

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

210B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
March 1, 2010

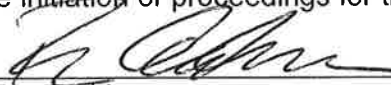
SUBJECT: GENERAL PLAN AMENDMENT NO. 928 - Foundation-Regular – Applicant: Hennie Monteleone – Engineer/Representative: David Jeffers Consulting Inc. - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural: Rural Residential (RUR:RR) (5 Acre Minimum Lot Size) – Location: Northerly of Raven Court, southerly of Augie Court, and westerly of Briggs Road. - 32.99 Gross Acres - Zoning: Rural Residential - **REQUEST:** This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural to Community Development and the General Plan Land Use Designation of the subject site from Rural Residential (R-R) with a 5 acre minimum lot size to Medium Density Residential (MDR) allowing 2-5 dwelling units per acre. - APN('s) 480-090-008, 480-090-009, 480-090-010, 480-090-017, 480-090-018, and 480-090-019.

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 based on the attached report. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

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 report to the Board. The Board will either approve or disapprove the initiation of proceedings for the GPA requested


Ron Goldman
Planning Director

RG:th

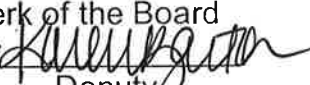

(continued on attached page)

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the staff recommendation is denied, and

IT WAS FURTHER ORDERED to adopt an order initiating proceedings for General Plan Amendment No. 928.

Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley
Nays: None
Absent: None
Date: March 16, 2010
xc: Planning, Applicant

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.

District: Third

Agenda Number:

15.2

REVIEWED BY EXECUTIVE OFFICE

DATE 3/10/10 TMG
Tina Grande
Departmental Concurrence

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

Policy
 Policy

Consent
 Consent

Dep't Recomm.:
Per Exec. Ofc.:

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.

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

210 B

February 22, 2010

SUBJECT: Initiation Proceedings for General Plan Amendment No. 928
(Foundation Amendment - Regular)

SECTION: Development Review – Riverside Office

TO: Clerk of the Board of Supervisors

FROM: Planning Department

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

- | | |
|---|---|
| <input type="checkbox"/> Approve | <input type="checkbox"/> Set for Hearing |
| <input type="checkbox"/> Deny | <input type="checkbox"/> Publish in Newspaper: Press Enterprise |
| <input type="checkbox"/> Place on Policy Calendar | <input type="checkbox"/> Adopt Mitigated Negative Declaration |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Administrative Action | <input type="checkbox"/> Certify Environmental Impact Report |
| <input checked="" type="checkbox"/> Place on Section of Initiation Proceeding | <input type="checkbox"/> Notify Property Owners |
| <input type="checkbox"/> File: NOD and Mit. Neg. Declaration | <input type="checkbox"/> Labels provided |
| <input type="checkbox"/> Labels provided: | Controversial: <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <input type="checkbox"/> If Set For Hearing: | |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | |

Designate Newspaper used by Planning Department for Notice of Hearing:

Please include this item on the 03/16/10 agenda.

Clerk Of The Board

Please charge your time to case number(s): GPA00928

Y:\Advanced Planning\2008 FOUNDATION COMPONENT REVIEW\GPA Cases\GPA 928\GPA 928 BOS Package\GPA 928 11p coversheet.doc

Riverside Office · 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

Ron Goldman
2-2-10

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

- I. AGENDA ITEM 7.4: GENERAL PLAN AMENDMENT NO. 928** - Foundation / Regular - Applicant: Hennie Monteleone - Engineer/Representative: David Jeffers Consulting Inc. - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural: Rural Residential (RUR:RR) (5 Acre Minimum Lot Size) - Location: Northerly of Raven Court, southerly of Augie Court, and westerly of Briggs Road. - 32.99 Gross Acres - Zoning: Rural Residential
- II. PROJECT DESCRIPTION**
This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Rural to Community Development and the General Plan Land Use Designation of the subject site from Rural Residential (R-R) with a 5 acre minimum lot size to Medium Density Residential (MDR) allowing 2-5 dwelling units per acre.
- 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 spoke in favor of the subject proposal:
Dave Jeffers, Applicant's Representative
- 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.: 7.4
Area Plan: Southwest Area
Zoning District: Rancho California
Supervisorial District: Third
Project Planner: Tamara Harrison
Planning Commission: February 3, 2010

General Plan Amendment No. 928
Applicant: Hennie Monteleone
Engineer/Representative: David Jeffers

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 GPA00928 from Rural: Rural Residential to Community Development: Medium Density Residential 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: Commissioner Roth agreed with staff that the proposal should not be initiated. Commissioner Roth also stated that compared to many of the other Foundation General Plan Amendment applications, this proposal is at least homogeneous. He stated that the proposal is a block of land that is not gerrymandered, and the subject site appears to be near parcels that are currently within the Community Development Foundation to the south of it. For these reasons, Commissioner Roth stated he does not have as much concern with this proposal as he does with many of the others.

Commissioner John Snell: No Comments

Commissioner John Petty: Commissioner Petty wanted to make it clear that individual Commissioners are making comments on the cases, not the entire Commission. He stated that staff is correct in reporting that the proposal may create some inconsistency amongst the elements of the General Plan based on MSHCP issues but that the HANS process should determine that. In response to issues with the proposal being inconsistent with the "French Valley Airport Compatibility Plan," Commissioner Petty stated that the compatibility plan's Option 1 vs. Option 2 is logically inconsistent. He also stated that the Board of Supervisors as well as the Commissioners can overrule the Airport Land Use Commission if necessary and that the applicant should be allowed to go through the process in order to determine if the proposal will in fact be inconsistent with the airport plan.

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: No Comments

Agenda Item No.: 7.4
Area Plan: Southwest
Zoning Area: Rancho California
Supervisorial District: Third
Project Planner: Tamara Harrison
Planning Commission: February 3, 2010

General Plan Amendment No. 928
Applicant: Hennie Monteleone
Engineer/Representative: David Jeffers

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation and Land Use designations from "Rural: Rural Residential" (RUR:RR) (5 acre minimum lot size) to "Community Development: Medium Density Residential" (CD:MDR) (2-5 du/ac) on approximately 32.99 acres. The project is located northerly of Raven Court, southerly of Augie Court and westerly of Briggs Road.

POTENTIAL ISSUES OF CONCERN:

The subject site is located in the "French Valley" community within the "Southwest Area Plan" and also lies within the City of Murrieta's Sphere of Influence. The immediate area surrounding the subject site is dominated by the Rural: Rural Residential and Community Development: Medium Density Residential designations.

Tract Map No. 29484 (TR29484) lies south of the subject site and approved 242 single-family residential lots in 2001 prior to the adoption of the General Plan in 2003. Tract Map No. 30433 (TR30433) lies to the north of the site and approved 502 single-family residential units with 6,000 and 7,200 square foot minimum lot sizes in 2005 and is located north of the subject site. Tract Map No. 30695 and Tract Map No. 30696 were both approved in 2004 and combined, will add approximately 545 single-family residential units to the area. TR30695 and TR30696 are both located to the east of the subject site across Briggs Road within Specific Plan No. 312, "French Valley."

General Plan Amendment No. 931 (GPA00931) which lies south of the subject site went before the Planning Commission as a Foundation Amendment for comments on December 2, 2009. The Planning Director recommended that the case be tentatively declined for initiation and the Planning Commission recommended that the case be initiated. GPA00931 has not been before the Board of Supervisors at the time of this writing. General Plan Amendment No. 978 (GPA00928) is also located to the south of the subject site and is proposing a Foundation Amendment from Rural: Rural Residential to Community Development as well. GPA00978 had not been before the Planning Commission or the Board of Supervisors at the time of this writing.

The site has been identified as being a part of Cell Group "Z", a six cell group, under the County's Multiple Species Habitat Conservation Plan (MSHCP). The site is located in the northeastern most cellof the group, Cell 5476. Conservation within Cell Group "Z" will contribute to the assembly of "Proposed Core 2" and will range from 75%-85% conservation focusing in the western portion of the Cell Group according to the plan. The subject site is located within the northeastern portion of the Cell Group. Two of the lots under this proposal are currently undergoing the Habitat Evaluation and Acquisition Negotiation Strategy (HANS01902, APN'S: 480-090-009 and 480-090-010) review process. The case has not been finalized; however, the respective lots have been tentatively approved as 100% developable. The site will also be required to conform to additional plan wide requirements of the

MSHCP such as Riparian/Riverine Policies, Specific Species Surveys, Urban/Wildlands Interface Guidelines (UWIG) and Narrow Endemic Plant Species Policies and Determination of Biologically Equivalent or Superior Preservation Analysis (DBESP) as applicable. Due to the amount of conservation and sensitive lands in the area, the proposal may present inconsistencies between the Land Use Element and the Multi-Purpose Open Space Element of the General Plan.

The subject site also falls within zones "D" and "E" of the "French Valley Airport" influence area. According to the Riverside County Airport Land Use Commission's Basic Compatibility Criteria for local airports, two options are provided for residential densities in *Compatibility Zone D*. The choice between these two options is at the discretion of the local land use jurisdiction. Option (1) has a density limit of 0.2 dwelling units per acre (i.e., an average parcel size of at least 5.0 gross acres). This is the density now allowed by the existing Rural Residential land use designation and this density is consistent with Option 1. Option (2) requires that the density be **greater than** 5.0 dwelling units per acre (i.e., an average parcel size *less than* 0.2 gross acres). The requested general plan amendment is inconsistent with the Option (2) compatibility criteria. The site is located outside of the noise contours established around the runway. The proposed amendment will create an incompatibility between the County General Plan and the Airport Land Use Compatibility Plan for French Valley Airport. To adopt such a change would require the County to overrule the Airport Land Use Commission's compatibility plan. Any proposed change to the land use designation on this property will have to be reviewed by the Riverside County Airport Land Use Commission.

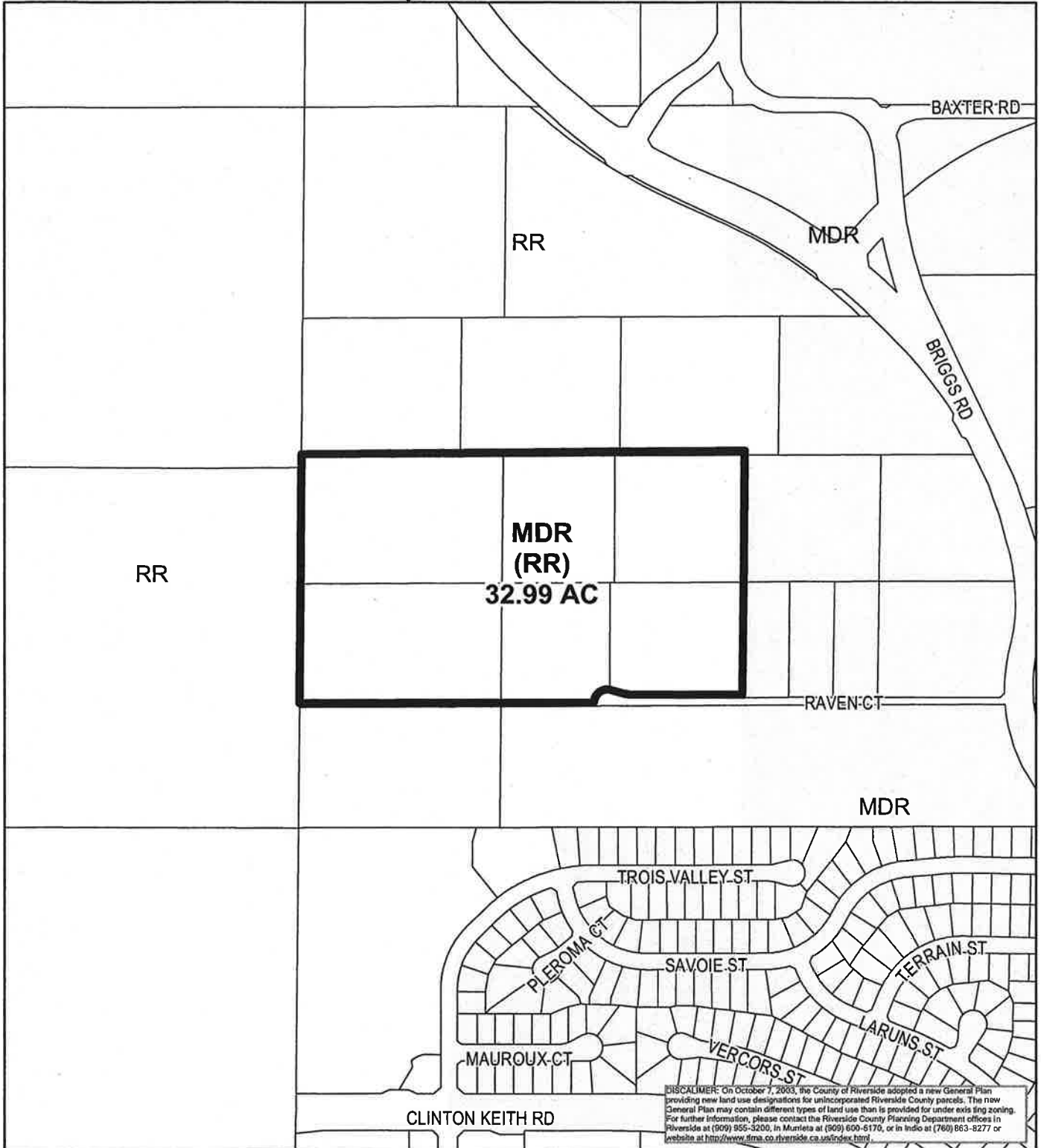
The current proposal is inconsistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The policy did not include provisions to increase potential densities within the policy area as proposed by this amendment. 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.

RECOMMENDATION:

The Planning Director's recommendation is to **tentatively decline** to adopt an order initiating proceedings for General Plan Amendment No. 928 from Rural: Rural Residential to Community Development: Medium Density Residential. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

INFORMATIONAL ITEMS:

1. This project was filed with the Planning Department on February 7, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$3495.91.
3. The project site is currently designated as Assessor's Parcel Number: 480-090-008, 480-090-009, 480-090-010, 480-090-017, 480-090-018 and 480-090-019.



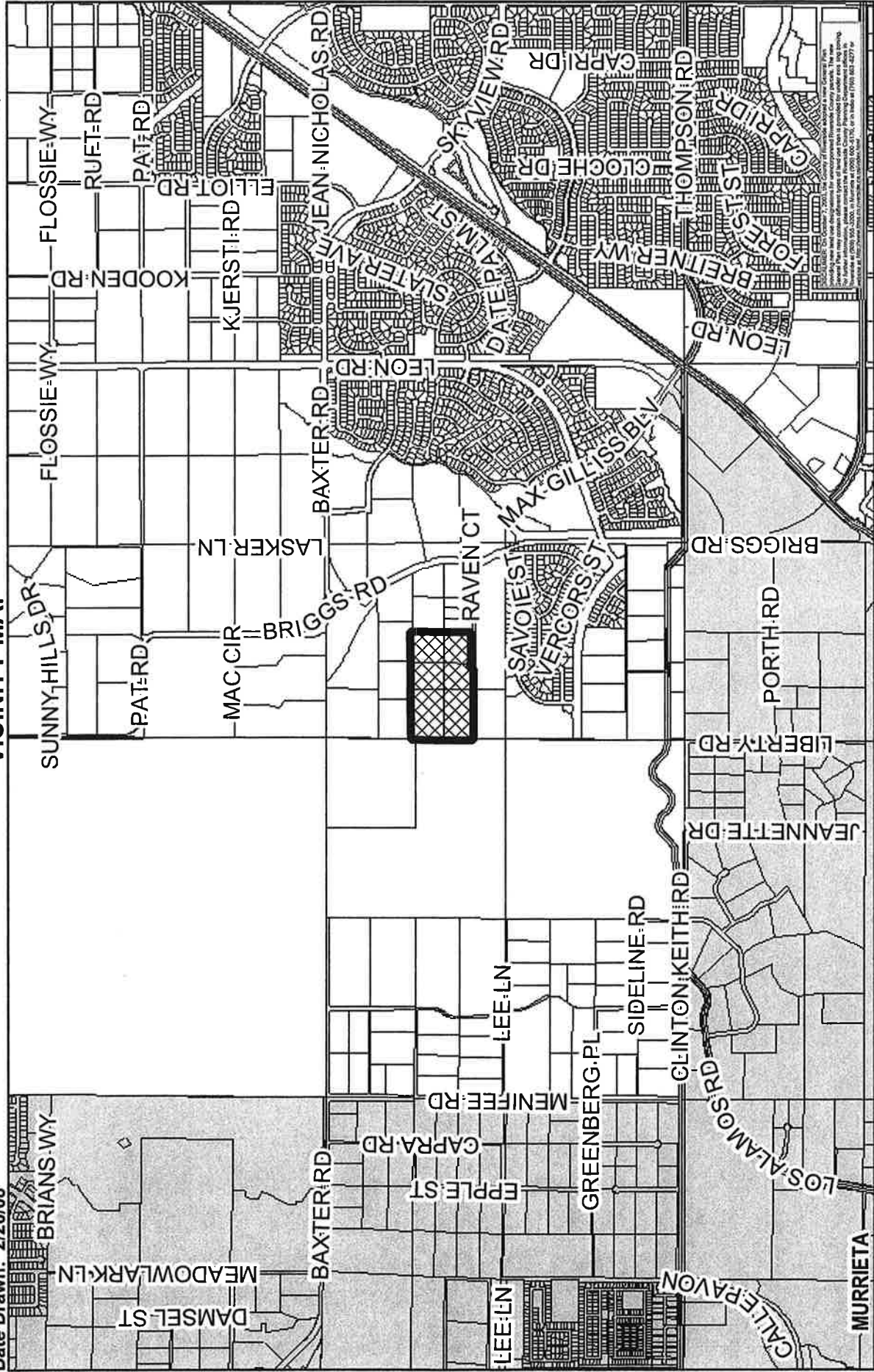
Zone
Area: Rancho California
Township/Range: T6SR2W
Section : 31

RIVERSIDE COUNTY PLANNING DEPARTMENT



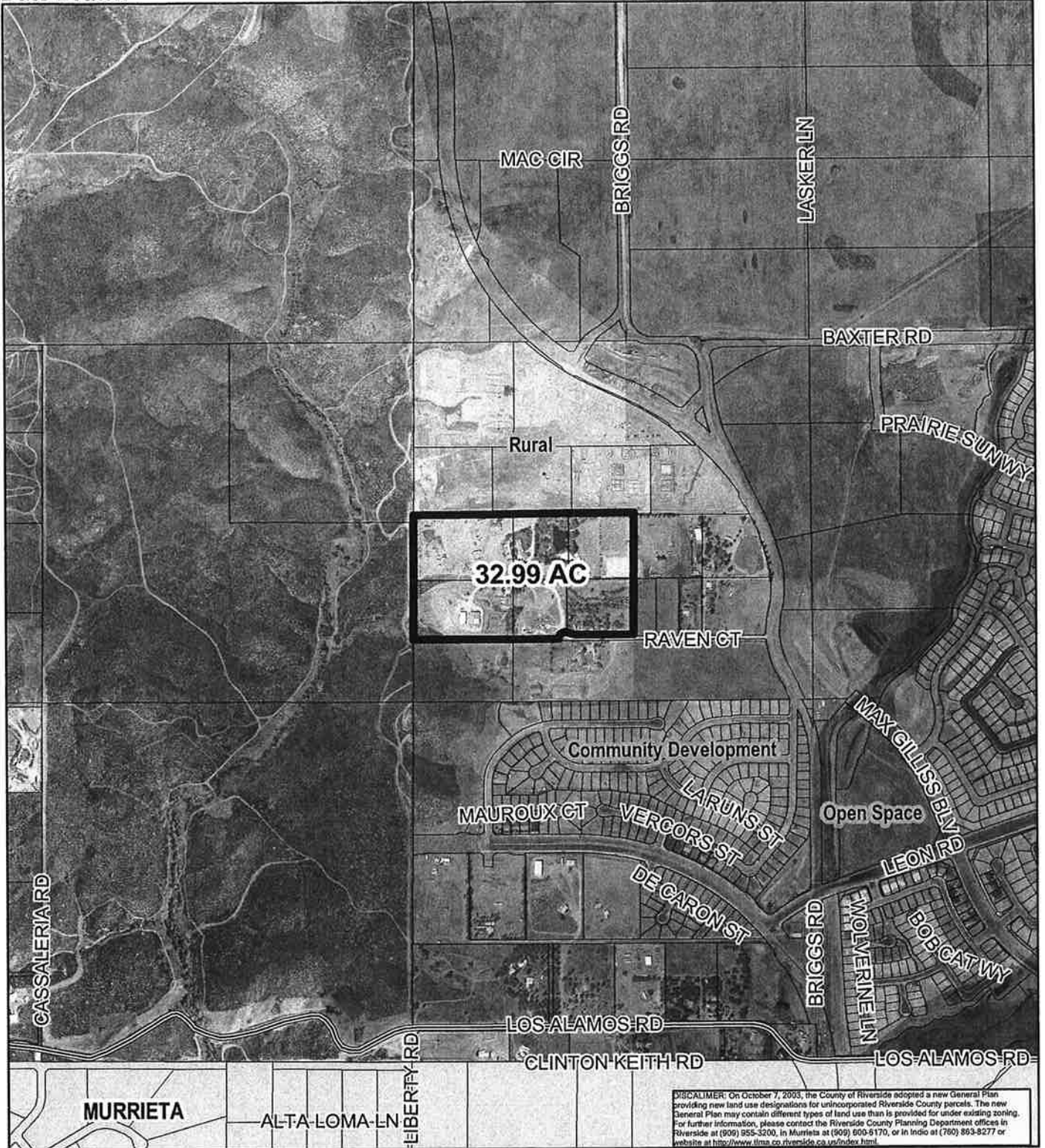
Assessors
Bk.Pg. 480-09
Thomas
Bros. Pg. 899 A6

GPAU0928
VICINITY MAP



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DEVELOPMENT OPPORTUNITY

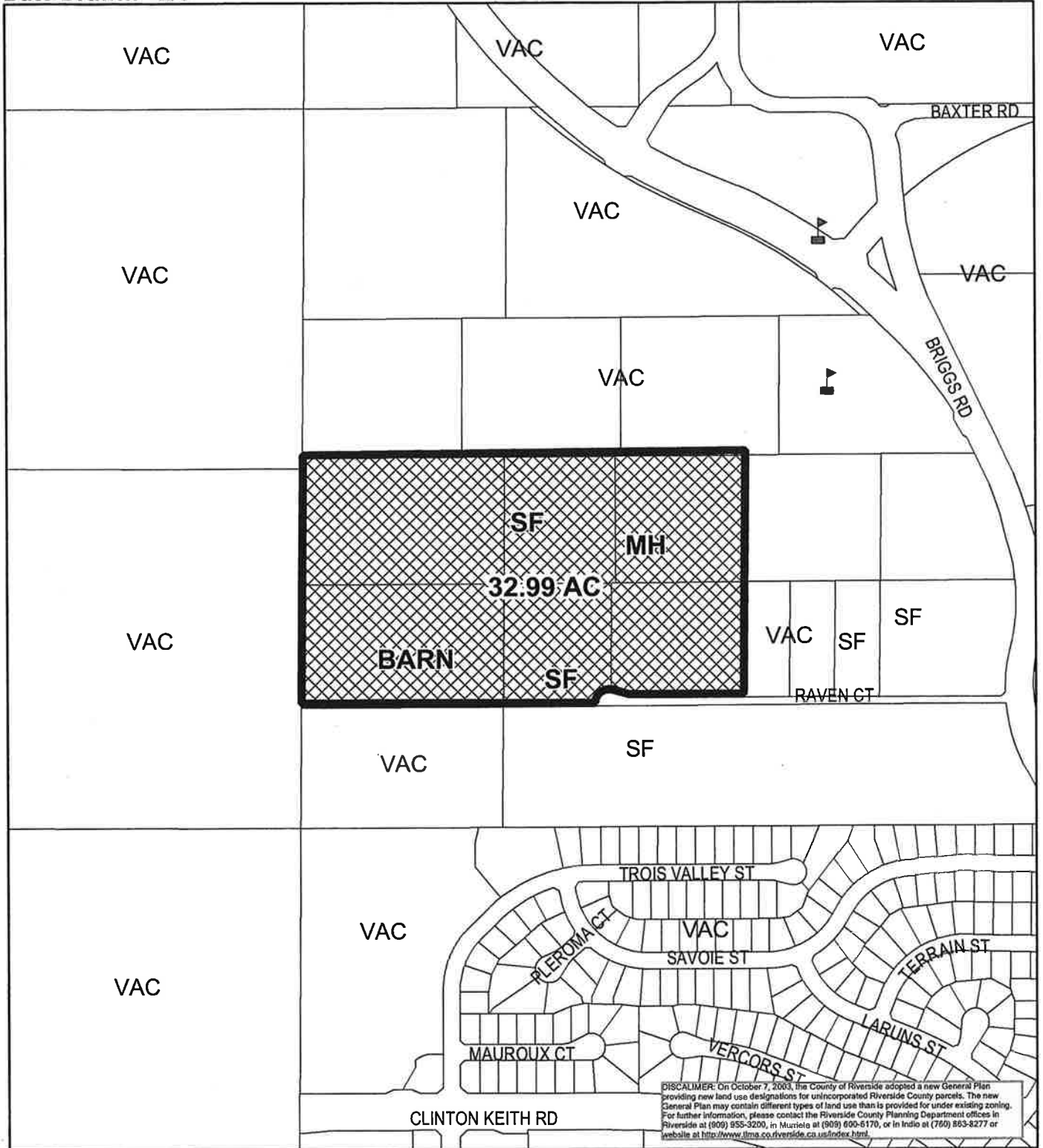


Area
Plan: Rancho California
Township/Range: T6SR2W
Section: 31

RIVERSIDE COUNTY PLANNING DEPARTMENT



Assessors
Bk. Pg. 480-09
Thomas
Bros. Pg. 899 A6



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 (909) 955-3200, in Murrieta at (909) 600-6170, or in Indio at (760) 863-8277 or website at <http://www.lima.co.riverside.ca.us/index.html>.

RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T6SR2W
Section : 31



Assessors
Bk. Pg. 480-09
Thomas
Bros. Pg. 899 A6

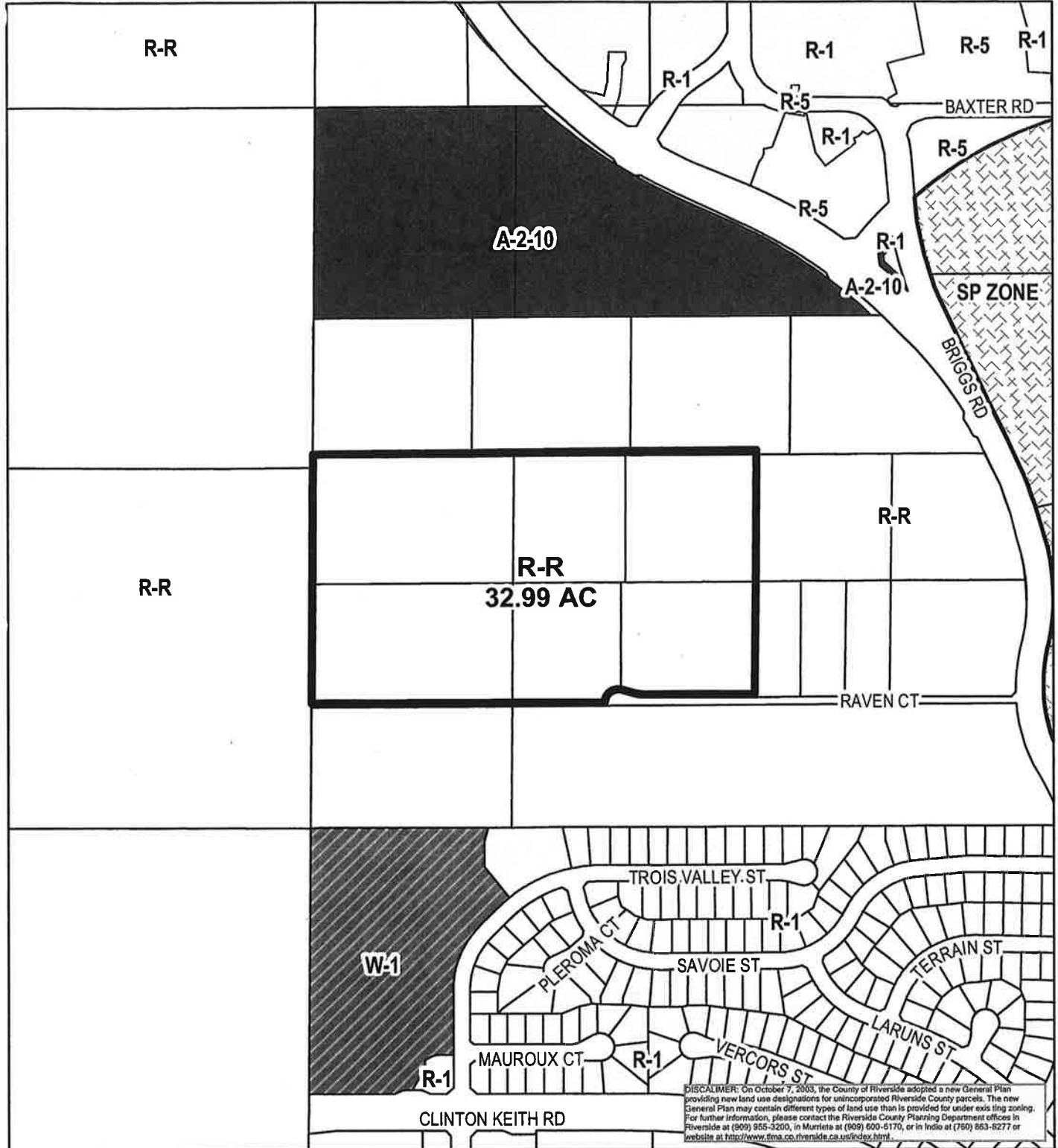


Supervisor Stone
District 3
Date Drawn: 12/01/09

GPA00928

EXISTING ZONING

Planner: Adrienne Rossi
Date: N/A
Exhibit 2

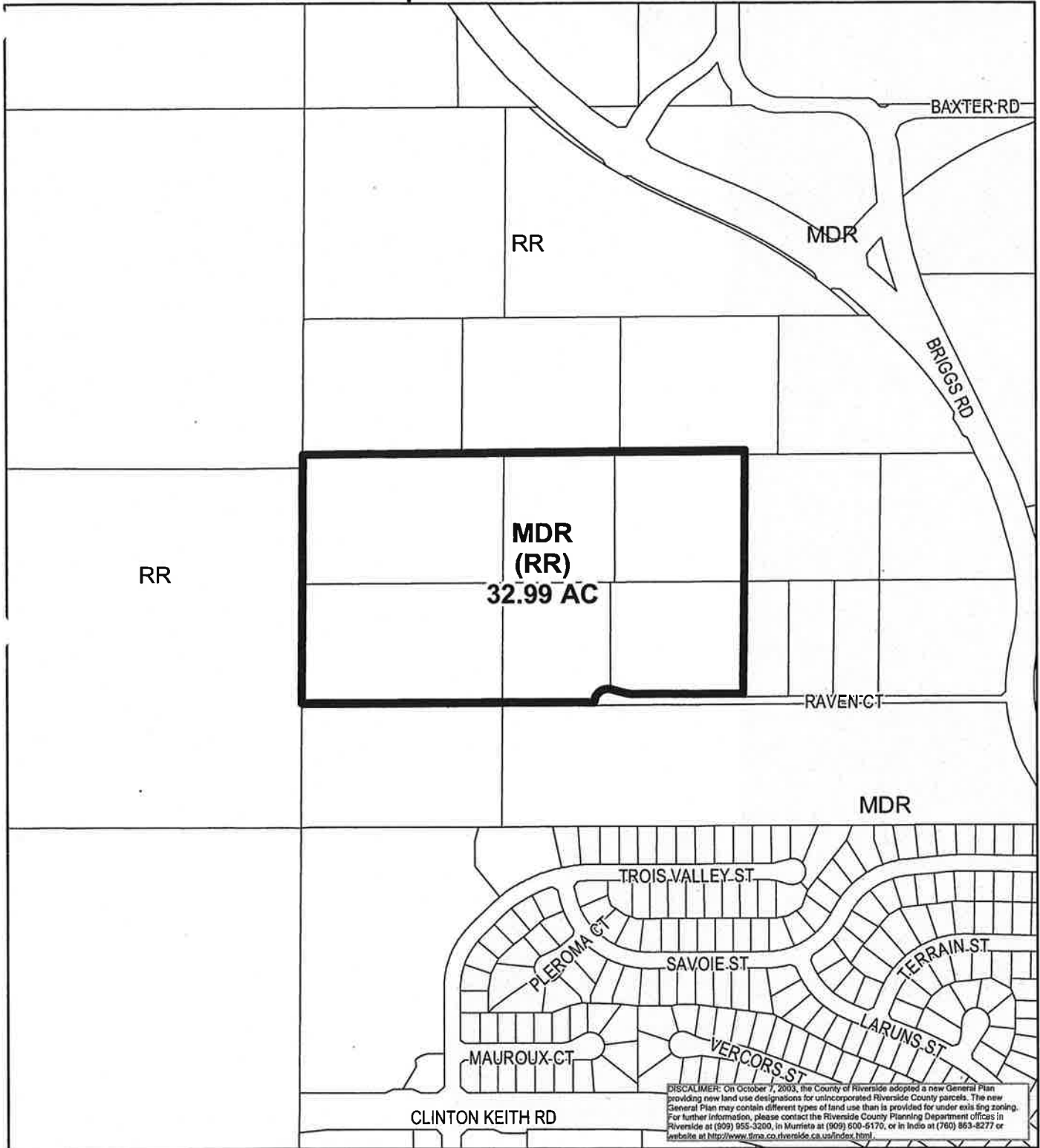


RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T6SR2W
Section : 31

Assessors
Bk. Pg. 480-09
Thomas
Bros. Pg. 899 A6





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RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T6SR2W
Section : 31



Assessors
Bk.Pg. 480-09
Thomas
Bros. Pg. 899 A6

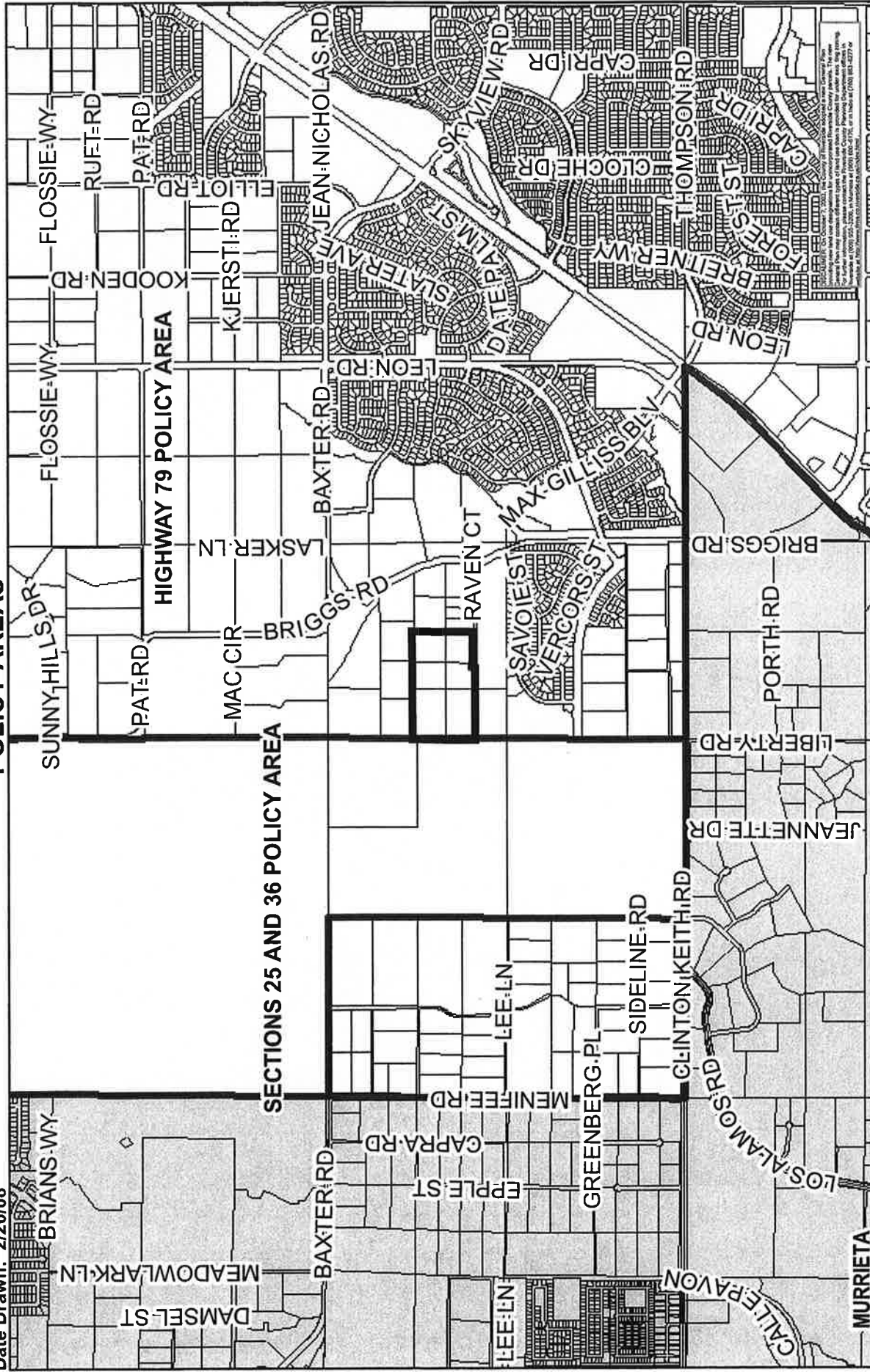


Supervisor: Stone
District 3

Date Drawn: 2/20/08

Planner: Al., Aldana
Date: 2/21/08
Exhibit 8

GPAU0928 POLICY AREAS



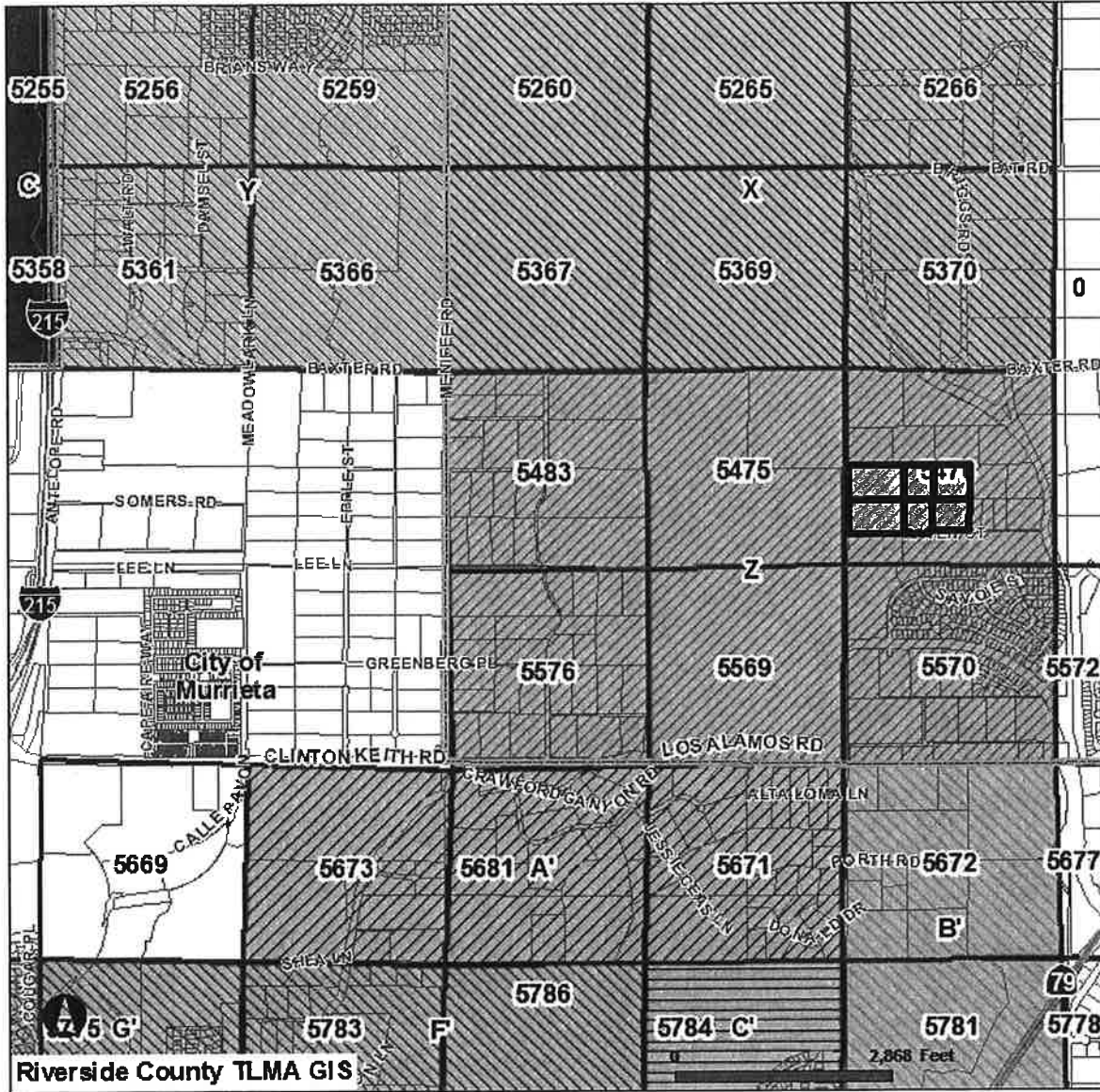
Zone Rancho California
Area: T6SR2W
Township/Range:
Section : 31

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
Bk. Pg. 480-09
Thomas
Bros. Pg. 899 A6



GPA00928



Selected parcel(s):

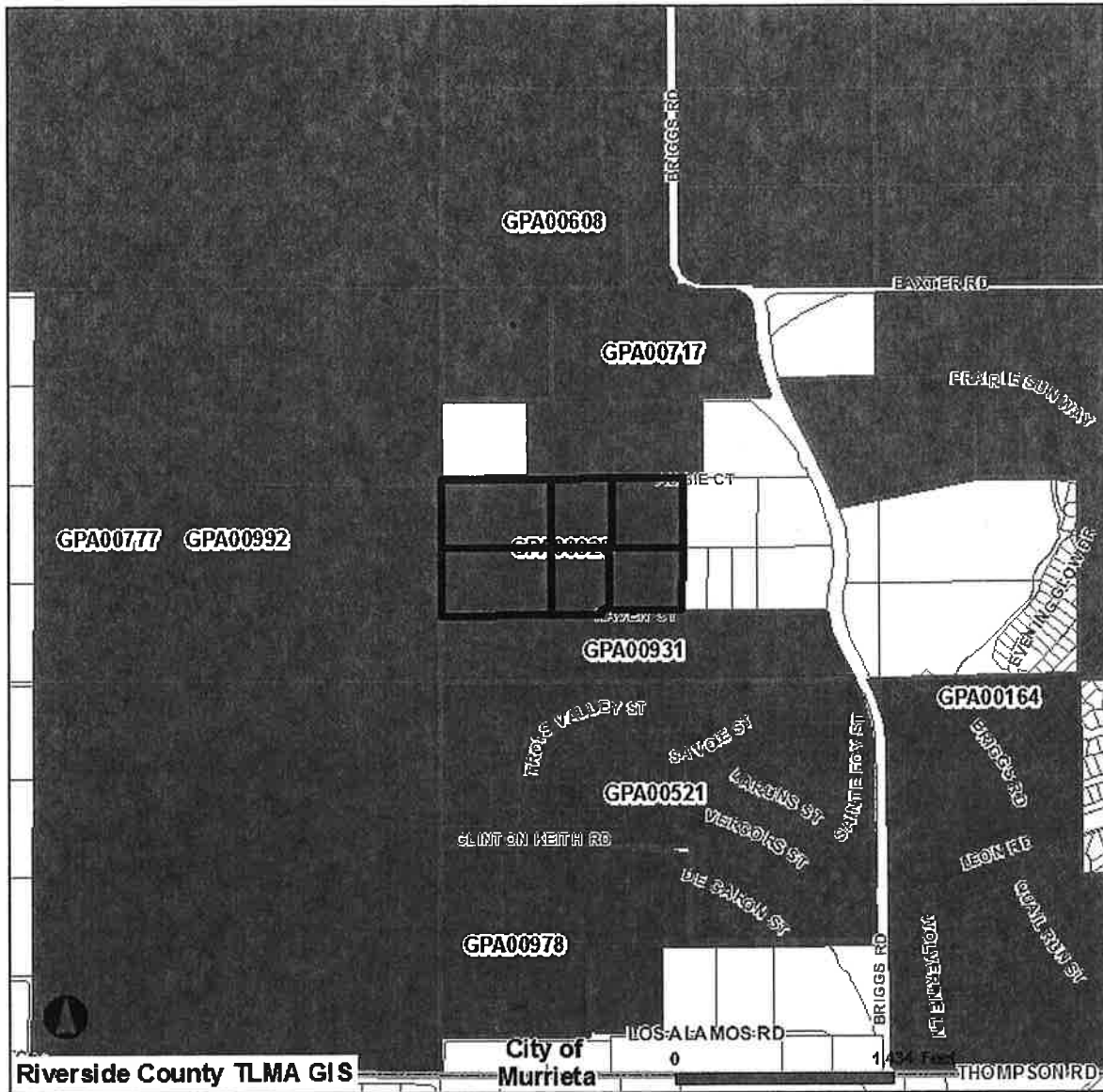
480-090-008 480-090-009 480-090-010 480-090-017 480-090-018 480-090-019

IMPORTANT

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REPORT PRINTED ON...Wed Dec 23 07:45:35 2009

RIVERSIDE COUNTY GIS



Selected parcel(s):
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GENERAL PLAN AMENDMENT

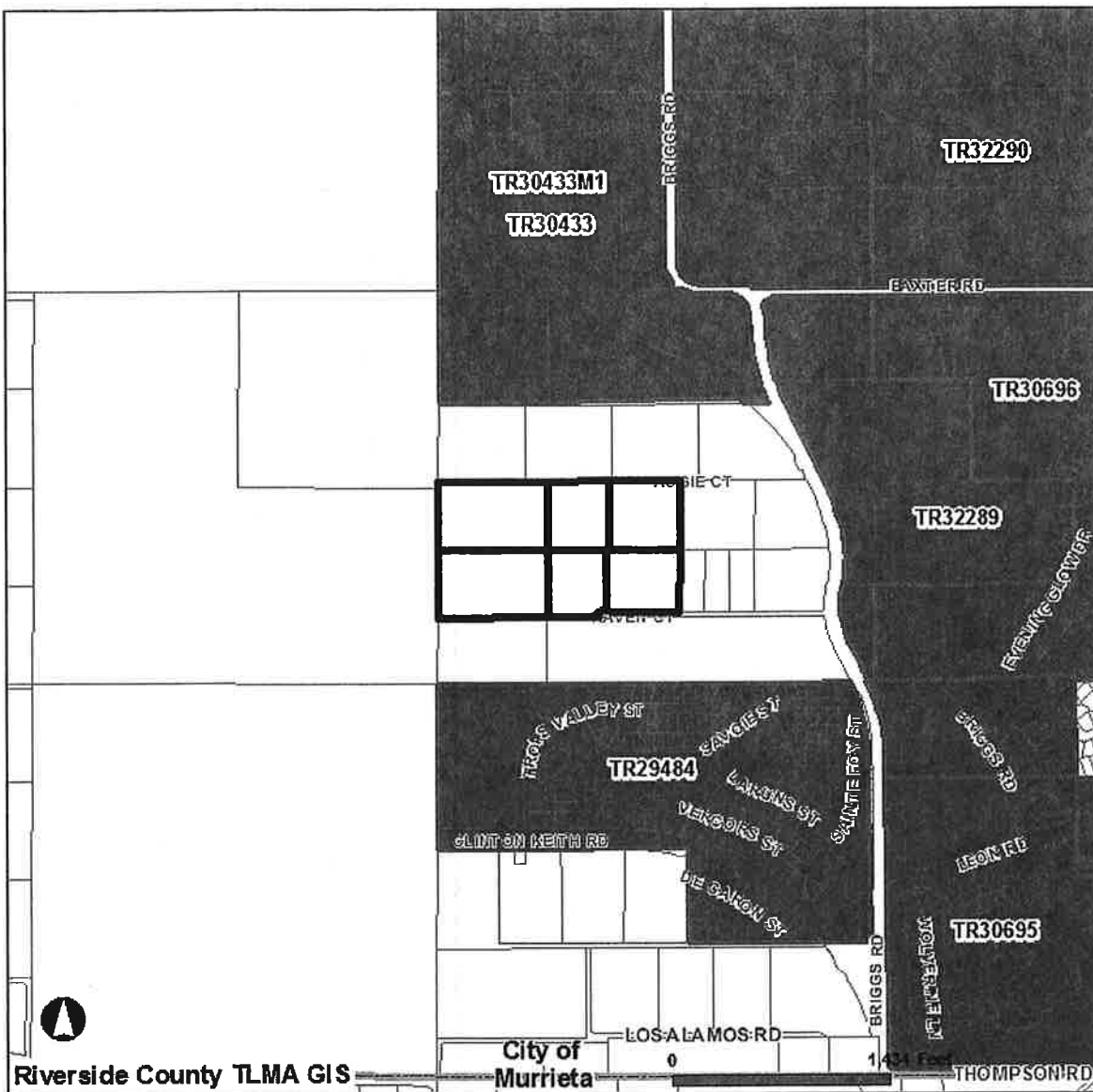
- SELECTED PARCEL
- GPA - GENERAL PLAN AMENDMENT
- INTERSTATES
- HIGHWAYS
- PARCELS

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RIVERSIDE COUNTY GIS



Riverside County TLMA GIS

City of Murrieta

Selected parcel(s):

480-090-008 480-090-009 480-090-010 480-090-017 480-090-018 480-090-019

TRACT MAP

SELECTED PARCEL

INTERSTATES

HIGHWAYS

PARCELS

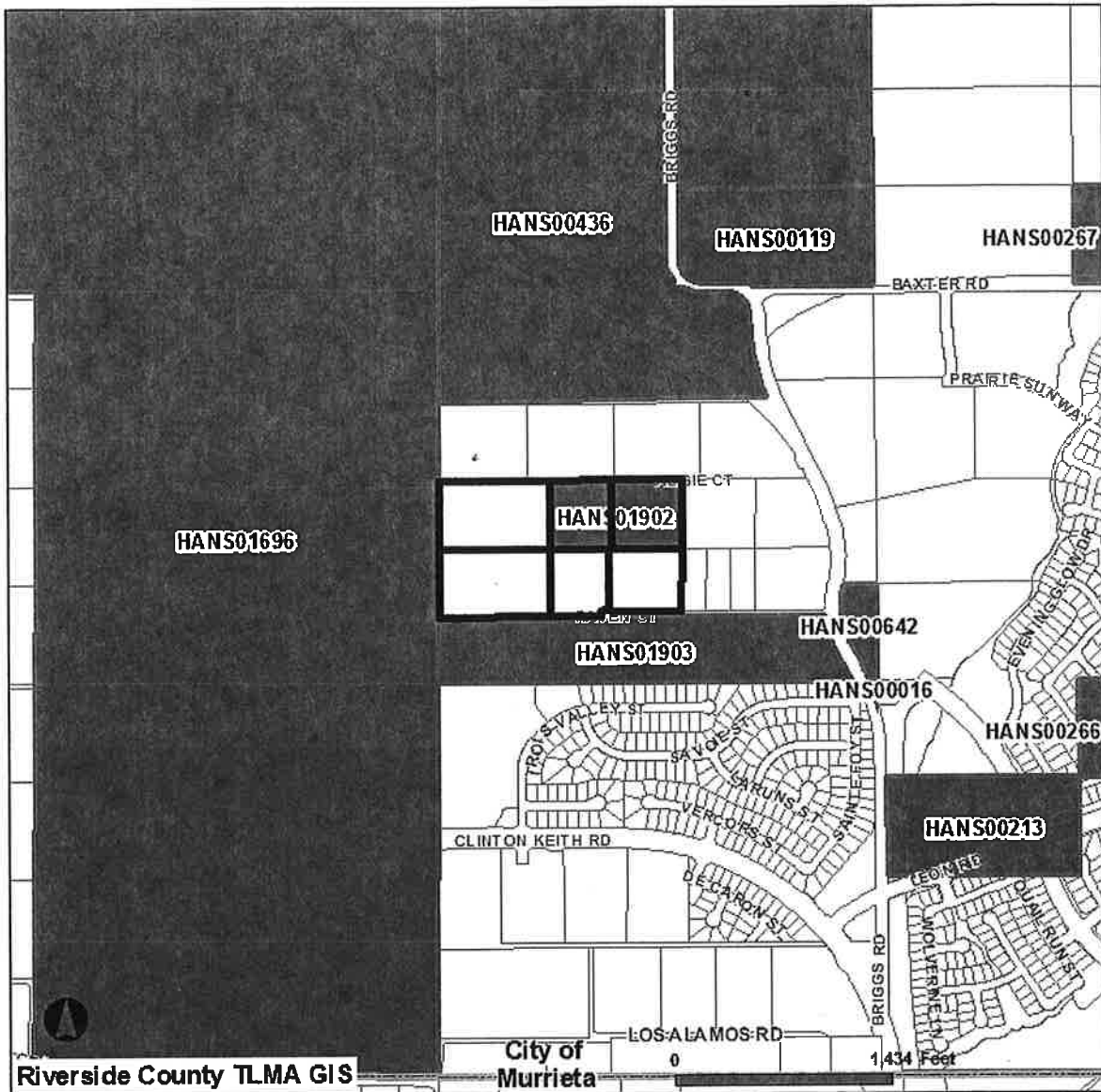
TR - TRACT MAP

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RIVERSIDE COUNTY GIS



Selected parcel(s):

480-090-008 480-090-009 480-090-010 480-090-017 480-090-018 480-090-019

HABITAT ACQUISITION NEGTN.

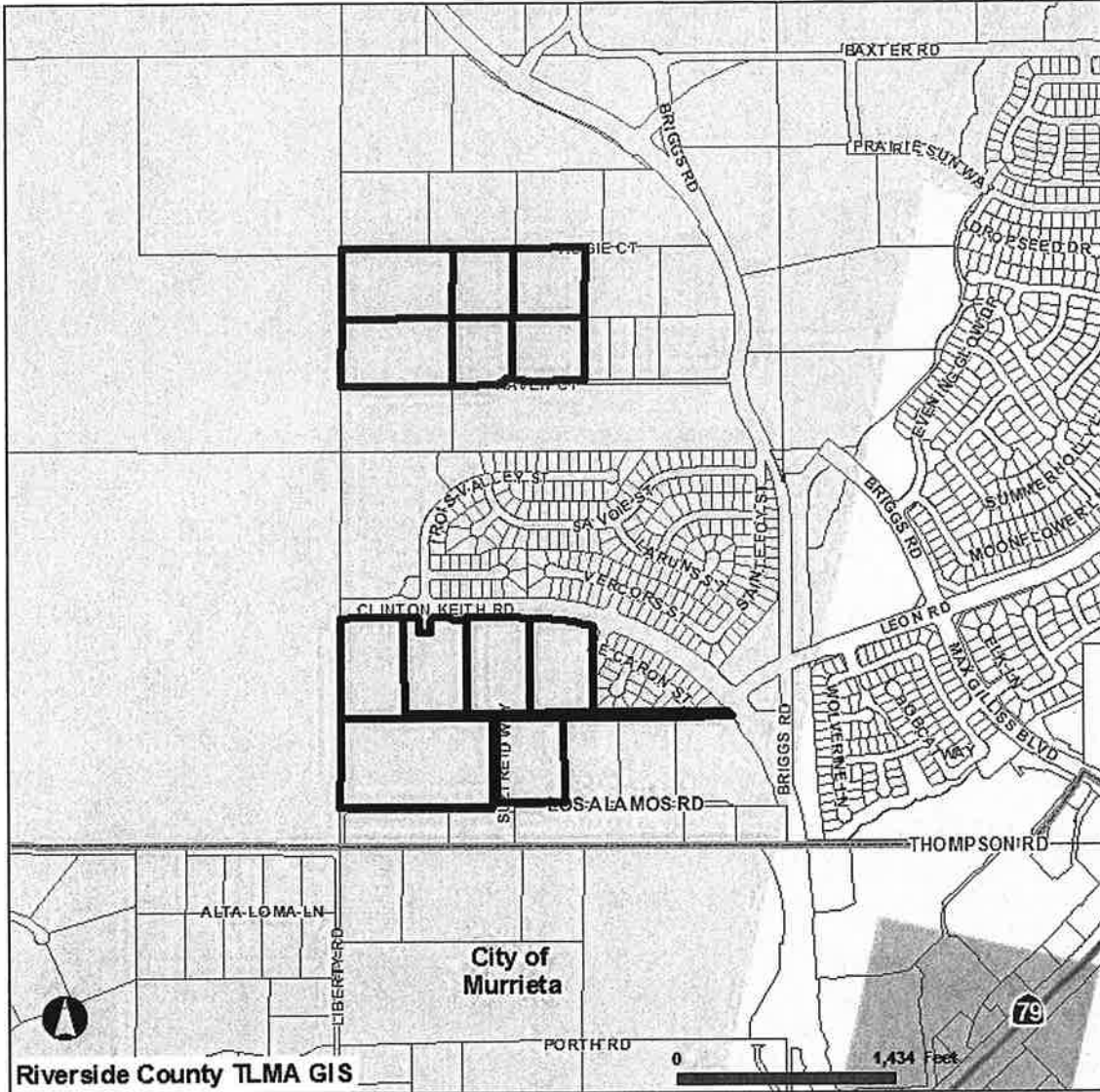
- SELECTED PARCEL
- HANS - HABITAT ACQUISITION NEGTN.
- INTERSTATES
- HIGHWAYS
- PARCELS

IMPORTANT

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REPORT PRINTED ON...Wed Dec 16 15:38:35 2009

RIVERSIDE COUNTY GIS



Selected parcel(s):

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 480-100-005 480-100-006 480-100-007 480-100-076 480-100-078

AIRPORTS

- SELECTED PARCEL
- AIRPORT INFLUENCE AREAS
- COMPATIBILITY ZONE E
- INTERSTATES
- HIGHWAYS
- COMPATIBILITY ZONE B1
- COMPATIBILITY ZONE C
- COMPATIBILITY ZONE D
- COMPATIBILITY ZONE E
- PARCELS

IMPORTANT

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REPORT PRINTED ON...Wed Feb 03 13:10:46 2010

► **How late into the approval process of individual development proposals can ALUCs still review a project?**

ALUC involvement in approval of a development proposal is generally most effective when it begins early—ideally with review of the general plan. ALUCs, though, have the authority to get involved even relatively late in the development approval process. Case law has established that a development does not need to be completed in order to be considered devoted to the use. In general, a vacant property should be considered devoted to a particular use only when all discretionary local government approvals have been issued and only ministerial approvals remain. Because ALUCs have some leeway with regard to what they deem to comprise existing development for compatibility planning purposes, compatibility plans should include a definition of the term.

For further details, refer to the following statutes and pages of this *Handbook*:

Page 3-19

► **What are ALUC responsibilities with respect to review of airport development?**

ALUCs are required to review plans for airport development—especially airport master plans—before the plans are adopted by the airport proprietor. The primary focus of such reviews is on proposed airport features which can have off-airport land use compatibility implications. Any proposed nonaviation development on airport property should be reviewed against the same criteria that would apply if the site were off airport. If an ALUC finds the airport plan to be inconsistent with its own plan, the ALUC has the option of revising its plan. If the ALUC chooses not to modify its plan and the airport plan thus remains inconsistent, the airport proprietor can adopt the airport plan only by taking the steps necessary to overrule the ALUC.

PUC Section 21676(c)
Pages 4-7, 4-11, 4-19

► **Can ALUCs make exceptions to their own policies?**

Establishment of compatibility policies addressing every possible land use development circumstance is infeasible. In adopting compatibility policies, ALUCs should allow themselves some degree of flexibility to consider the specific circumstances involved. When evaluating specific projects, ALUCs are sometimes faced with the need to find an otherwise incompatible development to be acceptable. Infill development is an example of such a situation. Special sound insulation requirements, dedication of aviation easements, and other such measures may be appropriate as mitigation for allowing the development to proceed. Most important, when allowing for unique circumstances or otherwise making exceptions to established compatibility criteria, ALUCs need to ensure that the basic objectives of their plan and the integrity of the compatibility planning process set forth in the Aeronautics Act are maintained.

Pages 3-22, 3-32, 4-14

GUIDANCE FOR LOCAL LAND USE JURISDICTIONS

General Plan Consistency Requirements

► **What options does a county or city have with respect to the requirement for consistency between its general plan and the ALUC's compatibility plan?**

For further details, refer to the following statutes and pages of this *Handbook*:

PUC Section 21676.5(a)
Page 5-1

The need to respond to an ALUC's adoption or amendment of a compatibility plan cannot simply be ignored. Local jurisdictions must either make their general plans and affected specific plans consistent with the compatibility plan or take the steps necessary to overrule the ALUC. Until such time as one of these actions has been taken, the county or city must cooperate with any ALUC request to submit for review all or selected land use actions, regulations, and permits affecting the airport influence area. A local jurisdiction's silence can be interpreted as acceptance of the compatibility criteria which the ALUC has set forth.

Pages 4-16, 5-3;
General Plan Consistency Checklist:
Table 5A, page 5-5

► **What constitutes consistency between a general plan and an ALUC's compatibility plan?**

Consistency does not require being identical. It means only that the concepts, standards, physical characteristics, and resulting consequences of a proposed action must not conflict with the intent of the law or the compatibility plan to which the comparison is being made. To be fully consistent with the compatibility plan, a general plan:

- Must not have any direct conflicts with the compatibility plan; and
- Must delineate a mechanism or process for ensuring that individual land use development proposals comply the ALUC criteria.

Page 5-3

► **In what forms can compatibility policies be incorporated into local jurisdiction plans?**

Several different strategies for achieving full general plan consistency are available to counties and cities. These include:

- Incorporating policies into existing general plan elements;
- Adopting a general plan airport element;
- Adopting the compatibility plan as a specific plan;
- Adopting the compatibility plan as a stand-alone document; or
- Adopting an airport combining district or overlay zoning ordinance.

PUC Section 21676.5(b)
Pages 4-9, 5-3

► **In lieu of amending its general plan, can a county or city continue to submit land use development proposals for ALUC review?**

At a minimum, direct conflicts between the ALUC and local jurisdiction plans must be eliminated. If the local jurisdiction then chooses not to fully incorporate the compatibility criteria and review processes into its own policies, it can continue to submit individual land use development actions to the ALUC for review. Unlike with actions submitted voluntarily, however, ALUC reviews under these circumstances are not merely advisory—in the event of a disagreement with the ALUC, the local jurisdiction can approve the project only by taking the steps necessary to overrule the commission.

Government Code Section 65302.3
Pages 4-6, 5-2

► **Can the 180-day statutory time limit for making general plans consistent with the compatibility plan be extended?**

ALUCs have no authority to modify this time limit. They can, however, agree not to bring action against local governments for taking extra time. Any such agreement should be predicated upon the local agency making substantial progress toward the necessary plan changes and not simply ignoring the need to act.

► **What steps must a local jurisdiction take in order to overrule an ALUC?**

The overruling process involves three mandatory steps:

- Holding of a public hearing;
- Making specific findings that the action proposed is consistent with the purposes of the ALUC statute; and
- Approval of the proposed action by a two-thirds vote of the agency's governing body.

Detailed findings are critical to this process. According to case law and the Governor's Office of Planning and Research, the findings cannot merely be a restatement of the law—they must demonstrate how the decision-makers arrived at their decision based upon the facts and established policies before them.

For further details, refer to the following statutes and pages of this *Handbook*:

PUC Sections 21675.1(d), 21676, 21676.5(a)
Page 5-15
OPR, "Bridging the Gap: Using Findings in Local Land Use Decisions" (1989)

Submittal of Projects for ALUC Review

► **Which types of land use development actions must be submitted to the ALUC for review?**

Certain types of land use actions *must* be submitted to the ALUC for review *prior* to final approval by the local jurisdictions. These actions include adoption or amendment of a general plan, specific plan, zoning ordinance, building regulations, or other land use ordinance or regulation which affects land within an airport area of influence as defined by the ALUC. The impetus for referral of a general plan or specific plan to the ALUC may come from either of two situations:

- A proposal initiated by the local jurisdiction to adopt or amend an affected plan; or
- The requirements for the local jurisdiction's plans to be reviewed for consistency with an ALUC's newly adopted or amended compatibility plan.

PUC Section 21676(b)
Pages 4-6, 5-10

► **What other types of land use development actions are also potentially subject to ALUC review?**

Once a local jurisdiction's general plan has been made fully consistent with the compatibility plan, referral of individual development proposals is voluntary and the ALUC review is advisory (in the event of a disagreement with the ALUC, overruling is not required). If the general plan has not been made fully consistent and the local jurisdiction has not overruled the ALUC, then the ALUC can require that "all actions, regulations, and permits" involving land uses in the vicinity of the airport be submitted for review. In this case, the ALUC review is not merely advisory. Note that, even on an advisory basis, many types of development projects would benefit from ALUC expertise and local jurisdictions are encouraged to continue to submit these actions if requested by the ALUC.

PUC Sections 21676.5(a), 21676.5(b)
Pages 4-8, 5-10

► **What obligations do local jurisdictions have with regard to approval of projects for which ALUC review is not required?**

Once a county's or city's general plan has been deemed consistent with the compatibility plan, the burden of ensuring that individual development proposals are compatible with airport activities rests with the local

Pages 4-9, 5-13

For further details, refer to the following statutes and pages of this Handbook:

Page 5-13

jurisdiction. This obligation exists even if the general plan and associated ordinances and regulations do not restate or reference the ALUC criteria and procedures (as they must if they are to be fully consistent). Unless the local jurisdiction has overruled the ALUC, the applicable compatibility criteria in either situation are the ones adopted by the ALUC.

► **What are a local jurisdiction’s obligations for ensuring airport land use compatibility when there is no ALUC?**

Counties and cities are responsible for ensuring compatibility between airports and their environs regardless of whether an ALUC exists. The function of ALUCs is primarily one of oversight, not final approval. Under the alternative process, affected jurisdictions must adopt compatibility criteria in some form and also implement procedures by which individual development proposals are reviewed against these criteria. Even counties which have declared themselves exempt because there are no airport-related noise or safety compatibility issues must continue to take appropriate actions to ensure that such issues do not arise.

GUIDANCE FOR AIRPORT PROPRIETORS

► **What types of airport development projects must be submitted to the ALUC for review?**

PUC Sections 21676(c), 21661.5, 21664.5
Pages 4-7, 4-11, 5-11

Before a public agency which owns an airport adopts or modifies a master plan for the airport, the plan must be submitted to the ALUC for review. Also required to be submitted are construction plans for new airports and expansion plans for existing airports to the extent that the expansion involves a new runway, runway extension or realignment, or acquisition of property for these purposes. Proposals for nonaviation development of airport property are another type of airport development subject to ALUC review. Preferably, the characteristics of such development should be indicated in the airport master plan and reviewed as part of the master plan review. In all of these instances, if the ALUC finds the proposed plan or project inconsistent with its compatibility plan, the airport proprietor can adopt the plan or approve the project only by taking the steps necessary to overrule the ALUC.

► **What responsibilities do airport proprietors have for ensuring that the uses of land near airports are compatible with airport activity?**

Page 5-20

Land use compatibility policies adopted by ALUCs and the general plans and zoning ordinances adopted by local agencies can only go so far to ensure that privately owned property is used in a manner which is compatible with airport activities. In locations which are particularly critical to the airport—especially runway protection zones and other areas exposed to high noise levels or requiring significant limitations on the heights of objects—airport proprietors should consider acquisition of fee title or aviation easements.

Establishment of Airport Land Use Commissions

PURPOSE OF ALUCs

More than a third of a century has passed since the California state legislature first enacted the portion of the state aeronautics law providing for creation of airport land use commissions (ALUCs). The statutes governing airport land use commissions are set forth in the State Aeronautics Act part of the California Public Utilities Code commencing with Section 21670 (Division 9, Part 1, Chapter 4, Article 3.5).

Amendments to the original 1967 law have been made about every two years since that time. Some of these amendments have involved relatively minor changes deemed necessary to respond to a particular issue or, in some cases, special circumstances in an individual county. Others have had the effect of causing major changes in the requirements for and operation of airport land use commissions.

The California state legislature's purpose in authorizing the creation of airport land use commissions has remained largely unchanged since the early years of the statutes. This purpose is succinctly stated in the current law (Section 21670(a)):

- ▶ "It is in the public interest to provide for the orderly development of each public use airport in this state and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to Section 21669 and to prevent the creation of new noise and safety problems."
- ▶ "It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

This chapter focuses on:

- ▶ The purpose of ALUCs
 - ▶ Their powers and duties
 - ▶ Limitations on ALUC powers
 - ▶ The composition of ALUCs
 - ▶ Alternatives to ALUC formation
 - ▶ ALUC rules and regulations
-

A brief legislative history of airport land use commissions is included in Appendix A.

As discussed later in this chapter, state law requires nearly every county in California to conduct airport land use compatibility planning. Several alternatives and exceptions to creation of airport land use commissions are provided, however.

**APPLICATION FOR AMENDMENT TO THE RIVERSIDE COUNTY
GENERAL PLAN**

Justification for Amendment: (attachment to page 5 of 8)

APNs: 480-090-008 & all

The subject property for this amendment request is an assemblage of six properties covering approximately 32 acres of land westerly of Briggs Road and abutting the easterly edge of the Budweiser Ranch. The area is changing with an elementary school under construction adjacent and to the north of the subject property and existing higher density development constructed to the south since the 2003 Foundation changes were made. The subject area, with an elementary school on the north, existing MDR on the east and owned by the same property owners, and existing "MDR" homes on the south, the subject property could be termed "in-fill" and should be changed to MDR to reflect the changes over the past 5 years. Also, there is no apparent reason for the division line between MDR and RR between the subject property and the MDR adjacent and around the same property owners to the east. The easterly boundary of the Budweiser Ranch would make a more appropriate divide line between RR and MDR since it is being considered for "MSHCP" property.

A separate application is being submitted for the two parcels (APNs: 480-090-020 & -021;) adjacent and to the south.

January 27, 2010

VIA ELECTRONIC MAIL AND FACSIMILE

Riverside County Planning Commission
ATTN: Mike Harrod
County of Riverside
4080 Lemon St., 9th Floor
Riverside, CA 92501

**RE: Items 6.0 and 7.0, General Plan Amendment Initiation Proceedings
(February 3, 2010)**

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on these landowner-initiated GPA proposals. In contrast to several of the staff recommendations, we urge the Commission to uphold the integrity of the current General Plan and to respect the MSHCP.

Item 6.1, GPA 958 (Mead Valley)

Disagree with recommendation for initiation. For convoluted reasons, staff has reversed its previous recommendation to deny encroachment of higher density into a Rural area. Specifically, staff states that because infrastructure from a previous subdivision has induced *unplanned* growth, that unplanned growth should move forward. Although only 5 acres, this is simply a reversion to the “service-based” growth that characterized the County prior to the 2003 Integrated Project.

Item 6.2, GPA 970 (Eastvale)

Disagree with recommendation for initiation. Even with the staff-proposed modification, it is unclear why development should be allowed in a flood-prone area. We are also not convinced that MSHCP and recreational purposes would be advanced by development along the Santa Ana River.

Item 6.3, GPA 1008 (Temescal Canyon)

Disagree with recommendation for initiation. New industrial uses are being proposed for a mining site in Temescal Wash, an important habitat area included in the MSHCP. Much of the site (totaling 328 acres) is now designated Open Space-Rural. It would seem obvious that the *only* new uses the County should consider would be those consistent with the County’s adopted MSHCP. *However, this proposal is overtly acknowledged to be inconsistent with the approved MSHCP.*

Conservation within this Cell Group will range from 65%-75% of the Cell Group focusing on the central portions of the Cell Group. The site, much of it disturbed, is located within this central portion of the Cell Group.

According to the staff report, a "Criteria Refinement" or "Plan Amendment" would be required to alter the MSCHP to fit the applicant's proposal. Such changes to the MSHCP are typically politically rather than biologically driven, and are fraught with problems. We are extremely skeptical that alterations to the MSHCP would be beneficial or even acceptable, due to habitat depletion and lack of options. If initiated, the stage would be set for serious conflicts between the project and the MSHCP, the conservation community, and the state and federal wildlife agencies. Why would the Planning Dept purposely set up the Environmental Programs Dept for such a scenario? Isn't this bad faith with the adopted MSHCP? *This proposal's conflict with the MSHCP creates internal inconsistencies between elements of the General Plan, as the MSHCP is part of the General Plan.* This request should be denied, along with a strong policy statement that GPAs should be consistent rather than in conflict with the MSHCP.

Item 6.4, GPA 973 (Winchester)

No position.

Item 6.5, GPA 975 (French Valley)

Concur with recommendation to deny initiation. The conversion of this 151-acre Rural area to Community Development (urban residential and commercial retail) would be incompatible with surrounding uses, create flood hazards, and "leapfrog" over vacant parcels already so designated.

Item 7.1, GPA 945 (French Valley)

Concur with recommendation to deny initiation. The conversion of this 89-acre Rural land to Community Development (commercial retail) would "leapfrog" over vacant parcels already so designated.

Item 7.2, GPA 925 (French Valley)

Disagree with recommendation for initiation. This 231-acre proposal is part of a complex of parcels that now form an intact Rural community separator. It lies within the Sphere of Influence of the City of Murrieta. Urban conversion is being recommended *despite the complete absence of an absorption study showing that any additional urban land is actually needed.* MSHCP cells are also involved, and these issues are unresolved. Staff's recommendation indicates a substantial failure of the landowner-initiated GPA process to stabilize land uses and direct urban growth to municipalities and an orderly process of annexation. Rather, initiation of this proposal would show that piecemeal, applicant-driven GPAs continue to determine land use in the unincorporated area. Staff's proposal to require a specific plan for this and associated GPAs 926, 974, 976 and 998 does not cure the underlying planning failure. Specific plans are a prime historic engine of sprawl in the unincorporated area.

Item 7.3, GPA 976 (Winchester)

Disagree with recommendation for initiation. This 272-acre proposal is part of an intact Rural area that serves as a community separator. Urban conversion is being recommended *despite the complete absence of an absorption study showing that any additional urban land is actually needed.* Staff's recommendation indicates a substantial failure of the landowner-initiated GPA process to stabilize land uses and direct urban growth to municipalities and an orderly process of annexation. Rather, initiation of this proposal would show that piecemeal, applicant-driven GPAs continue to determine land use in the unincorporated area. Staff's proposal to require a specific plan for this and nearby GPAs does not cure the underlying planning failure. Specific plans are a prime historic engine of sprawl in the unincorporated area.

Item 7.4, GPA 928 (French Valley)

Concur with recommendation to deny initiation. The proposal, within Murrieta's Sphere of Influence, to convert 33-acres of Rural to Community Development medium density residential has no demonstrable need and would represent a failure of orderly development. It would conflict with airport compatibility criteria. Finally, MSHCP issues are unresolved. According to staff, "Due to the amount of conservation and sensitive lands in the area, the proposal may present inconsistencies between the Land Use Element and the Multi-Purpose Open Space Element of the General Plan."

Item 7.5, GPA 978 (Rancho California)

Concur with recommendation to deny initiation. There are no changed circumstances to justify a change from the Rural designator for this 46-acre site. Such a change would also pose inconsistencies with the MSHCP. According to staff, "Due to the amount of conservation and sensitive lands in the area, the proposal may present inconsistencies between the Land Use Element and the Multi-Purpose Open Space Element of the General Plan." There is also inconsistency with airport standards.

Item 7.6, GPA 1085 (Reche Canyon)

Concur with recommendation to deny initiation. According to staff, "The site's characteristics are highly consistent with the existing Rural Mountainous designation given the steep slopes, lack of existing water and sewer, fire danger and limited access." Development intensity on this 319-acre site should not be increased in hazard zones, and to do so "would again create an internal inconsistency between the Land Use Map/Element and the Safety Element of the General Plan." Multiple MSHCP issues are also involved. No new circumstances justify a change.

Thank you for considering our views.

Sincerely,

Dan Silver, MD
Executive Director

Electronic cc: Board Offices
George Johnson, TLMA
Ron Goldman, Planning Dept.

Carolyn Luna, EPD
Charles Landry, RCA
Interested parties

Reginald Barth
35315 Briggs Rd.
Murrieta, CA 92563
GPA928-Owner

Hennie Monteleone
35245 Briggs Rd.
Murrieta, CA 92563
GPA928-Applicant

Hendrica Vangaale
35375 Briggs Rd.
Murrieta, CA 92563
GPA928-Owner

Michael N. Monteleone
35245 Briggs Rd.
Murrieta, CA 92563
GPA928-Owner

Reginald Barth
35315 Briggs Rd.
Murrieta, CA 92563
GPA928-Owner

Hennie Monteleone
35245 Briggs Rd.
Murrieta, CA 92563
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Hendrica Vangaale
35375 Briggs Rd.
Murrieta, CA 92563
GPA928-Owner

Michael N. Monteleone
35245 Briggs Rd.
Murrieta, CA 92563
GPA928-Owner

Agenda Item No.: 7.4
Area Plan: Southwest Area
Zoning District: Rancho California
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: February 3, 2010

General Plan Amendment No. 928
Applicant: Hennie Monteleone
Engineer/Representative: David Jeffers

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 GPA00928 from Rural: Rural Residential to Community Development: Medium Density Residential 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: Commissioner Roth agreed with staff that the proposal should not be initiated. Commissioner Roth also stated that compared to many of the other Foundation General Plan Amendment applications, this proposal is at least homogeneous. He stated that the proposal is a block of land that is not gerrymandered, and the subject site appears to be near parcels that are currently within the Community Development Foundation to the south of it. For these reasons, Commissioner Roth stated he does not have as much concern with this proposal as he does with many of the others.

Commissioner John Snell: No Comments

Commissioner John Petty: Commissioner Petty wanted to make it clear that individual Commissioners are making comments on the cases, not the entire Commission. He stated that staff is correct in reporting that the proposal may create some inconsistency amongst the elements of the General Plan based on MSHCP issues but that the HANS process should determine that. In response to issues with the proposal being inconsistent with the "French Valley Airport Compatibility Plan," Commissioner Petty stated that the compatibility plan's Option 1 vs. Option 2 is logically inconsistent. He also stated that the Board of Supervisors as well as the Commissioners can overrule the Airport Land Use Commission if necessary and that the applicant should be allowed to go through the process in order to determine if the proposal will in fact be inconsistent with the airport plan.

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: No Comments

15.2 Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: HENRIE MONTALEONE

Address: 35245 BRIGGS RD
(only if follow-up mail response requested)

City: MURRIETA **zip:** 92563

Phone #: 538-6543

Date: 3/16/10 **Agenda #** 9228 15.2

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____

Riverside County Board of Supervisors
Request to Speak

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Dave Jeffers

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: 949 5865778

Date: 3/16/10 **Agenda #** 15.2

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____