-acre minimum) – Policy Areas: Estate Density Residential and Highway 79 – Location: Northerly of Scott Road, southerly of Wickerd Road, easterly of El Centro, and westerly of Leon Road – Project Size: 77.7 acres.

**II. PROJECT DESCRIPTION:**

Proposal to amend the project site's General Plan Foundation Component from Rural (R) to Community Development (CD), amend its Land Use Designation from Rural Residential (RR) (5-acre minimum) to Medium Density Residential (MDR) (2-5 du/ac), amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map, and change the site's zoning classification from A-1-5 (Light Agriculture, 5-acre minimum) to R-1 (One-Family Dwelling) on one parcel, totaling 77.7 acres.

**III. MEETING SUMMARY:**

The following staff presented the subject proposal:

Project Planner: John Hildebrand at (951) 955-1888 or email [jhildebr@rctlma.org](mailto:jhildebr@rctlma.org).

Spoke in favor of the proposed project:

- Nate Smith, Applicant's Representative
- Mike Naggar, Representing an Adjacent Property Owner
- Andy Dominigoni, Interested Party gave his time to Mike Naggar
- Hector Gonzalez, Interested Party

Spoke in a neutral position to the proposed project:

- Michael Rowe, Interested Party, P.O. Box 507, Winchester 92596 (951) 926-2444

Spoke in opposition to the proposed project.

- Grant Becklund, 30811 Garbani Rd., Winchester 92596
- Marsha Becklund, Phil Shane, and Mona Shane gave their time to Grant Becklund.

**IV. CONTROVERSIAL ISSUES:**

Yes. Removal of project site from the Estate Density Residential and Rural Residential Policy Area. Conversion of land use from Rural Residential (5-acre minimum) to Medium Density Residential (2-5 du/ac) in a rural area.

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



RIVERSIDE COUNTY  
PLANNING DEPARTMENT

**PLANNING COMMISSION  
MINUTE ORDER  
OCTOBER 21, 2015**

**V. PLANNING COMMISSION ACTION:**

Public Comments: **CLOSED**

Motion by Commissioner Taylor Berger, 2<sup>nd</sup> by Commissioner Sanchez,  
A vote of 4-0 (Commissioner Hake absent)

**ADOPTED PLANNING COMMISSION RESOLUTION No. 2015-016**; and,

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

**ADOPT** a **MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41744**; and,

**TENTATIVELY APPROVE GENERAL PLAN AMENDMENT NO. 921**; and,

**TENTATIVELY APPROVE CHANGE OF ZONE NO. 7763.**

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

# **Attachment B:**

Indemnification Agreement



## INDEMNIFICATION AGREEMENT

This INDEMNIFICATION AGREEMENT ("Agreement"), made by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("COUNTY"), and Joong Haeng Choh and Sook P. Choh; Gene Byongjin Oh and Kim C-H Oh; Gene Oh, Attorney-in-Fact for Tae Heung Kim and Kwang Won Kim; Kyung Hwa Kay Ihm, as Trustee under the Kyung Hwa Kay Ihm Trust No. 1 dated June 22, 1993; and Jae E. Han, Trustee of the Jae E. Han Trust No. 1, dated October 31, 1994 ("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 APN 466-220-029 ("PROPERTY"); and,

**WHEREAS**, on February 6, 2008, PROPERTY OWNER filed an application for General Plan Amendment No. 921 and on August 30, 2011, PROPERTY OWNER filed an application for Change of Zone No. 7763 ("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 PROPERTY OWNER 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 PROPERTY OWNER'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: Melissa Cushman  
3960 Orange Street, Suite 500  
Riverside, CA 92501

PROPERTY OWNER:  
Joong & Sook Choh  
4N 680 Ware Woods Dr.  
St. Charles, IL 60175

With a copy to:  
Rick Engineering Company  
c/o Richard O'Neill  
1770 Iowa Avenue, Ste. 100  
Riverside, CA 92507

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 OWNER 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.

17. ***Counterparts; Facsimile & Electronic Execution.*** This Agreement may be executed in one or more counterparts, each of which shall be deemed an

original, but all of which together shall constitute one and the same document. To facilitate execution of this Agreement, the parties may execute and exchange facsimile or electronic counterparts, and facsimile or electronic counterparts shall serve as originals.

18. **Joint and Several Liability.** In the event there is more than one PROPERTY OWNER, the liability of PROPERTY OWNER shall be joint and several, and PROPERTY OWNER each of them shall be jointly and severally liable for performance of all of the obligations of PROPERTY OWNER under this Agreement.

19. **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: Steven Weiss  
Steven Weiss  
Riverside County Planning Director

Dated: 2/1/16

**PROPERTY OWNER:**  
Joong Haeng Choh and Sook P. Choh; Gene Byongjin Oh and Kim C-H Oh; Gene Oh, Attorney-in-Fact for Tae Heung Kim and Kwang Won Kim; Kyung Hwa Kay Ihm, as Trustee under the Kyung Hwa Kay Ihm Trust No. 1 dated June 22, 1993; and Jae E. Han, Trustee of the Jae E. Han Trust No. 1, dated October 31, 1994

By: Joong Haeng Choh  
Joong Haeng Choh

Dated: Nov 19, 2015

FORM APPROVED COUNTY COUNSEL  
BY: Michelle Clack  
MICHELLE CLACK  
DATE: 1/28/16



By: Sook P. Choh  
Sook P. Choh

Dated: Nov 19, 2015

By: \_\_\_\_\_  
Gene Byongjin Oh

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Kim C-H Oh

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Gene Oh, Attorney-in-Fact for  
Tae Heung Kim and Kwang Won Kim

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Kyung Hwa Kay Ihm, as Trustee under the  
Kyung Hwa Kay Ihm Trust No. 1 dated June 22, 1993

Dated: \_\_\_\_\_

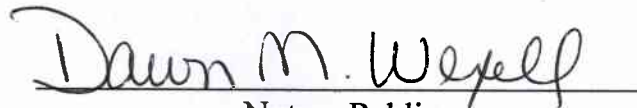
By: \_\_\_\_\_  
Jae E. Han, Trustee of the  
Jae E. Han Trust No. 1, dated October 31, 1994

Dated: \_\_\_\_\_

State of Illinois            )  
  ) ss:  
County of Kane            )

I, the undersigned, notary public, appointed in the county and state aforesaid, do hereby certify that **Joong H. Choh** and **Sook P. Choh**, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed and delivered the instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 19<sup>th</sup> day of November, 2015

  
Notary Public



By: \_\_\_\_\_  
Sook P. Choh

Dated: \_\_\_\_\_

By: Gene Byongjin Oh  
Gene Byongjin Oh

Dated: 1-7-16

By: Kim C-H Oh  
Kim C-H Oh

Dated: 1-7-16

By: Gene Oh, Attorney-in-Fact for  
Tae Heung Kim and Kwang Won Kim

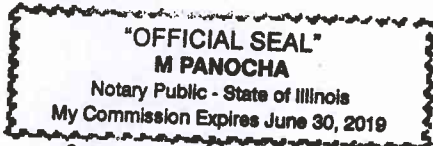
Dated: 1-7-16

By: \_\_\_\_\_  
Kyung Hwa Kay Ihm, as Trustee under the  
Kyung Hwa Kay Ihm Trust No. 1 dated June 22, 1993

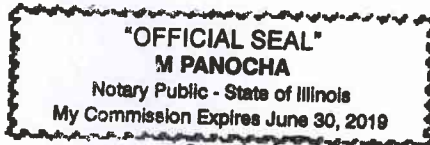
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Jae E. Han, Trustee of the  
Jae E. Han Trust No. 1, dated October 31, 1994

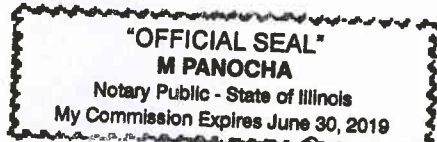
Dated: \_\_\_\_\_



M. PANOCHA  
01/07/2016



M. PANOCHA  
01/07/2016



M. PANOCHA  
01/07/2016



M. PANOCHA

State of ILLINOIS  
County of COOK

The foregoing instrument was acknowledge  
before me this 7th day of January, 2016 by  
GENE BYONGJIN OH & KIM C-H OH  
Valid Identification Provided



By: \_\_\_\_\_  
Kim C-H Oh

J.H


Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Gene Oh, Attorney-in-Fact for  
Tae Heung Kim and Kwang Won Kim

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Kyung Hwa Kay Ihm, as Trustee under the  
Kyung Hwa Kay Ihm Trust No. 1 dated June 22, 1993

Dated: \_\_\_\_\_

By:   
Jae E. Han, Trustee of the  
Jae E. Han Trust No. 1, dated October 31, 1994





Dated: Dec. 22, 2015

Certificate of Acknowledgement

9.11

State of Illinois

County of Cook

On the 22nd of Dec. 2015, before me, Alice A. Runvik,  
(date) (notary)

personally appeared, Jae Eun Han,  
(signers)

personally known to me

-- OR --

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument

WITNESS my hand and official seal

Alice A. Runvik

(notary signature)

My Commission Expires: 9-4-2017

(seal)



789

By: \_\_\_\_\_  
Sook P. Choh

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Gene Byongjin Oh

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Kim C-H Oh

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Gene Oh, Attorney-in-Fact for  
Tae Heung Kim and Kwang Won Kim

Dated: \_\_\_\_\_

By: Kyung Hwa Kay Ihm  
Kyung Hwa Kay Ihm, as Trustee under the  
Kyung Hwa Kay Ihm Trust No. 1 dated June 22, 1993

Dated: 12/21/2015

By: \_\_\_\_\_  
Jae E. Han, Trustee of the  
Jae E. Han Trust No. 1, dated October 31, 1994

Dated: \_\_\_\_\_

KJ

State of Illinois )

County of Cook ) ss:

I, the undersigned, notary public, appointed in the county and state aforesaid, do hereby certify that **Kyung Hwa Kay Ihm**, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed and delivered the instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and official seal, this 21st day of December, 2015



Notary Public



12/21/15

# **Attachment C:**

City of Menifee Letter

(January 25, 2016)



**Scott A. Mann**  
Mayor

**Greg August**  
Mayor Pro Tem

**John V. Denver**  
Councilmember

**Matthew Liesemeyer**  
Councilmember

**Lesia Sobek**  
Councilmember

January 25, 2016

John Earle Hildebrand III, Senior Project Associate  
Riverside County Planning Department  
4080 Lemon Street, 12<sup>th</sup> Floor  
Riverside, CA 92501

RE: General Plan Amendment No. 921 – Board of Supervisor's Hearing February 2, 2016

Dear Mr. Hildebrand III

Thank you for notifying the City of Menifee ("City") of the date for the County of Riverside ("County") Board of Supervisor's hearing on General Plan Amendment No. 921 (the "Project" or "GPA 921"). The City reiterates our original comments on the general plan amendment provided in a letter dated October 8, 2015 sent, in response to review of the Mitigated Negative Declaration ("MND"). A true and correct copy of the October 8, 2015 MND comment letter is attached to this letter and incorporated herein by reference. Although City staff and County staff had a conference call to discuss the comments, our concerns were not addressed.

Since the preparation of our previous comments, the City has reviewed the Draft Environmental Impact Report ("DEIR") for General Plan Amendment No. 1129 (GPA 1129). GPA 1129 is located to the northwest of the Project site and proposes to change the general plan land use of the relevant property from Estate Density Residential (2-acre minimum) to Medium Density Residential (2-5 du/ac) on 170-acres. GPA 1129 is similar to the proposed GPA 921 here as GPA 1129 would modify the permitted land uses under the general plan from rural residential uses on large lots, to allow smaller, typical suburban lots. In the DEIR for GPA 1129, the impacts related to land use are considered significant and unavoidable due in part to incompatibility with the surrounding community and land uses. The City believes the impacts of GPA 921 would be similar to those of GPA 1129. The change in land use is very similar, and the projects are within the same area – accordingly, the impacts should be similar, yet the potential impacts of GPA 921 were analyzed by an MND instead of an EIR. As stated in the City's October 8, 2015 comment letter, the potential impacts of GPA 921 should have also been analyzed by an EIR for the same reasons that the County determined that an EIR was necessary to analyze the potential impacts of GPA 1129. At a minimum, the County should explain the inconsistency between the GPA 921 MND and the GPA 1129 DEIR.

In fact, because the MND at issue here only "analyzed" the potential impacts of GPA 921 without regard to the potential impacts of GPA 1129 (and General Plan Amendment No. 921 (GPA 998)), which were subject to separate environmental

City of Menifee  
Comments on General Plan Amendment No. 921  
January 25, 2015

review, the MND fails to properly analyze the Project's cumulative impacts. Instead, the County is engaging in the unlawful practice of "piecemealing," where related projects are divided up and analyzed separately to artificially reduce the actual combined impacts of the related projects. The County must revise the relevant environmental documents to consider the impacts of all three of these projects together in order to be complaint with CEQA.

The DEIR for GPA 1129 also identified significant and unavoidable impacts resulting from the exceedance of official regional and local population projections and population growth. Specifically, GPA 1129 would result in a population increase ranging between 1,413 to 1,575 people, which the DEIR concluded is a "significant and unavoidable" impact. According to the MND for GPA 921, the proposed Project will result in an increase in population of approximately 770 persons, yet the MND concludes that this impact is "less than significant." It is unclear how GPA 921, which would result in a similar population increase as GPA 1129, only results in a less than significant impact when the cumulative population increase for GPA 1129 that is considered a significant and unavoidable impact. This inconsistency – and the utter lack of analysis explaining the same – is yet another reason that the County must prepare an EIR for GPA 921, just like it did for GPA 1129.

Thank you again for the opportunity to provide comments. We formally request to receive any additional hearing notice regarding this project. Notices can be sent to my attention at 29714 Haun Road, Menifee, CA 92586.

Sincerely,



Lisa Gordon, Planning Manager  
City of Menifee Community Development Department


# **Attachment D:**

Planning Commission Report Package



Agenda Item No.: 4.1  
Area Plan: Sun City / Menifee Valley  
Zoning Area: Winchester  
Supervisorial District: Third  
Project Planner: John Earle Hildebrand III  
Planning Commission: October 21, 2015

General Plan Amendment No. 921  
Change of Zone No. 7763  
Environmental Assessment No. 41744  
Applicant: Sook P. Choh  
Engineer/Representative: Rick Engineering

  
Steve Weiss, AICP  
Planning Director

## COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

### PROJECT DESCRIPTION AND LOCATION:

**GENERAL PLAN AMENDMENT NO. 921 (Foundation and Entitlement/Policy Amendment) and CHANGE of ZONE NO. 7763** – Proposal to amend the project site's General Plan Foundation Component from Rural (R) to Community Development (CD), amend its General Plan Land Use Designation from Rural Residential (RR) (5-acre minimum) to Medium Density Residential (MDR) (2-5 du/ac), amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map, and change project site's zoning classification from A-1-5 (Light Agriculture, 5-acre minimum) to R-1 (One-Family Dwelling) on one parcel, totaling 77.7 acres, located north of Scott Road, south of Wickerd Road, east of El Centro, and west of Leon Road, within the Sun City / Menifee Valley Area Plan.

### BACKGROUND:

#### *General Plan Initiation Proceedings ("GPIP")*

The County of Riverside Board of Supervisors adopted an order initiating proceedings for General Plan Amendment No. 921 on April 6, 2010.

This project was submitted on February 14, 2008, during the 2008 General Plan Review Cycle application period and was recommended for initiation to the Board of Supervisors by County staff, the Planning Director, and the Planning Commission. On April 6, 2010, the Riverside County Board of Supervisors adopted an order initiating proceedings for General Plan Amendment No. 921. The GPIP report package is included with this report. GPA No. 921 and Change of Zone No. 7763 (the "project") are now being taken forward for consideration.

#### *SB 18 and AB 52 Tribal Consultations*

Pursuant to SB 18 requirements, Riverside County staff previously requested a list from the Native American Heritage Commission ("NAHC") of tribes whose historical extent includes the project site. Consultation request notices were sent to each of the Native American Tribes on the list on January 24, 2011. SB 18 provides that the noticed tribes have 90 days in which to request consultation regarding the proposed project. County staff received no SB 18 consultation requests for this project during the 90 day period. However, the Pechanga Tribe has requested in general, that when any Riverside County projects are located within their designated historical tribal extent, they are contacted for potential consultation. AB 52, became effective on July 1, 2015. In accordance with AB 52, notices regarding this project were mailed to all requesting Tribes on September 2, 2015. The County received no requests from the Tribes for formal AB 52 consultation on this project.

*The Community of Winchester Draft Land Use Study*

The Community of Winchester Draft Land Use Study was prepared for The County of Riverside Economic Development Agency. The study states that "the purpose of the Study is to evaluate the existing land uses as identified in the 2003 Riverside County Harvest Valley/Winchester Area Plan Land Use Map and provide proposed land use modifications that would support the long-term build out of a balanced, diversified, and economically sustainable community." The Winchester Study has not been formally adopted by the County of Riverside, nor have the recommendations been included in the county-wide General Plan update, GPA960. However, the recommendations of the study may be incorporated into the next County General Plan Update, scheduled for some time in 2016.

This Land Use Study includes some additional areas that were not within the Harvest Valley/Winchester Area Plan, but are considered to be within the unincorporated "Community of Winchester", including this project site. The Plan describes the proposed land use changes in the southeast vicinity of the proposed Project as follows, "To the east of Leon Road and north of Scott Road, a recommendation of Medium Density Residential centering around Commercial Retail is proposed to accommodate local retail shopping needs within walking distance to the surrounding residential developments." The recommendations in the Study propose changing the land use designation of the land generally located southeast of the intersection of Leon Road and Wickerd Road, continuing south to Scott Road and east to Pines Airpark Road from Rural Residential to Commercial Retail. East of the Commercial Retail, the Draft Study would change the land use designation from Rural Residential to Medium Density Residential east to Abbott Road. The Study states that the land use recommendations are conceptual and not parcel specific. Furthermore, the Study does not propose any land use designation change for land on which this project is located, nor does the Study address the Estate Density Residential and Rural Residential Policy Area located west of Leon Road or Policy SCMVAP 6-1.

As a result, this proposed project is neither consistent, nor inconsistent with the Study. Staff is providing this information not as an analysis to determine consistency with the Study, but to provide further context of a larger regional land planning effort as it relates to this proposed General Plan Amendment.

**ISSUES OF POTENTIAL CONCERN:**

*Estate Density Residential and Rural Residential Policy Area*

This General Plan Amendment will result in a General Plan Foundation Component change from Rural (R) to Community Development (CD), a General Plan Land Use Designation change from Rural Residential (RR) (5-acre minimum) to Medium Density Residential (MDR) (2-5 du/ac), and a Change of Zone from A-1-5 (Light Agriculture, 5-acre minimum) to R-1 (One-Family Dwelling) on a single 77.7-acre parcel.

The project site is located within the Estate Density Residential and Rural Residential Policy Area of the Sun City/Menifee Area Plan. Approval of this application is contingent upon removal of the project site from the Policy Area, as there would be a General Plan inconsistency otherwise. This Policy Area provides the following:

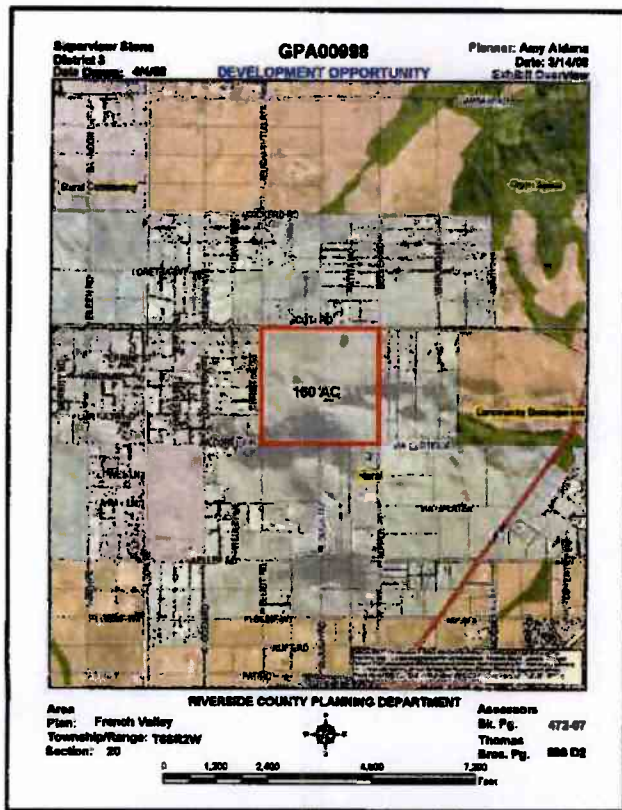
*"The residential area consists of rural estate development, with custom house development as the main pattern. The character is rural in intensity, but more in line with estate development as it has traditionally been developed. The low intensity qualities of this area are well established and strongly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



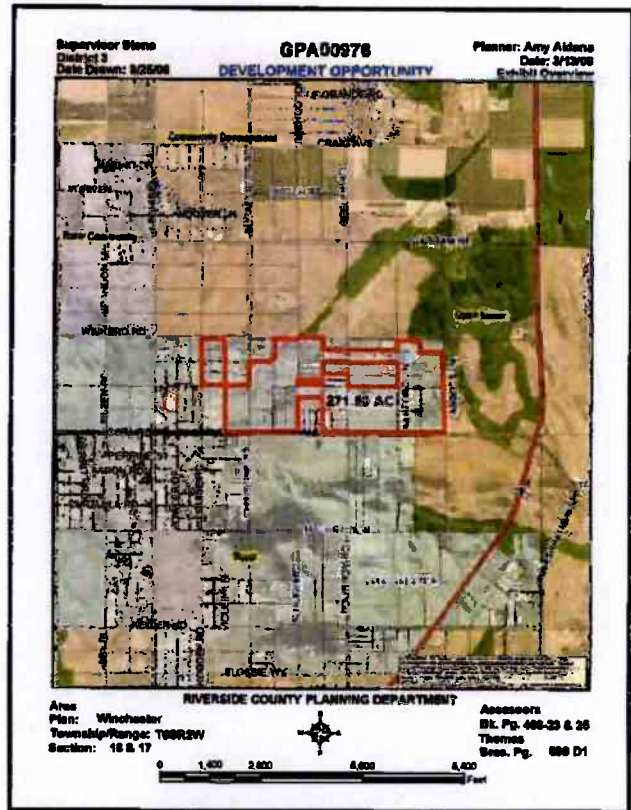
**General Plan Amendment No. 921 and Change of Zone No. 7763**  
**Planning Commission Staff Report: October 21, 2015**  
**Page 3 of 12**

The intent of this policy is to sustain a development pattern that conforms with a more "rural" pattern of settlement and that residential properties be subdivided in conformance with the existing land use which is a combination of Estate Density Residential (2-acre minimum) and Rural Residential (5-acre minimum). However, the policy also states that should the general consensus of the property owners within the area change, denser development patterns could occur. There have been a number of other proposed General Plan Amendments within close proximity of the project site along Scott Road, requesting similar increased residential densities. They are as follows:

- General Plan Amendment No. 998, located approximately one mile to the southeast, is a proposal to change from Rural Residential (5 acre minimum) to Medium Density Residential (2-5 du/ac) on 160 acres.
- General Plan Amendment No. 976, located approximately a half mile to the east, is a proposal to change from Rural Residential (5 acre minimum) to Medium Density Residential (2-5 du/ac) on 271 acres.



GPA00998 Aerial Location Map

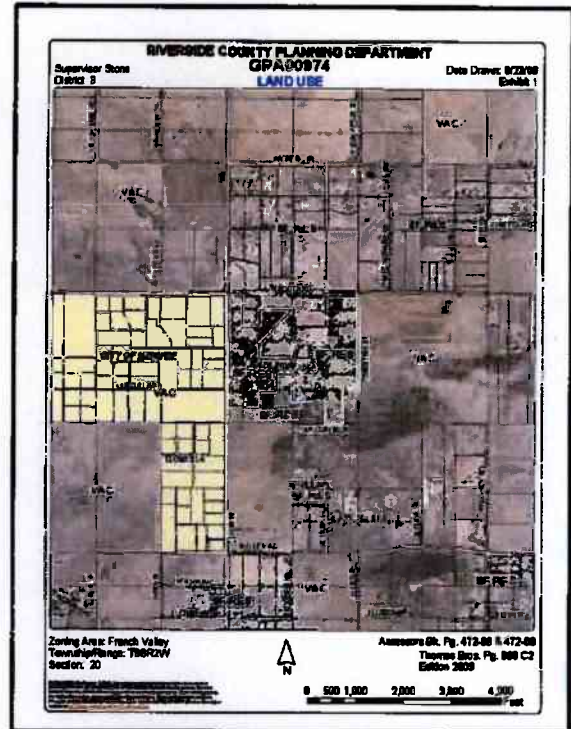


GPA00976 Aerial Location Map

- There have been other similar General Plan Amendment proposals in the immediate area, including Nos. 926 and 974 for conversion of the land use to Medium Density Residential (2-5 du/ac) as well. However, these two applications have been withdrawn, but may be resubmitted during the 2016 General Plan Review Cycle.



GPA00926 Aerial Location Map



GPA00974 Aerial Location Map

These General Plan Amendments represent a shift in land use for the area. To accommodate this shift and enable the site to be developed at Medium Density Residential, the site will be removed from the "Estate Density Residential and Rural Residential" Policy Area. Additionally, the site is located adjacent to an existing unincorporated residential development to the west, constructed in the year 2001, at a medium density range of 2-5 du/ac, which includes approximately 186 lots. Removing the site from the Policy Area, in conjunction with the land use change, results in a logical extension of the existing Medium Density Residential Development, creating a compatible development pattern. For now, the remainder of the Policy Area will retain its current land use designations.

#### *Highway 79 Policy Area*

The project site is also located within the Highway 79 Policy Area, which requires that new residential development be constructed at 9% below the mid-point of the existing land use. This required reduction is due to transportation infrastructure and capacity deficiencies. Mitigation measures have been added to the accompanying Mitigated Negative Declaration, which makes the project consistent with the goals of the policy. The mitigation measures are as follows:

- Prior to building permit issuance of any implementing project, the applicant shall participate in any adopted fee program established by the County intended to address the Highway 79 Policy Area. In the event an adopted fee program is not established, the implementing project shall satisfy one the conditions below or the applicant may voluntarily participate in providing a fee, as approved by the TLMA Director, that the County can use to build additional transportation



infrastructure or acquire open space to offset the project's incremental impacts on the Highway 79 Policy Area.

- Prior to approval of an implementing project, the applicant shall demonstrate to the satisfaction of the Director of Transportation, consistency with the Highway 79 Policy Area by demonstrating that the allowable number of residential dwelling units has been determined utilizing the most recent edition of the ITE (Institute of Transportation Engineers) Trip Generation in consideration of (a) transportation demand management (TDM) measures; (b) product types; (c) transportation improvements; or (d) any combination of (a), (b) and (c), such that the project is generating an amount equal to or less than the average daily vehicle trips that would have been generated if the project were constructed at a density of 9% below the midpoint of the density dictated by the existing General Plan Land Use designation. This mitigation does not apply to implementing projects which propose a non-residential land use development.
- If the Highway 79 policy is amended, the applicant shall be entitled to, at the applicant's request, the benefit of having this mitigation amended in a corresponding fashion with the requirement of possible further CEQA action/review. If the Highway 79 policy is repealed, these mitigations shall automatically terminate.

#### *General Plan Amendment Findings*

This project includes both a Regular Foundation Amendment and an Entitlement/Policy Amendment. A Regular Foundation Amendment application is allowed to be submitted only during a General Plan Review Cycle, which was previously every five (5) years and is now every eight (8) years. This project was submitted on February 14, 2008, within the 2008 General Plan Review Cycle application period. A Regular Foundation Amendment is required to adhere to a two-step approval process; whereby the first step is for the Board of Supervisors to adopt an order to initiate the Amendment proceedings. The second step, after initiation, is for the proposed Regular Foundation Amendment to go through the entitlement process, where the project will be publicly noticed and prepared for both Planning Commission and Board of Supervisors hearings and finalized during an adoption cycle.

The Administration Element of the Riverside County General Plan and Article 2 of Ordinance No. 348 provides that three (3) findings must be made to justify a Regular Foundation Amendment. Additionally, five (5) findings must be made to justify an Entitlement/Policy Amendment. This proposed project is a request to change from one Foundation Component to another, as well as from one Land Use Designation to another. As a result, both sets of findings must be made. There is some overlap between the Foundation and Entitlement/Policy Amendment findings, which are further described below:

- 1) (FOUNDATION FINDING) *The Foundation change is based on substantial evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan.*

#### *New Circumstance*

The project site is located within the Estate Density Residential and Rural Residential Policy Area, which requires new development to adhere to the existing land use of Estate Density Residential (2-acre minimum) and Rural Residential (5-acre minimum). However, as discussed above, this policy contains a provision that allows for development at a denser range, if there is a general area-wide property owner consensus to change the land use pattern. As discussed in the above Estate Density Residential and Rural Residential Policy Area section, GPA00998, GPA00976, GPA00926, and GPA00974 are all proposed General Plan Foundation Component Amendment applications for

properties along Scott Road, requesting changes from Rural to Community Development in order to enable land use changes to Medium Density Residential. Changing the project site's land use will enable development of a compatible and consistent density as that of the existing residential tract to the west, which was constructed at a Medium Density Residential (2-5 du/ac) range. Lastly, a new high school will be located to the northeast of the project site approximately a quarter mile away. As a result of multiple new General Plan Amendment applications along the Scott Road area, requesting a land use change to Medium Density Residential and the new high school in close proximity of the project site, a General Plan modification is justified because of these new circumstances.

*Riverside County Vision*

The Riverside County General Plan Vision element discusses many concepts, which are separated by categories and include housing, population growth, healthy communities, conservation, transportation, and several others. The Vision itself is the County's blueprint for long-term, managed and sustainable growth, but is also flexible to adapt when market conditions and other external forces fundamentally shift land use patterns. This project has been reviewed in conjunction with the Vision element and staff has determined that the project is consistent with it. Specifically, the Population Growth portion of the General Plan Vision element discusses the downsides of random sprawl and focusing on where the growth and new development can be accommodated. Changing the site's General Plan Foundation Component to Community Development will enable the site to be developed with new residential land uses, consistent with the density of the existing development to the west. Development of the project site would result in a logical extension of the existing residential tract to the west, tying into the established infrastructure. This is consistent with the Riverside Vision Statement as the Amendment will enable growth and development in a location that can accommodate it, rather than in a location that further contributes to sprawl. Furthermore, the Housing portion of the Riverside County Vision states that the regional housing needs forecasts are well coordinated within Riverside County and are accepted by regional and state agencies. Currently, Riverside County is in the process of updating its General Plan Housing Element. The project's increased development density would enable more dwelling units to be constructed and therefore, would further contribute to satisfying the State mandated RHNA (Regional Housing Needs Assessment) required amount of dwelling units. For these reasons, this project is consistent with the Riverside County Vision.

*Internal Consistency*

Staff has reviewed this proposed General Plan Foundation Component Amendment, in conjunction with each of the ten (10) Riverside County General Plan elements, including Vision, Land Use, Circulation, Multi-Purpose Open Space, Safety, Noise, Housing, Air Quality, Healthy Communities, and Administration, and has determined that this Foundation change is in conformance, provided the project site is removed from the Estate Density Residential and Rural Residential Policy Area. Once removed, there will be no further conflict or internal inconsistency regarding residential development densities. The project site is also located within the Highway 79 Policy Area. Through mitigation described in the accompanying Mitigated Negative Declaration and the above Highway 79 Policy Area discussion, this project will be in conformance. As a result, this project will not create an inconsistency with any of the General Plan elements or policies.

2) (ENTITLEMENT/POLICY FINDING) *The proposed change does not involve a change in or conflict with:*

a) *The Riverside County Vision:*

As demonstrated in the above discussion, this proposed General Plan Amendment is consistent with the Vision element of the Riverside County General Plan. The project will result in a land use change to a property adjacent to an existing, developed residential tract. This will enable development to occur in logical, consolidated area, rather than as a stand-alone site, which would contribute to residential sprawl. In addition, the densification of the site will create additional dwelling units beyond what is anticipated under the current land use. These additional units further contribute to meeting the Regional Housing Needs Assessment unit counts. As a result, this project is consistent with the Riverside County Vision.

b) Any General Plan Principle: or

The Riverside County General Plan, Appendix B: General Planning Principles, consists of seven (7) categories, including Community Development, Environmental Protection, Transportation, Community Design, Agricultural, Rural Development, and Economic Development. This project has been reviewed in conjunction with these categories and staff has determined that the project is consistent with the planning principles contained within. Specifically, there are two principles that are of note.

The first principle is within the Community Development category – Maturing Communities:

- The General Plan Vision acknowledges that every community in the County is maturing in its own way, at its own pace, and within its own context. Policies and programs should be tailored to local needs in order to accommodate the particular level of anticipated maturation in any given community.

As demonstrated by the number of General Plan Amendment applications for denser land use around the project site, the area along Scott Road is maturing from a rural residential settlement pattern to an urbanized area. This application furthers the principle by enabling new residential development pursuant to the collective new vision.

The second principle is within the Community Design category – Community Variety, Choice, and Balance:

- Communities should range in location and type from urban to suburban to rural, and in intensity from dense urban centers to small cities and towns to rural country villages to ranches and farms. Low density residential development should not be the predominant use or standard by which residential desirability is determined.

This project will result in a Land Use shift from Rural Residential to Medium Density Residential, in support of the existing growth in the area and anticipated future needs. The change will enable a future residential infill development project along a primary transportation corridor. Also, as previously stated, development at a Medium Density Residential ("MDR") (2-5 du/ac) range is compatible with the existing residential tract to the west, which was constructed within the MDR range. This proposed General Plan Amendment is a logical expansion of the existing Land Use pattern, creating a transition of housing density ranges from MDR along Scott Road to larger lot requirements to the north, which is consistent with the principle to provide a variety of housing products and lot sizes. As a result, there is no conflict with any of the General Plan principles.

c) Any Foundation Component designation in the General Plan except as otherwise expressly allowed.



This project is a proposal to change a General Plan Foundation Component to enable an accompanying Entitlement/Policy Amendment of the Land Use. As demonstrated in the above findings, this Land Use change does not conflict with the Riverside County General Plan, provided the project site is removed from the Estate Density Residential and Rural Residential Policy Area.

- 3) (ENTITLEMENT/POLICY FINDING) *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 primary goals of the Riverside County General Plan is to enable orderly and managed growth throughout the County. Policy LU 3.1(b) of the General Plan Land Use element states, "Assist in and promote the development of infill and underutilized parcels which are located in the Community Development areas, as identified on the General Plan Land Use Map." This General Plan Amendment will result in changing the project site from one Foundation Component to another and also the Land use from Rural Residential to Medium Density Residential. As a result, this change in Land Use will further the General Plan's goals though enabling infill residential development in logical location.

Additionally, Policy LU 22.4 of the General Plan Land Use element states, "Accommodate the development of a variety of housing types, styles and densities that are accessible to and meet the needs of a range of lifestyles, physical abilities, and income levels." This Amendment will result in a land use change to enable a denser development in conjunction with a future implementing project. The change will allow for a variety of housing product types and a blend residential lot sizes for the area. As a result, this proposed Amendment will further contribute to achieving this goal and as such, is consistent with the General Plan.

- 4) (ENTITLEMENT/POLICY FINDING) *Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.*

As discussed in the above Estate Density Residential and Rural Residential Policy Area section, GPA00998, GPA00976, GPA00926, and GPA00974 are other General Plan Foundation Component Amendment applications for properties located along Scott Road, which are requests for a Land Use change to Medium Density Residential. These applications, which represent multiple property owners, are a reflection of a desire for a denser development pattern. In addition, a new high school will be located approximately a quarter mile away from the project site to the northeast, which will result in a need for additional housing and services in the area.

**SUMMARY OF FINDINGS:**

- |   |  |
|---|--|
| 1. Existing Foundation General Plan Land Use (Ex #6): | Rural (R)  |
| 2. Proposed Foundation General Plan Land Use (Ex #6): | Community Development (CD)   |
| 3. Existing General Plan Land Use (Ex #6):            | Rural Residential (RR) (5-acre minimum)  |
| 4. Proposed General Plan Land Use (Ex #6):            | Medium Density Residential (MDR) (2-5 du/ac)   |
| 5. Surrounding General Plan Land Use (Ex #5):         | City of Menifee, Estate Density Residential (2-acre minimum), Rural Residential (5-acre minimum), and Medium Density Residential (2-5 du/ac) |
| 6. Existing Zoning (Ex #3):                           | A-1-5 (Light Agriculture, 5-acre minimum)  |
| 7. Proposed Zoning (Ex #3):                           | R-1 (One-Family Dwelling)  |



- |                                   |  |
|-----------------------------------|--|
| 8. Surrounding Zoning (Ex #3):    | City of Menifee, R-A-5 (Residential Agriculture, 5-acre minimum), A-1-5 (Light Agriculture, 5-acre minimum), R-1 (One-Family Dwelling) |
| 9. Existing Land Use (Ex #1):     | Vacant Land  |
| 10. Surrounding Land Use (Ex #1): | Single family detached dwelling to the west, vacant land to the north, vacant land to the east, City of Menifee to the south           |
| 11. Project Size (Ex #1):         | Total Acreage: 77.7 Acres  |
| 12. Environmental Concerns:       | See Environmental Assessment No. 41744   |

**RECOMMENDATIONS:**

**ADOPT PLANNING COMMISSION RESOLUTION No. 2015-016** recommending adoption of General Plan Amendment No. 921 to the Riverside County Board of Supervisors;

**THE PLANNING STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND THE FOLLOWING ACTIONS TO THE BOARD OF SUPERVISORS:**

**ADOPT a MITIGATED NEGATIVE DECLARATION** for **ENVIRONMENTAL ASSESSMENT NO. 41744**, 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. 921** amending the Riverside County General Plan Foundation Component from Rural (R) to Community Development (CD), amend the General Plan Land Use from Rural Residential (R:RR) (5-acre minimum) to Medium Density Residential (CD:MDR) (2-5 du/ac), in accordance with the Proposed General Plan Land Use Exhibit #6, and amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map, in accordance with the Proposed Sun City/Menifee Area Plan Figure 4: Policy Areas Map; 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.

**TENTATIVELY APPROVE CHANGE OF ZONE NO. 7763** changing the zoning classification from A-1-5 (Light Agriculture, 5-acre minimum) to R-1 (One-Family Dwelling) in accordance with the Proposed Zoning Exhibit #3 based on the findings and conclusions incorporated in the staff report; and, pending final adoption of a Zoning Ordinance 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 has a General Plan Land Use of Rural: Rural Residential (R:RR) (5-acre minimum) and is located within the Sun City / Menifee Valley Area Plan.
2. The project site is surrounded by properties which have a General Plan Land Use of Rural Residential (5-acre minimum) to the east, Estate Density Residential (2-acre minimum) to the north, Medium Density Residential (2-5 du/ac) to the west, and the City of Menifee to the south.
3. This Regular Foundation Component Amendment and Entitlement/Policy Amendment will result in a Land Use change to Community Development: Medium Density Residential (CD:MDR) (2-5 du/ac).

4. The required findings for a Regular Foundation Amendment and an Entitlement/Policy Amendment are set forth in the Administrative Element of the Riverside County General Plan and Sections 2.4 and 2.5 of Ordinance No. 348, which implements the associated General Plan provisions. This project is consistent with both.
5. As a result of new General Plan Amendment applications along the Scott Road area, requesting a land use change to Medium Density Residential and a new high school to be located in close proximity of the project site, this General Plan Amendment is justified because of these new circumstances.
6. Staff has concluded that this project will not create an inconsistency between any of the Riverside County General Plan elements, provided the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map is amended by removing the project site from its boundary. Staff has reviewed this project in conjunction with each of the nine (10) Riverside County General Plan elements, including Vision, Land Use, Circulation, Multi-Purpose Open Space, Safety, Noise, Housing, Air Quality, Healthy Communities, and Administration, and has determined that this project is in conformance.
7. Staff has concluded that this project does not conflict with nor does it require any changes to the Riverside County Vision element. Furthermore, this project will result in a change to a denser residential land use, which is a logical extension of the existing Medium Density Residential to the west.
8. The project site is also located within the Highway 79 Policy Area. The project will be in conformance through mitigation described in the accompanying Mitigated Negative Declaration and restated as follows:
  - Prior to building permit issuance of any implementing project, the applicant shall participate in any adopted fee program established by the County intended to address the Highway 79 Policy Area. In the event an adopted fee program is not established, the implementing project shall satisfy one the conditions below or the applicant may voluntarily participate in providing a fee, as approved by the TLMA Director, that the County can use to build additional transportation infrastructure or acquire open space to offset the project's incremental impacts on the Highway 79 Policy Area.
  - Prior to approval of an implementing project, the applicant shall demonstrate to the satisfaction of the Director of Transportation, consistency with the Highway 79 Policy Area by demonstrating that the allowable number of residential dwelling units has been determined utilizing the most recent edition of the ITE (Institute of Transportation Engineers) Trip Generation in consideration of (a) transportation demand management (TDM) measures; (b) product types; (c) transportation improvements; or (d) any combination of (a), (b) and (c), such that the project is generating an amount equal to or less than the average daily vehicle trips that would have been generated if the project were constructed at a density of 9% below the midpoint of the density dictated by the existing General Plan Land Use designation. This mitigation does not apply to implementing projects which propose a non-residential land use development.
  - If the Highway 79 policy is amended, the applicant shall be entitled to, at the applicant's request, the benefit of having this mitigation amended in a corresponding fashion with the requirement of

possible further CEQA action/review. If the Highway 79 policy is repealed, these mitigations shall automatically terminate.

9. The Riverside County General Plan is the guiding document which enables the orderly and managed growth throughout the County. Policy LU 3.1(b) of the General Plan Land Use element states, "Assist in and promote the development of infill and underutilized parcels which are located in the Community Development areas, as identified on the General Plan Land Use Map." This General Plan Amendment will result in changing the project site from one Foundation Component to another and also the Land use from Rural Residential to Medium Density Residential. As a result, this change in Land Use will further the General Plan's goals though enabling infill residential development in a logical location.
10. Policy LU 22.4 of the General Plan Land Use element states, "Accommodate the development of a variety of housing types, styles and densities that are accessible to and meet the needs of a range of lifestyles, physical abilities, and income levels." This Amendment will result in a land use change to enable a denser development in conjunction with a future implementing project. The change will allow for a variety of housing product types and a blend of residential lot sizes for the area. As a result, this proposed Amendment will further contribute to achieving this goal and as such, is consistent with the General Plan.
11. Appendix B: General Planning Principles, within the Riverside County General Plan, consists of seven (7) categories, including Community Development, Environmental Protection, Transportation, Community Design, Agricultural, Rural Development, and Economic Development. Staff has concluded that this project is consistent with each of these planning principle categories.
12. The project site has a zoning classification of A-1-5 (Light Agriculture, 5-acre minimum).
13. The project site is surrounded by properties which have a zoning classification of A-1-5 (Light Agriculture, 5-acre minimum) to the east, R-A-5 (Residential Agriculture, 5-acre minimum) to the north, R-1 (One-Family Dwellings) to the west, and the City of Menifee to the south.
14. This Change of Zone will result in a new zoning classification of R-1 (One-Family Dwelling).
15. The project site is not located within a Criteria Cell of the Multi-Species Habitat Conservation Plan ("MSHCP").
16. In accordance with AB 52, notices were mailed to all requesting Tribes on September 2, 2015. County Staff received no requests for consultation on this project.
17. The project site is located within a "Low" wildfire hazard zone.
18. Fire protection and suppression services will be available for the site through Riverside County Fire Department. It is not located with a State Responsibility Area.
19. Environmental Assessment No. 41744 identified the following potentially significant impacts:
  - a. Transportation/Traffic

These listed impacts will be fully mitigated in the environmental assessment. No other significant impacts were identified.

**CONCLUSIONS:**

1. The proposed project is in conformance with the Community Development: Medium Density Residential (2-5 du/ac) Land Use, and with all other elements of the Riverside County General Plan, provided the project site is removed from the Sun City/Menifee Area Plan Figure 4: Policy Areas.
2. The proposed project is consistent with the R-1 (One-Family Dwelling) 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 negative 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 designated City's sphere of influence; or
  - b. The boundaries of a City; or
  - c. A Criteria Cell of the Multi-Species Habitat Conservation Plan ("MSHCP"); or
  - d. An Airport Influence Area ("AIA"); or
  - e. A 100-year flood plain, an area drainage plan, or dam inundation area; or
  - f. A "High" wildfire hazard zone; or
  - g. A State Responsibility area.
3. The project site **is** located within:
  - a. The Lakeview/Nuevo/Romoland/Homeland County Service Area (CSA #146); and
  - b. "Low" liquefaction area.
4. The project site is currently designated as Assessor's Parcel Number: 466-220-029.



2  
3 **RESOLUTION NO. 2015-016**  
4 **RECOMMENDING ADOPTION OF**  
5 **GENERAL PLAN AMENDMENT NO. 921**  
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 October 21, 2015, 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 **WHEREAS**, the matter was discussed fully with testimony and documentation presented by the  
16 public and affected government agencies; now, therefore,

17 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Planning  
18 Commission of the County of Riverside, in regular session assembled on October 21 2015, that it has  
19 reviewed and considered the environmental document prepared or relied on and recommends the  
20 following based on the staff report and the findings and conclusions stated therein:  
21

22 **ADOPTION** of the Mitigated Negative Declaration environmental document, Environmental  
23 Assessment File No. 41744; and  
24

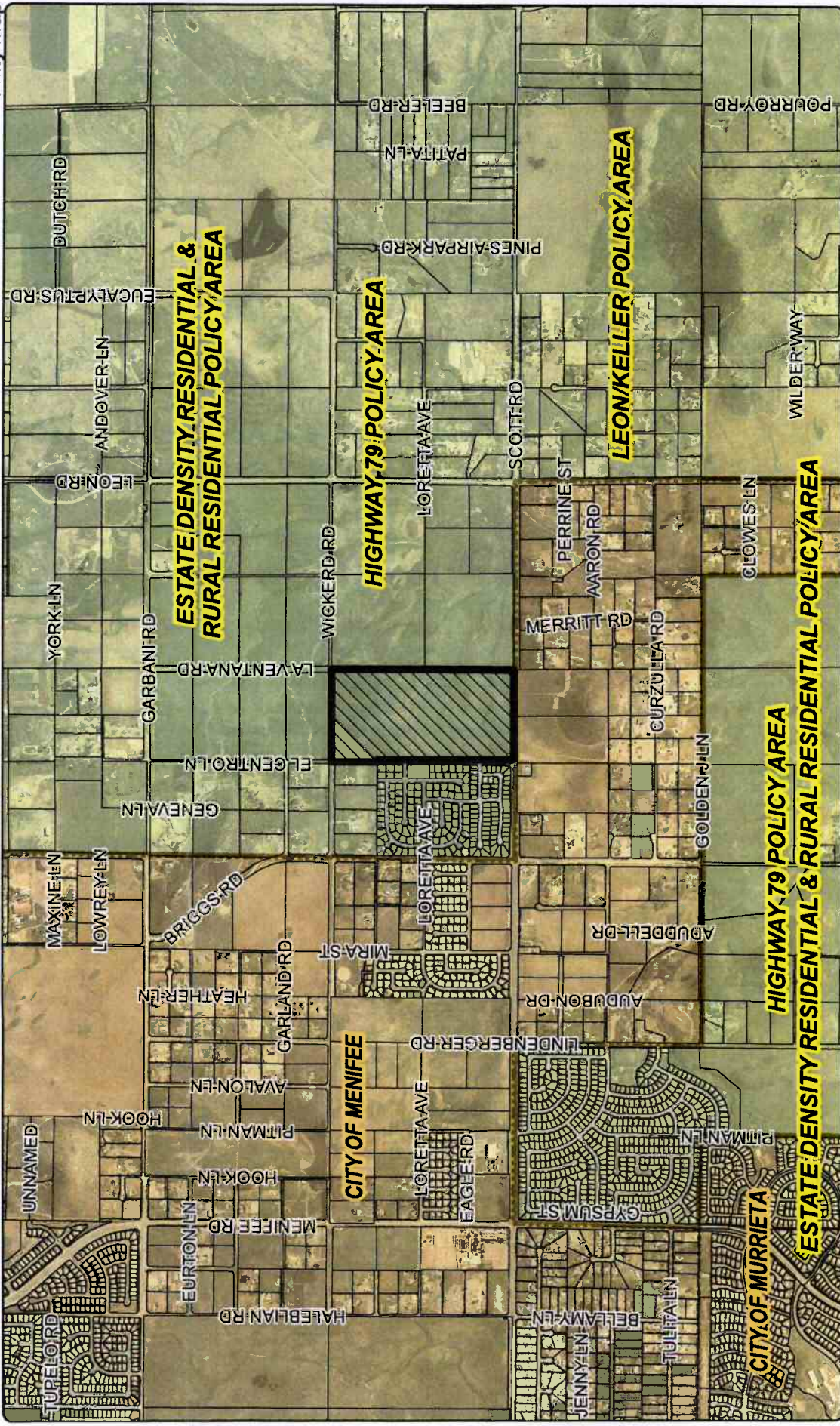
25 **ADOPTION** of General Plan Amendment No. 921  
26  
27  
28



**RIVERSIDE COUNTY PLANNING DEPARTMENT  
CZ07763 GPA00921  
VICINITY/POLICY AREAS**

Supervisor Washington  
District 3

Date Drawn: 09/02/2015  
Vicinity Map



Zoning Area: Winchester

Author: Vinnie Nguyen



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing for land use designations for unincorporated Riverside County. Plans for future development and zoning for unincorporated Riverside County are subject to change. For further information, please contact the Riverside County Planning Department offices at Riverside at (951)955-3900 (Western County) or in Palm Desert at (760)864-9277 (Eastern County) or Website: <http://www.riverside.ca.gov>



RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07763 GPA00921

Supervisor Washington  
District 3

Date Drawn: 09/02/2015  
Exhibit 1

LAND USE



Zoning Area: Winchester

Author: Vinnie Nguyen



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RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07763 GPA00921

PROPOSED ZONING

Supervisor Washington  
District 3

Date Drawn: 09/02/2015  
Exhibit 3



Zoning Area: Winchester

Author: Vinnie Nguyen



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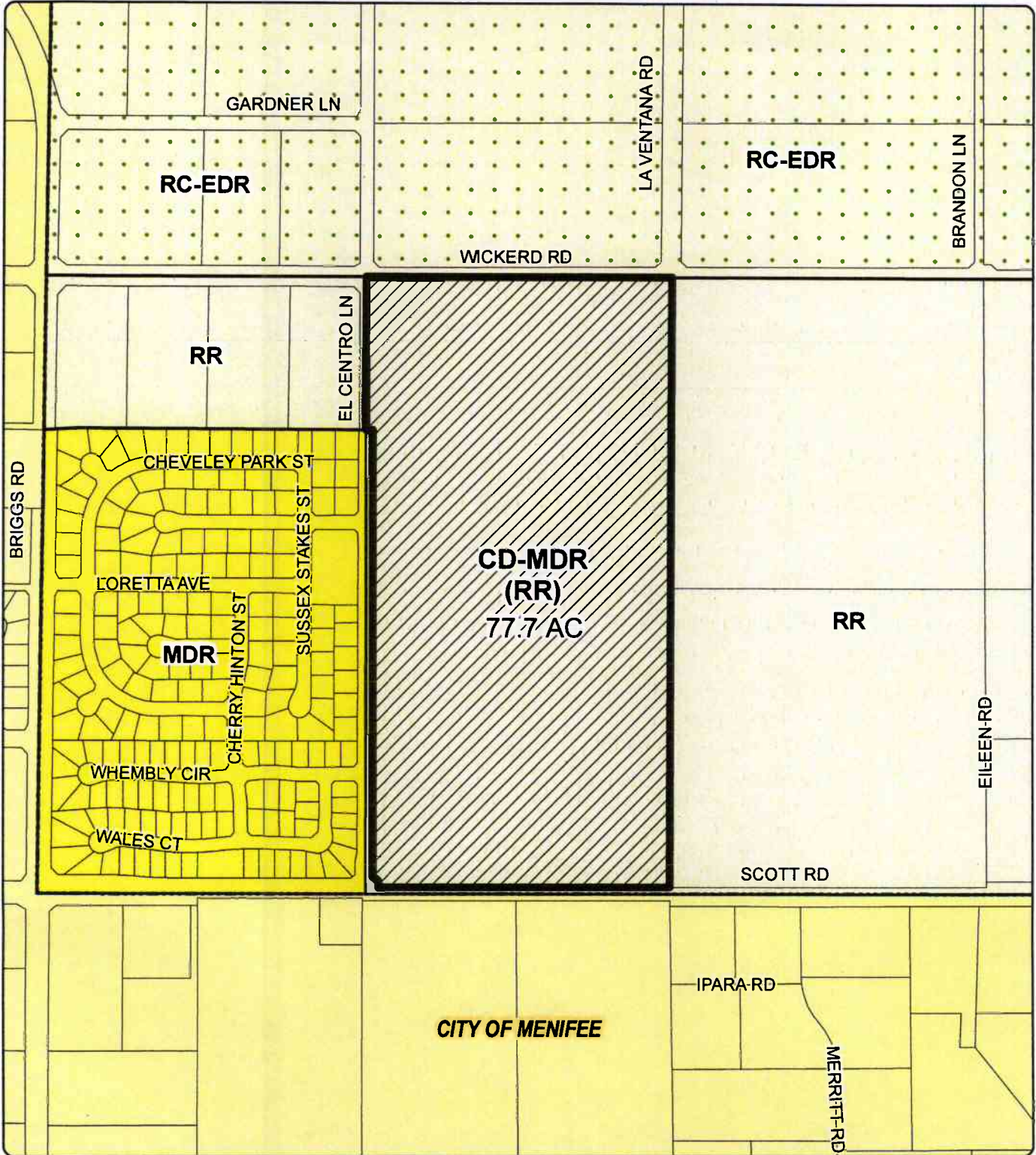
RIVERSIDE COUNTY PLANNING DEPARTMENT

CZ07763 GPA00921

PROPOSED GENERAL PLAN

Supervisor Washington  
District 3

Date Drawn: 09/02/2015  
Exhibit 6



Zoning Area: Winchester

Author: Vinnie Nguyen



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# COUNTY OF RIVERSIDE

## ENVIRONMENTAL ASSESSMENT FORM: INITIAL STUDY

**Environmental Assessment No.:** 41744

**Project Cases:** General Plan Amendment No. 921 and Change of Zone No. 7763

**Lead Agency Name:** County of Riverside Planning Department

**Lead Agency Address:** P.O. Box 1409, Riverside, CA 92502-1409

**Lead Agency Contact Person:** John Earle Hildebrand III

**Lead Agency Telephone Number:** (951) 955-1888

**Applicant's Name:** Sook P. Choh

**Applicant's Address:** 4 North 680 Ware Woods Drive, St. Charles, IL 60175

**Applicant's Telephone Number:** (630) 377-0323

### I. PROJECT INFORMATION

#### A. Project Description:

General Plan Amendment No. 921 to amend the Riverside County General Plan Foundation Component from Rural (R) to Community Development (CD), amend the General Plan Land Use from Rural Residential (R:RR) (5-acre minimum) to Medium Density Residential (RC:MDR) (2-5 du/ac), amend the General Plan Sun City/Menifee Area Plan Figure 4: Policy Areas Map, and a Change of Zone to change the Zoning designation from A-1-5 (Light Agriculture, 5-acre minimum) to R-1 (One-Family Dwelling) on one parcel, totaling 77.7 acres.

**B. Type of Project:** Site Specific ; Countywide ; Community ; Policy .

**C. Total Project Area:** 77.7 acres

**D. Assessor's Parcel No.:** 466-220-029

**E. Street References:** North of Scott Road, south of Wickerd Road, east of El Centro, and west of Leon Road.

**F. Section, Township & Range Description or reference/attach a Legal Description:**  
Section 18, Township 6 South, Range 2 West

**G. Brief description of the existing environmental setting of the project site and its surroundings:** The project site is vacant land, surrounded by single-family detached homes to the west and south, and vacant land to the east and north.

### II. APPLICABLE GENERAL PLAN AND ZONING REGULATIONS

#### A. General Plan Elements/Policies:

1. **Land Use:** This project includes a General Plan Foundation Amendment – Regular, a General Plan Entitlement/Policy Amendment, the Estate Density Residential & Rural Residential policy area map reconfiguration, and a Change of Zone only. There are no additional implementing development plans associated with this project. This project is consistent with the provisions (through mitigation) of the Land Use Element.

2. **Circulation:** The project is consistent with the Highway 79 policy area provisions (through mitigation), and all other policies of the Circulation Element.



3. **Multipurpose Open Space:** The project is consistent with the policies of the Open Space Element.
  4. **Safety:** The project is consistent with the policies of the Safety Element.
  5. **Noise:** The project is consistent with the policies of the Noise Element.
  6. **Housing:** The project is consistent with the policies of the Housing Element.
  7. **Air Quality:** The project is consistent with the policies of the Air Quality Element.
  8. **Healthy Communities:** The project is consistent with the policies of the Healthy Communities Element.
- B. General Plan Area Plan:** Sun City/Meniffee Valley
- C. General Plan Foundation Component (Existing):** Rural (R)
- D. General Plan Land Use Designation (Existing):** Rural Residential (R:RR) (5-acre minimum)
- E. General Plan Foundation Component (Proposed):** Community Development (CD)
- F. General Plan Land Use Designation (Proposed):** Medium Density Residential (CD:MDR) (2-5 du/ac)
- G. Overlay(s), if any:** None
- H. Policy Area(s), if any:** Estate Density Residential & Rural Residential / Highway 79
- I. Adjacent and Surrounding:**
1. **Area Plan(s):** Harvest Valley/Winchester and Southwest
  2. **Foundation Component(s):** Rural, Rural Community, and Community Development
  3. **Land Use Designation(s):** City of Meniffee, Estate Density Residential (2-acre minimum), Rural Residential (5-acre minimum), and Medium Density Residential (2-5 du/ac)
  4. **Overlay(s), if any:** None
  5. **Policy Area(s), if any:** Estate Density Residential & Rural Residential / Highway 79
- J. Adopted Specific Plan Information**
1. **Name and Number of Specific Plan, if any:** None
  2. **Specific Plan Planning Area, and Policies, if any:** None
- K. Zoning (Existing):** A-1-5 (Light Agriculture, 5-acre minimum)
- L. Zoning (Proposed):** R-1 (One-Family Dwelling)