REVIEWED BY EXECUTIVE OFFICE
DATE 6/23/10 Tina Grande
Departmental Concurrence

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

3226

FROM: TLMA - Planning Department

SUBMITTAL DATE:
June 17, 2010

SUBJECT: GENERAL PLAN AMENDMENT NO. 988 – Foundation-Regular – Applicant: Oz Bratene – Engineer/Representative: Oz Bratene - First Supervisorial District - Cleveland Zoning Area - Elsinore Area Plan: Open Space: Rural (OS-RUR) – Location: Southwesterly of the City of Wildomar, westerly of Calle Amigo and southerly of the Cleveland National Forest - 82.90 Gross Acres - Zoning: Rural Residential (R-R) - **REQUEST:** This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Open Space: Rural (OS-RUR) to Rural: Rural Residential (RUR-RR) - APN: 901-180-001- 901-180-003.

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

BACKGROUND: The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on every GPA application and submit it to the Board of Supervisors. Prior to the submittal to the Board, comments on the application are requested from the Planning Commission, and the Planning Commission comments are included in the report to the Board. The Board will either approve or disapprove the initiation of proceedings for the GPA requested in the application. The consideration of the initiation of proceedings by the Planning Commission and the Board of Supervisors pursuant to this application does not require a noticed public hearing. However, the applicant was notified by mail of the time, date

Jerry Jolliffe, Deputy Planning Director for,

Ron Goldman
Planning Director

Initials:
RG:thy

Dep't Recomm.: ☐ Consent ☑ Policy
Per Exec. Ofc.: ☐ Consent ☒ Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried, IT WAS ORDERED the recommended motion was denied, and IT WAS FURTHER ORDERED to tentatively adopt an order to initiate the proceedings for the above referenced general plan amendment.

Ayes:	Buster, Tavaglione, Stone and Benoit
Nays:	None
Absent:	Ashley
Date:	June 29, 2010
xc:	Planning, Applicant

Kecia Harper-Ihem
Clerk of the Board
By: _____
Deputy

Prev. Agn. Ref.	District: First	Agenda Number: 15.2

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

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

3228

DATE: June 15, 2010

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: General Plan Amendment No. 988

(Charge your time to these case numbers)

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

- ☐ Place on Administrative Action (Receive & File; EOT)
  - ☐ Labels provided If Set For Hearing
    - ☐ 10 Day ☐ 20 Day ☐ 30 day
- ☐ Place on Consent Calendar
- ☐ Place on Policy Calendar (Resolutions; Ordinances; PNC)
- ☒ Place on Section Initiation Proceeding (GPIP)
- ☐ Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA)
- ☐ Publish in Newspaper:
  - **SELECT Advertisement**
- ☐ **SELECT CEQA Determination**
  - ☐ 10 Day ☐ 20 Day ☐ 30 day
- ☐ Notify Property Owners (app/agencies/property owner labels provided)

Controversial: ☐ YES ☒ NO

Designate Newspaper used by Planning Department for Notice of Hearing: NONE - GPIP

Please schedule on the June 29, 2010 BOS Agenda

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

6-17-10

PLANNING COMMISSION
MINUTE ORDER JANUARY 13, 2010
RIVERSIDE COUNTY ADMINISTRATIVE CENTER

I. **AGENDA ITEM 5.5: GENERAL PLAN AMENDMENT NO. 988** – Foundation / Regular – Applicant: Oz Bratene – Engineer/Representative: Oz Bratene - First Supervisorial District - Cleveland Zoning Area - Elsinore Area Plan: Open Space: Rural (OS-RUR) – Location: Southwesterly of the City of Wildomar, westerly of Calle Amigo and southerly of the Cleveland National Forest - 82.90 Gross Acres - Zoning: Rural Residential (R-R) - APN(s): 901-180-001- 901-180-003. (Continued from 9/30/09 , 10/28/09 and 12/2/09).

II. **PROJECT DESCRIPTION**

This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Open Space: Rural (OS-RUR) to Rural: Rural Residential (RUR-RR).

III. **MEETING SUMMARY**

The following staff presented the subject proposal:
Project Planner, Tamara Harrison, at (951) 955-9721 or e-mail tharriso@rctlma.org.

The following spoke in favor of the subject proposal:
Oz Bratene, Applicant

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

IV. **CONTROVERSIAL ISSUES**

NONE

V. **PLANNING COMMISSION ACTION**

The Planning Commission commented on the General Plan Amendment. If you wish to listen to the entire discussion, see Section VI below. Additionally, the comments of individual Commissioners are summarized in the Planning Director's Report and Recommendation to the Board of Supervisors.

TO TENTATIVELY 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.

PLANNING COMMISSION
MINUTE ORDER DECEMBER 2, 2009
RIVERSIDE COUNTY ADMINISTRATIVE CENTER

I. **AGENDA ITEM 5.7: GENERAL PLAN AMENDMENT NO. 988** - Foundation / Regular - Applicant: Oz Bratene - Engineer/Representative: Oz Bratene - First Supervisorial District - Cleveland Zoning Area - Elsinore Area Plan: Open Space: Rural (OS-RUR) - Location: Southwesterly of the City of Wildomar, westerly of Calle Amigo and southerly of the Cleveland National Forest - 82.90 Gross Acres - Zoning: Rural Residential (R-R)

II. **PROJECT DESCRIPTION**

This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Open Space: Rural (OS-RUR) to Rural: Rural Residential (RUR-RR).

III. **MEETING SUMMARY**

The subject proposal did not require a presentation.
Project Planner, Tamara Harrison, at (951) 955-9721 or e-mail tharriso@rctlma.org.

No one spoke in favor, neutral, or in opposition of the subject proposal.

IV. **CONTROVERSIAL ISSUES**

NONE

V. **PLANNING COMMISSION ACTION**

The Planning Commission, continued the subject proposal to January 13, 2010.

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.

PLANNING COMMISSION
MINUTE ORDER OCTOBER 28, 2009
RIVERSIDE COUNTY ADMINISTRATIVE CENTER

I. **AGENDA ITEM 8.7: GENERAL PLAN AMENDMENT NO. 988** – Foundation / Regular – Applicant: Oz Bratene – Engineer/Representative: Oz Bratene - First Supervisorial District - Cleveland Zoning Area - Elsinore Area Plan: Open Space: Rural (OS-RUR) – Location: Southwesterly of the City of Wildomar, westerly of Calle Amigo and southerly of the Cleveland National Forest - 82.90 Gross Acres - Zoning: Rural Residential (R-R) - APN: 901-180-001- 901-180-003. (Continued from 9/30/09).

II. **PROJECT DESCRIPTION**

This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Open Space: Rural (OS-RUR) to Rural: Rural Residential (RUR-RR).

III. **MEETING SUMMARY**

The following staff presented the subject proposal:
Project Planner, Tamara Harrison at 951-955-9721 or e-mail tharriso@rctlma.org.

The following spoke in favor of the subject proposal:
Oz Bratene, Applicant

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

IV. **CONTROVERSIAL ISSUES**

NONE

V. **PLANNING COMMISSION ACTION**

The Planning Commission, continued the subject proposal to December 2, 2009.

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.

PLANNING COMMISSION
MINUTE ORDER SEPTEMBER 30, 2009
RIVERSIDE COUNTY ADMINISTRATIVE CENTER

I. **AGENDA ITEM 9.4: GENERAL PLAN AMENDMENT NO. 988** - Foundation / Regular - Applicant: Oz Bratene - Engineer/Representative: Oz Bratene - First Supervisorial District - Cleveland Zoning Area - Elsinore Area Plan: Open Space: Rural (OS-RUR) - Location: Southwesterly of the City of Wildomar, westerly of Calle Amigo and southerly of the Cleveland National Forest - 82.90 Gross Acres - Zoning: Rural Residential (R-R) - APNs: 901-180-001, 901-180-002 and 901-180-003

II. **PROJECT DESCRIPTION**

This General Plan Amendment proposes to amend the General Plan Foundation Component of the subject site from Open Space: Rural (OS-RUR) to Rural: Rural Residential (RUR-RR).

III. **MEETING SUMMARY**

The following staff presented the subject proposal:
Project Planner, Tamara Harrison at 951-955-9721 or e-mail tharriso@rctlma.org.

No one spoke in favor, neutral or in opposition of the subject proposal.

IV. **CONTROVERSIAL ISSUES**

NONE

V. **PLANNING COMMISSION ACTION**

The Planning Commission, continued the subject proposal to October 28, 2009.

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.: 5.5
Area Plan: Elsinore
Zoning District: Cleveland Area
Supervisorial District: First
Project Planner: Tamara Harrison
Planning Commission: January 13, 2010
Continued from: September 30, 2009 and December 2, 2009

General Plan Amendment No. 988
Applicant: Oz Bratene
Engineer/Representative: Oz Bratene

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisors tentatively decline to adopt an order initiating proceedings for General Plan Amendment No. 988 from Open Space: Rural to Rural: Rural Residential and the Planning Commission made the comments below. The Planning Director continues to recommend that the Board tentatively 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: Mr. Roth agreed with staff that initiation of the proposal would not be appropriate at the subject site. He indicated that the proposal does not work due to the lack of secondary access at the site.

Commissioner John Snell: No Comments

Commissioner John Petty: No Comments

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: No Comments

Agenda Item No.: 5.5
Area Plan: Elsinore
Zoning District: Cleveland Area
Supervisorial District: First
Project Planner: Tamara Harrison
Planning Commission: January 13, 2010
Continued from: September 30, 2009, October 28, 2009 and December 2, 2009

General Plan Amendment No. 988
Applicant: Oz Bratene
Engineer/Rep.: Oz Bratene

COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation Component and Land Use designation from "Open Space: Rural" (OS: RUR) (20 Ac. Min.) to "Rural: Rural Residential" (RUR:RR) (5 Ac. Min.) for an approximately 82.90-acre property. The project is located southwesterly of the City of Wildomar, westerly of Calle Amigo and southerly of the Cleveland National Forest.

POTENTIAL ISSUES:

The subject site is located within the Elsinore Area Plan. The Elsinore Area land use plan "focuses on preserving the numerous unique features in the Elsinore area and, at the same time, guides the accommodation of future growth." The mountainous environment of the area leads to unspoiled views and is a major feature of the area plan. The Cleveland National Forest abuts the subject site to the north and to the west, the Rural: Rural Residential designation can be found south of the site and the Rural: Rural Mountainous designation lies to the east of the site. Also, immediately to the east of the proposed site is the community of La Cresta and the Santa Rosa Plateau Policy Area, both within the Southwest Area Plan. The existing Open Space: Rural designation on the proposed site provides a buffer between the Cleveland National Forest, the rural residential designations to the south, and the La Cresta development to the east. The existing designation also helps to decrease the adverse impacts to those features in the area from potential development.

The proposed site is subject to a "high risk" of fire hazards. The Safety Element of the General Plan addresses these risks in a number of ways including deterring building in these "high risk" areas and providing secondary access to the site. Access is currently limited to the site given the lack of roadways in the area as well as the terrain found in the area. The applicant anticipates that Parcel Map 33273 (APN 928-060-019, located easterly of the proposed site) will be developed in such a manner that will ultimately provide primary and secondary access to the subject site. Parcel Map No. 33273 (PM33273) is currently being reviewed by the Planning Department. The applicant has been in contact with Riverside County Fire regarding the proposal; see the attached e-mail from Oz Bratene dated October 6, 2009. The site also contains steep slopes with elevations that range from approximately 2360' to 2240', a difference of 120 feet. High fire risk coupled with the terrain and lack of access could expose potential dwellings to a number of safety hazards. Increasing the intensity of uses on the site could also potentially create inconsistencies amongst the Land Use element and the Safety element of the General Plan.

No evidence has been disclosed at this time that new conditions or circumstances are present in the area that would justify the proposal.

RECOMMENDATIONS:

The Planning Director recommends to tentatively decline to adopt an order initiating proceedings for General Plan Amendment No. 988 from Open Space: Rural to Rural: Rural Residential. The adoption of such an order does not imply that the proposed GPA will be approved.

INFORMATIONAL ITEMS:

1. The project was filed with the Planning Department on February 14, 2008.

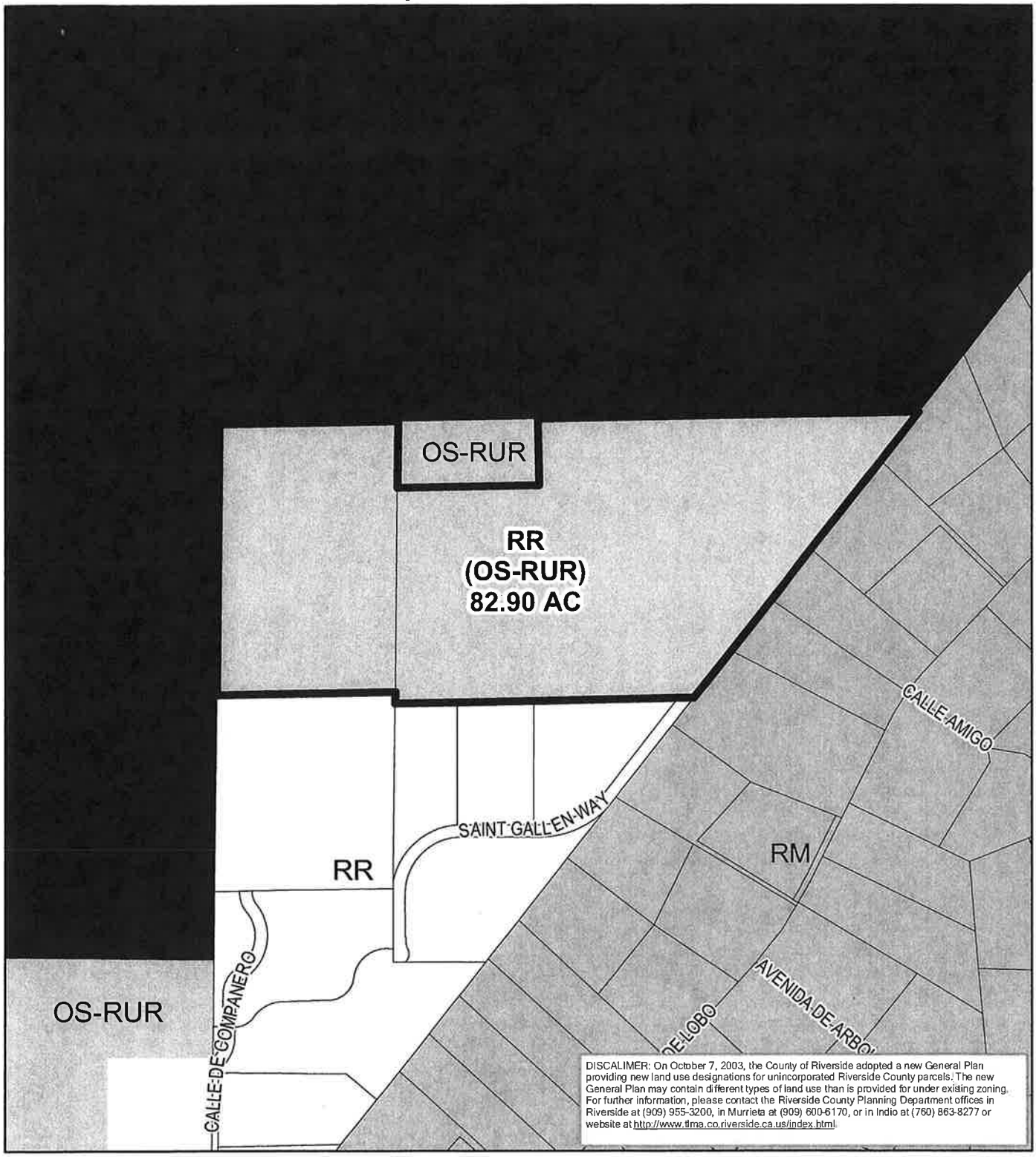
2. Deposit Based Fees charged to this project, as of the time of staff report preparation, total $4819.78.

3. The project site is currently designated as Assessor's Parcel Numbers 901-180-001 and 901-180-003.

Supervisor Buster
District 1
Date Drawn: 09/08/09

GPA00988
Proposed General Plan

Planner: Tamara Harrison
Date: 09/30/09
Exhibit 6



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Cleveland
Township/Range: T7SR4W
Section: 8

N
W E
S

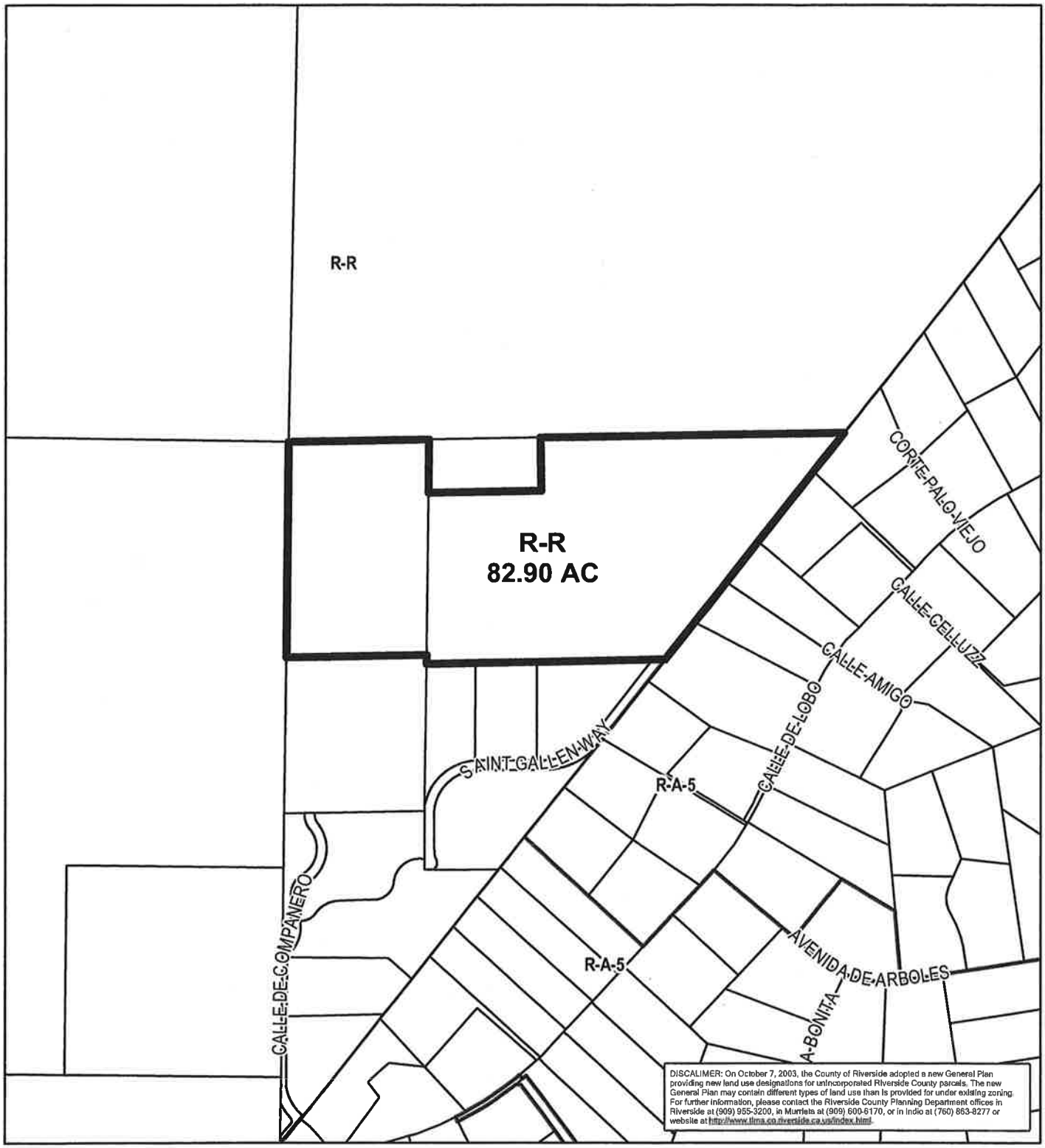
Assessors
Bk. Pg. 901-18
Thomas
Bros. Pg. 926 F3

0 465 930 1,860 2,790
Feet

Supervisor Buster
District 1
Date Drawn: 09/08/09

GPA00988
EXISTING ZONING

Planner: Tamara Harrison
Date: 09/30/09
Exhibit 2



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Cleveland
Township/Range: T7SR4W
Section: 8

N
W E
S

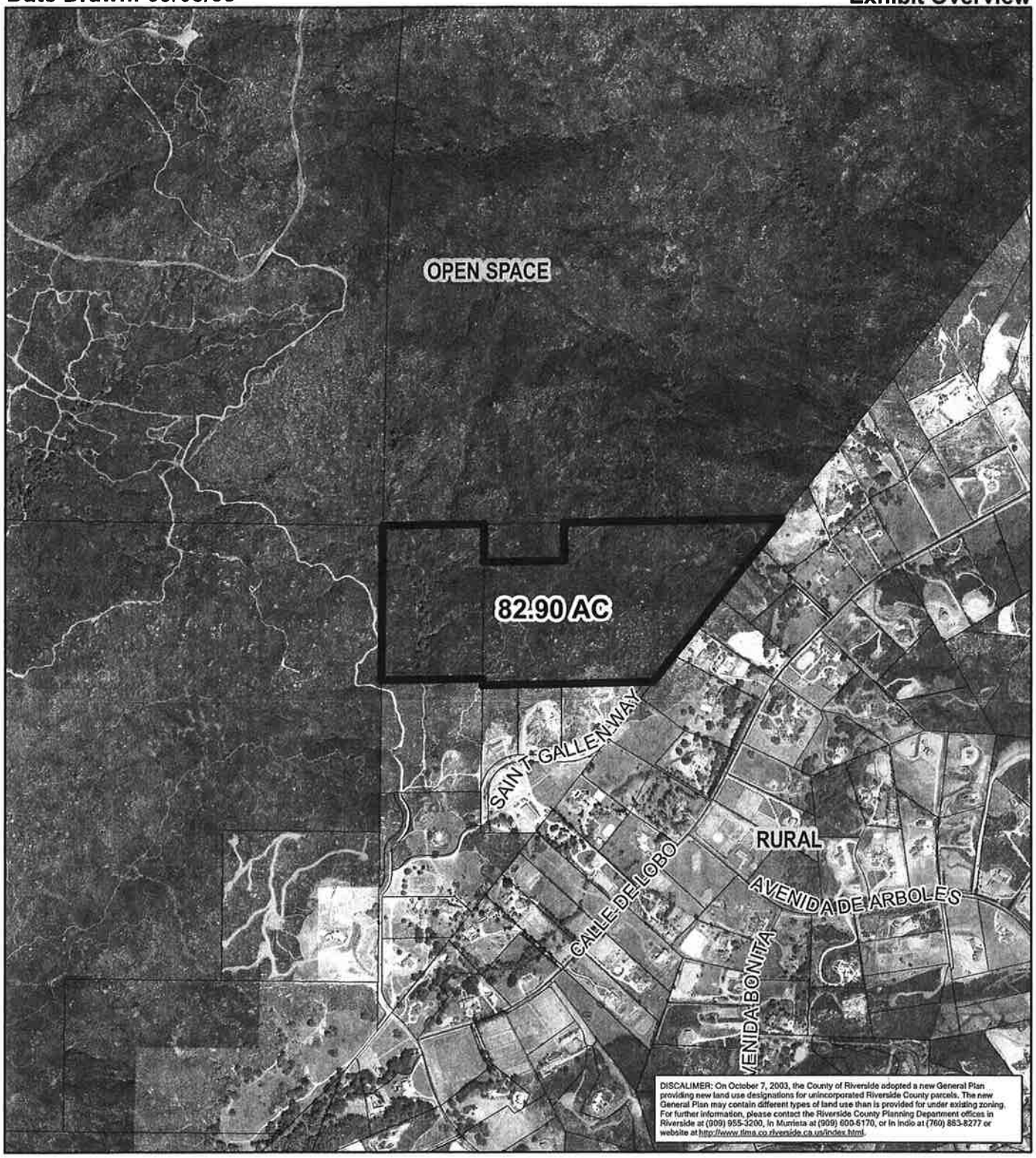
Assessors
Bk. Pg. 901-18
Thomas
Bros. Pg. 926 F3

0 600 1,200 2,400 3,600
Feet

Supervisor Buster
District 1
Date Drawn: 09/08/09

GPA00988
DEVELOPMENT OPPORTUNITY

Planner: Tamara Harrison
Date: 09/30/09
Exhibit Overview



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Cleveland
Township/Range: T7SR4W
Section: 8

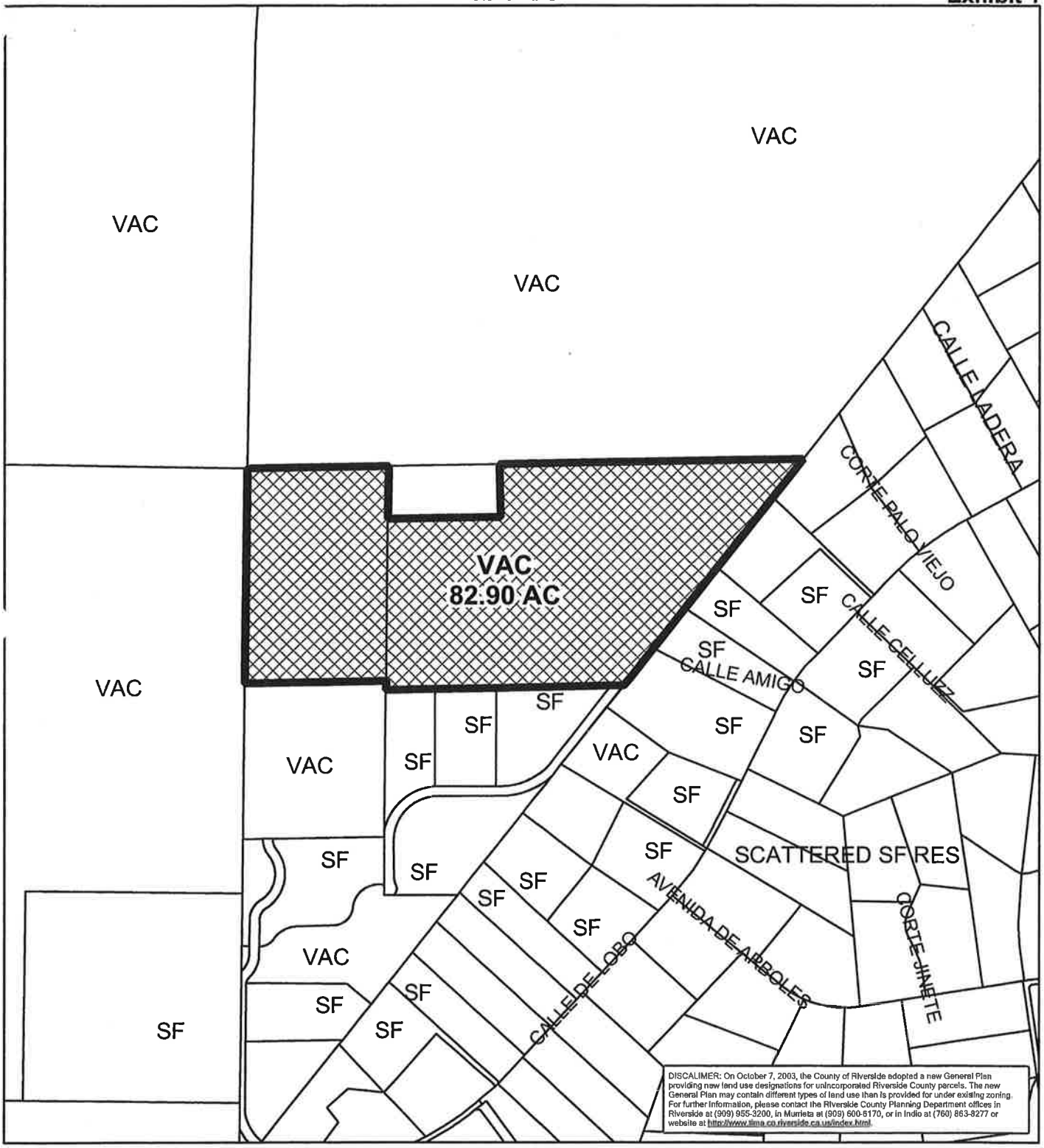
Assessors
Bk. Pg. 901-18
Thomas
Bros. Pg. 926 F3

Supervisor Buster
District 1
Date Drawn: 09/08/09

GPA00988

Land Use

Planner: Tamara Harrison
Date: 09/30/09
Exhibit 1



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Cleveland
Township/Range: T7SR4W
Section: 8

N W E S

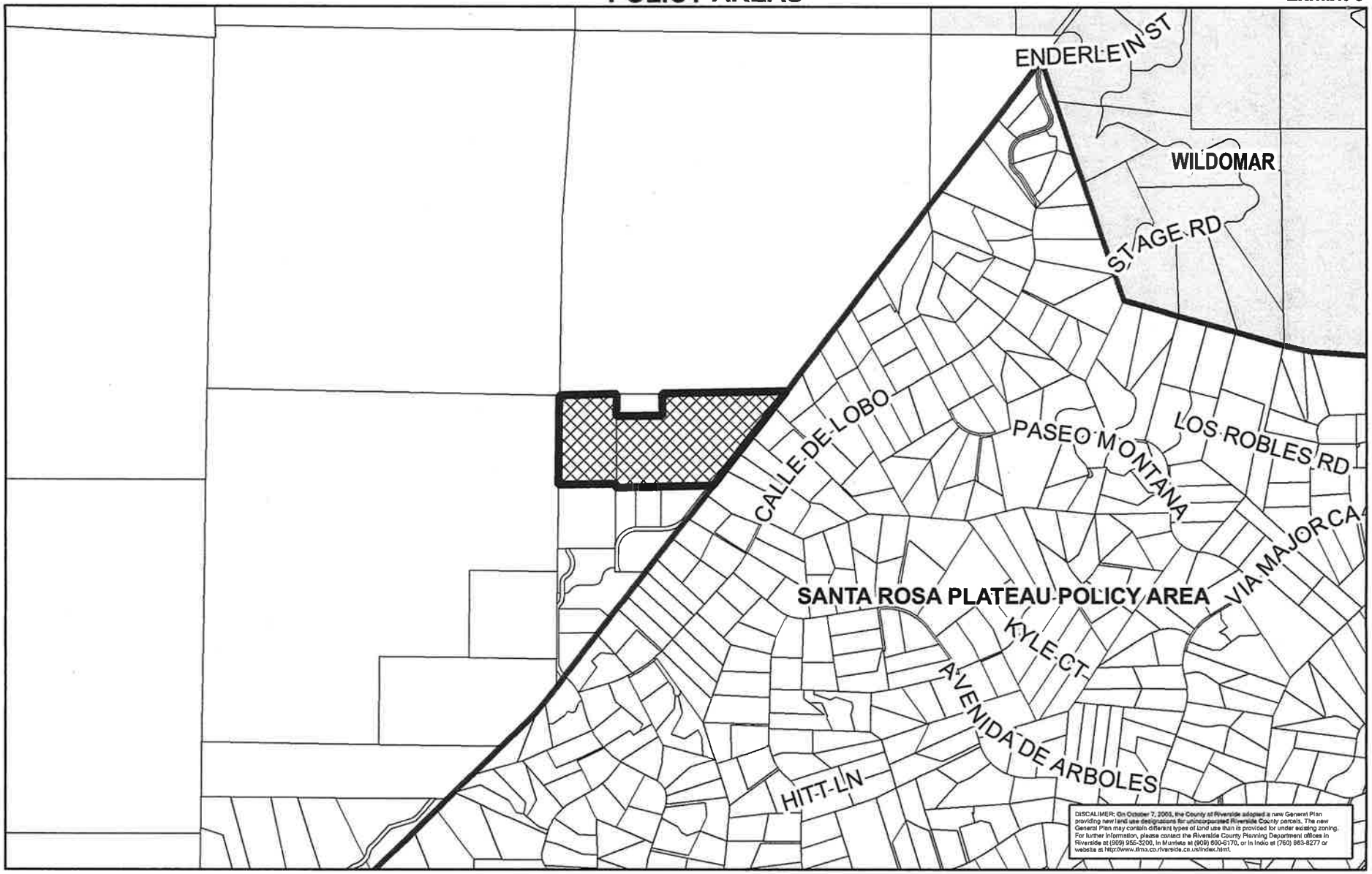
Assessors Bk. Pg. 901-18
Thomas Bros. Pg. 926 F3

0 600 1,200 2,400 3,600
Feet

Supervisor Buster
District 1
Date Drawn: 09/08/09

GPA00988
POLICY AREAS

Planner: Tamara Harrison
Date: 09/30/09
Exhibit 8



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Cleveland
Township/Range: T7SR4W
Section: 8

Assessors
Bk. Pg. 901-18

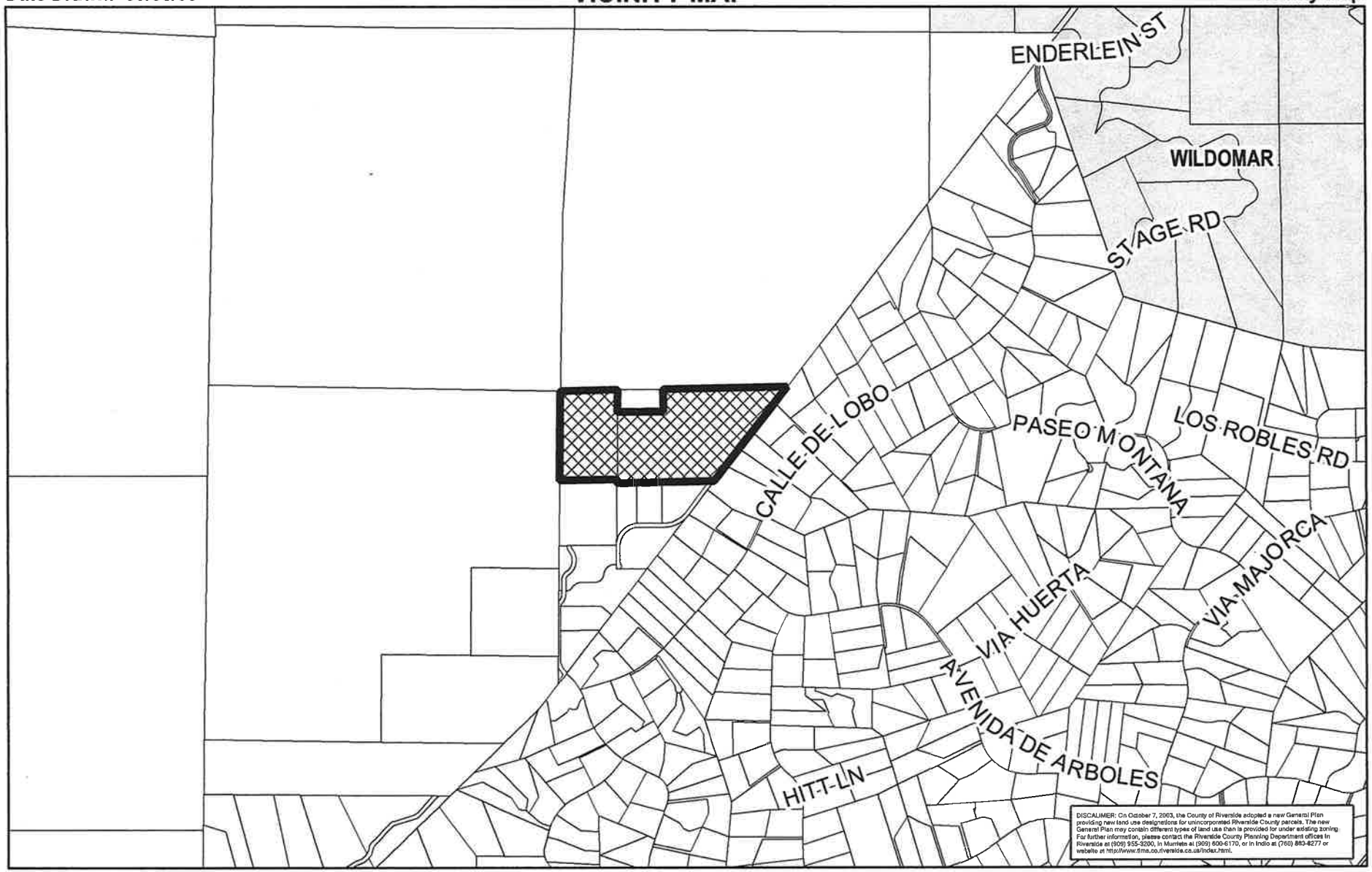
Thomas
Bros. Pg. 926 F3

0 2,100 4,200 8,400 12,600
Feet

Supervisor Buster
District 1
Date Drawn: 09/08/09

GPA00988
VICINITY MAP

Planner: Tamara Harrison
Date: 09/30/09
Vicinity Map



RIVERSIDE COUNTY PLANNING DEPARTMENT

Area: Cleveland
Township/Range: T7SR4W
Section: 8

0 2,125 4,250 8,500 12,750
Feet

Assessors
Bk. Pg. 901-18

Thomas
Bros. Pg. 926 F3

JUSTIFICATION FOR AMENDMENT – Parcels 901-180-001 & 901-180-003

These properties represent significant investments by owners under an understanding that residential development could be pursued with possibly 5-acre minimum homesites, as we understand was the case prior to the current General Plan Designation.

The following reasons are listed as arguments in favor of amending the General Plan Designation to restore the opportunity to prove that 5-acre minimum lot size development is feasible in a responsible manner:

1. Properties immediately adjacent to the south are currently designated as Rural-RR (5-acre minimum), and properties immediately to the east are currently zoned R-A-5 (5-acre minimum).
2. The 5-acre minimum designation is consistent with the entire La Cresta area, which is the community to which these properties are really connected, even though that area is across the Area Boundary in the Southwest Area Land Use Plan.
3. Access is available to both parcels via Calle De Companero and Saint Gallen Way, and both property owners are eager to develop a joint circulating road system to satisfy typical Fire Department concerns. Owner Rietsch also owns the adjacent parcel (APN 901-180-004) which is at the current northern terminus of Calle De Companero, and he will dedicate right-of-way through that property to access the subject parcels.
4. The terrain of the subject parcels is essentially the same as the terrain of the adjacent parcel, APN 901-180-004, which is currently designated RUR-RR (5-acre minimum). In addition, this terrain is very similar, arguably gentler, than the terrain of the recently developed La Cresta Highlands, which is allowed to process subdivisions to 5-acre home-sites.
5. The property owners are currently negotiating a possible additional access to Calle De Lobo.
6. Electric and phone facilities are currently available in Calle De Companero and Saint Gallen Way, and can easily be extended to the subject parcels.
7. Water is only available by means of wells since these parcels are part of an isolated group of properties lying outside the Rancho California Water District, but adequate aquifers have been located, and drilled wells presently service the water needs of several residents on the adjacent parcels to the south. RCWD does have a hydrant at the current northern end of Calle De Companero.
8. Additional home-sites will result in additional tax revenues for the County, and will provide additional opportunities for more families to enjoy the enviable lifestyle unique to the La Cresta area.
9. These parcels are a natural extension of the 5-acre designations of the adjacent properties and deserve the opportunity to demonstrate that responsible development can support much more that the current restriction of one (1) home-site per 20 acres. The checks and balances of the subdivision process can easily prevent irresponsible development and will force any owner to meet the same stringent requirements as enforced in the entire adjacent La Cresta area. No special treatment is requested, just the equal opportunity to show how these properties can be developed in compliance with County requlations and guidelines.

Harrison, Tamara

From: Oz Bratene [oz@engencorp.com]
Sent: Tuesday, October 06, 2009 5:56 PM
To: Harrison, Tamara
Subject: GPA00988

Hi Tamara,

Thanks for your help in getting our case extended last Wednesday. In the morning on that day, I talked to Dan Wagner, Steve Diaz and Todd Letterman of Fire Department. They all told me that they would support our GPA because it would create a secondary access to homes already built that only have one way out. There are 9 lots in that area that only have one access, and all could have a second access if our GPA gets approved and the land is subdivided. If I get a letter from Fire in support of the GPA, will Planning consider changing their report to support the GPA, since this is a real safety issue?

This situation, in fact, qualifies as a "new condition", where we have two owners getting together and be willing to spend the money to create a secondary access for that area. Theirs are the only two parcels in that area large enough to warrant spending money to purchase additional land for use as a secondary access. Without their efforts, there will probably never be a secondary access to those existing parcels, which are all in high fire area.

Please let me know.

Oz Bratene

BRATENE
CONSTRUCTION & ENGINEERING

Civil Engineers - RCE 21873
General Contractors - Lic. 378242

25759 Jefferson Avenue
Murrieta, CA 92562
Phone: (951) 834-9009
Fax: (951) 834-9007

June 15,2010

Ms. Tamara Harrison
Riverside County Planning Department

Re: Criteria Threshold/Secondary Access
GPA 00988

Dear Ms. Harrison:

I'm writing this letter as a result of my discussion with Planning Commissioner John Roth just prior to our Planning Commission Hearing a few months ago. Our discussion was intended to center on the opportunity to provide a secondary access to 10 existing parcels in this same area, which are presently served by only one access. The approval of the subject General Plan Amendment would eventually result in a Tentative Map condition requiring a secondary access, and my clients would then have the incentive and assurance they need to enter into a purchase agreement for property to provide such secondary access. They understand that without such access, their Map would be "dead in the water".

Commissioner Roth then said he could support the GPA if we had already acquired the access, but could not support it without that access already being in place. He felt it was a case of what comes first, "the chicken or the egg". However, this is placing an unrealistically "high threshold" on the GPA, since the need for a secondary access is typically a condition placed at the Tentative Map stage. The GPA should consider compatibility with the surrounding uses. A GPA designation to Rural Residential would give these two parcels the same development opportunities that all the adjacent privately owned parcels have enjoyed.

In addition, this could remove a potential liability for the County, in that the adjacent 4 parcels of Parcel Map 22689 were conditioned as follows: "Prior to the recordation of the final map, the applicant/developer **shall provide alternate or secondary access** as approved by the County Road Department". **No secondary access was ever provided.** The Map was recorded and properties are presently occupied without a secondary emergency access in place. I submit that there will never be such an access unless this GPA is approved.

I hope this will enter into the judgement as to the value and equity of providing this Amendment to the General Plan.

Thank you,

Oz Bratene

Office: (951) 834-9009
Fax: (951) 834-9007
Cell: (951) 201-2542
Email: brateneconst@prodigy.net

ENDANGERED HABITATS LEAGUE
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE

September 26, 2009

VIA ELECTRONIC MAIL AND FACSIMILE

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

RE: Item 9.0, General Plan Amendment Initiation Proceedings (September 30, 2009)

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on these landowner-initiated GPA proposals. In all cases, we commend the staff recommendations for upholding the planning integrity of the General Plan, for following the directives of the Administrative Element, and in respecting public safety and MSHCP imperatives.

Item 9.1, GPA 780 (Elsinore)

Concur with staff recommendation to deny initiation. There are numerous compelling reasons to deny this complex proposal, which responds to no changed circumstances. It would markedly intensify residential uses in an intrinsically unsafe high fire hazard area, whose emergency egress route – Highway 74 – is already severely chal enged. The lack of proper secondary access cannot be mitigated, and the proposal is opposite to the recommendation of the Riverside County Fire Hazard Reduction Task Force:

> Update the Riverside County General Plan and complete consistency zoning actions to limit residential growth within or adjacent to high fire hazard areas.

As the cogent staff report demonstrates, if land currently designated as Open Space-Conservation Habitat needs redesignation on technical grounds, alternative designations such as Rural Mountainous or Open Space-Rural that are more appropriate are available, and future development could still be consolidated via clustering. Furthermore, the loss of Public/Quasi Public MSHCP lands under the exchange scenario creates General Plan and MSHCP inconsistencies. Finally, such intensification in a relatively remote area is inconsistent with the General Plan Vision of avoiding leapfrog development away from services. Indeed, the General Plan Advisory Committee rejected a Rural Village Overlay for El Cariso for all these reasons

Item 9.2, GPA 1033 (SWAP)

Concur with recommendation in staff report to deny initiation. This proposal to extend the Citrus Vineyard Policy Area to Vail Lake is wholly unsuited for this locale. As pointed out in the thorough staff report, it would introduce a type and intensity of development far in excess of that anticipated by the General Plan's Vail Lake Policy Area and the policies of SWAP. The small farm and commercial development model of Citrus Vineyard has no relevance to the biological, viewshed, and recreational imperatives of Vail Lake. No changed circumstances justify this wholesale change. A massive upzoning to 2-acre lots would introduce large scale residential uses into a high fire hazard area, decimate the biological resources needed for MSCHP assembly, and constitute a leapfrog pattern of development apart from services and infrastructure. Finally, according to the Planning Department, "The proposed amendment also creates an internal inconsistency among the Elements of the General Plan, particularly the Multipurpose Open Space Element and the Safety Element."

Item 9.3, GPA 1000 (SWAP)

Concur with staff recommendation to deny initiation. Conversion of this 379-acre rural location to Community Development/Specific Plan would defy all relevant planning principles. It would urbanize an intact rural area discontiguous from urban infrastructure and services, maximize greenhouse gas emissions, and, contrary to the recommendation of the Fire Hazard Reduction Task Force, place development in a rugged, high fire hazard location. No new circumstance justifies this Foundation change, which would thus conflict with the Administrative Element of the General Plan. According to the staff report, this increase in intensity "would be contrary to the existing character and land use pattern in the area."

Item 9.4, GPA 988 (Elsinore)

Concur with staff recommendation to deny initiation. This proposal responds to no changed circumstances. It would intensify residential uses within a very high fire hazard area, contrary to the recommendation of the Fire Hazard Reduction Task Force. The current designation correctly reflects the viewshed and buffer characteristics of the area, and should not be altered. According to staff, "Increasing the intensity of uses on the site could also potentially create inconsistencies amongst the Land Use element and the Safety element of the General Plan."

Item 9.5, GPA 985 (Elsinore)

Concur with staff recommendation to deny initiation. This constrained site has serious and unresolved flood hazard issues, and the claim to provide needed affordable housing does not stand up to scrutiny, as documented in the staff report. Furthermore, the change would likely interfere with MSCHP assembly and should not proceed unless and until facilitation of a reserve segment can be documented.

Item 9.6, GPA 977 (Mead Valley/Elsinore)

Concur with staff recommendation to deny initiation. This is a massive proposal to redesignate 405 acres of Rural Mountainous and Rural Residential to Rural Community 1-acre lots. Discontiguous from infrastructure and services, and not responding to changed circumstances, the proposal utterly lacks planning merit. Indeed, due to public safety and MSHCP conflicts, staff concluded that:

> This amendment would potentially create inconsistency between the Land Use Element and the Safety Element by increasing density in an area with step slopes, high fire hazard and no nearby fire stations, limited access, and subject to flooding. Increasing the density/intensity of allowable land use on the site, as proposed by this amendment, would also exacerbate potentially conflicts between such uses and the conservation requirements as set forth in the MSHCP, causing inconsistencies between the Land Use Element and the Multi-Purpose Open Space Element of the General Plan.

Item 9.7, GPA 924 (Mead Valley)

Concur with staff recommendation to deny initiation.

Item 9.8, GPA 958 (Mead Valley)

Concur with recommendation in staff report to deny initiation. The proposed change from Rural to Rural Community does not respond to new circumstances and would create a "spot zone."

Item 9.9, GPA 1084 (Jurupa)

Concur with staff recommendation to initiate.

Thank you for considering our views, and we look forward to working with you as the Five-Year Update proceeds.

Sincerely,

Dan Silver, MD
Executive Director

Electronic cc: Board Offices
George Johnson, TLMA
Ron Goldman, Planning Dept.
Carolyn Luna, EPD
Interested parties

November 30, 2009

VIA ELECTRONIC MAIL AND FACSIMILE

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

RE: Item 5.0, General Plan Amendment Initiation Proceedings (December 2, 2009)

Dear Chair and Commission Members:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on these landowner-initiated GPA proposals, which once again call for planning rigor and retaining the integrity of the Foundation system.

Item 5.1, GPA 1033 (Southwest Area Plan)

Concur with staff recommendation to decline to initiate. Important new information is contained in the staff report that adds to the many compelling reasons to deny initiation. Specifically, according to the Rancho California Water District, the new agricultural uses would face a water shortage (and presumably further stress existing farms and vineyards), polluted runoff would pose a threat to drinking water quality in the Vail Lake reservoir, and there is a shortage of sewer treatment capacity.

As noted previously, this proposal to extend the Citrus Vineyard Policy Area to Vail Lake is wholly unsuited for this locale. As shown in the thorough staff report, it would introduce a type and intensity of development far in excess of that anticipated by the General Plan's Vail Lake Policy Area and the policies of SWAP. The small farm and commercial development model of Citrus Vineyard has no relevance to the biological, viewshed, and recreational imperatives of Vail Lake. No changed circumstances justify this wholesale change. A massive upzoning to 2-acre lots would introduce large scale residential uses into a high fire hazard area, decimate the biological resources needed for MSCHP assembly, and constitute a leapfrog pattern of development apart from services and infrastructure. Finally, according to the Planning Department, "The proposed amendment also creates an internal inconsistency among the Elements of the General Plan, particularly the Multipurpose Open Space Element and the Safety Element."

Item 5.2, GPA 985 (Elsinore)

Concur with staff recommendation to decline to initiate. This constrained site has serious and unresolved flood hazard issues, and the claim to provide needed

affordable housing does not stand up to scrutiny, as documented in the staff report. Furthermore, the change would likely interfere with MSCHP assembly and should not proceed unless and until facilitation of a reserve segment can be documented.

Item 5.3, GPA 1000 (Southwest Area Plan)

Concur with staff recommendation to decline to initiate. Conversion of this 379-acre rural location to Community Development/Specific Plan would defy all relevant planning principles. It would urbanize an intact rural area discontiguous from urban infrastructure and services, maximize greenhouse gas emissions, and, contrary to the recommendation of the Fire Hazard Reduction Task Force, place development in a rugged, high fire hazard location. No new circumstance justifies this Foundation change, which would thus conflict with the Administrative Element of the General Plan. According to the staff report, this increase in intensity "would be contrary to the existing character and land use pattern in the area."

Item 5.4, GPA 998 (French Valley)

Concur with staff recommendation to decline to initiate. The French Valley presents difficult challenges for MSHCP assembly, and this proposal to convert Rural land to Community Development within a Criteria Cell would prejudice preserve assembly. The steep slopes also present landslide hazards. For these reasons, the project could, according to staff, create General Plan inconsistencies involving the Land Use Multi-Purpose Open Space, and Safety Elements. Surrounding parcels are intact Rural, and no changed circumstances justify piecemeal urbanization of an area generally recognized as an important community separator.

Item 5.5, GPA 977 (Mead Valley/Elsinore)

Concur with staff recommendation to decline to initiate. This is a massive proposal to redesignate 405 acres of Rural Mountainous and Rural Residential to Rural Community 1-acre lots. Discontiguous from infrastructure and services, and not responding to changed circumstances, the proposal utterly lacks planning merit. Indeed, due to public safety and MSHCP conflicts, staff concluded that:

> This amendment would potentially create inconsistency between the Land Use Element and the Safety Element by increasing density in an area with step slopes, high fire hazard and no nearby fire stations, limited access, and subject to flooding. Increasing the density/intensity of allowable land use on the site, as proposed by this amendment, would also exacerbate potentially conflicts between such uses and the conservation requirements as set forth in the MSHCP, causing inconsistencies between the Land Use Element and the Multi-Purpose Open Space Element of the General Plan.

Item 5.6, GPA 1043 (Southwest Area Plan)

Concur with staff recommendation to decline to initiate. This 629-acre property in rugged terrain is remote from infrastructure and services and is at high fire risk. Uses

should not be intensified here. Furthermore, the Riverside County Fire Hazard Reduction Task Force made the following recommendation:

> *Update the Riverside County General Plan and complete consistency zoning actions to limit residential growth within or adjacent to high fire hazard areas.*

As staff notes, the proposal would be inconsistent with the General Plan vision for the area, create internal inconsistencies in the General Plan, and reflects no changed circumstances.

Item 5.7, GPA 988 (Elsinore)

Concur with staff recommendation to decline to initiate. This proposal responds to no changed circumstances. It would intensify residential uses within a very high fire hazard area, contrary to the recommendation of the Fire Hazard Reduction Task Force. The current designation correctly reflects the viewshed and buffer characteristics of the area, and should not be altered. According to staff, "Increasing the intensity of uses on the site could also potentially create inconsistencies amongst the Land Use element and the Safety element of the General Plan."

Item 5.8, GPA 943 (Winchester)

Concur with staff recommendation to decline to initiate, as the proposal would violate an established boundary of Community Development and Rural Community.

Item 5.9, GPA 1001 (Winchester)

Concur with staff recommendation to decline to initiate, as the proposal would violate an established boundary of Community Development and Rural Community.

Item 5.10, GPA 921 (Menifee Valley/Sun City)

Disagree with staff recommendation for initiation. This 78-acre Rural property is in an area previously identified in the General Plan for its rural character and it may function as a "community separator." No significant new circumstances justify a foundation change to Community Development. *Indeed, with the incorporation of Menifee, any urbanization should proceed over time through an orderly process of annexation rather than through piecemeal approvals in the unincorporated area.* No absorption analysis has demonstrated the need for more urban-designated land in the region, and even if so, there is no indication that this site is optimal from a greenhouse gas or planning perspective.

Item 5.11 GPA 931 (French Valley)

Concur with staff recommendation to decline to initiate. The proposed density is inconsistent with the Riverside County Airport Land Use Commission's Basic Compatibility Criteria. The site forms a clear demarcation between Rural and

Community Development, and no changed circumstance is present to justify altering that boundary. No absorption analysis has demonstrated the need for more urban-designated land in the region, and even if so, there is no indication that this site is optimal from a greenhouse gas or planning perspective. Piecemeal urbanization should be rejected.

Thank you for considering our views, and we look forward to working with you as the Five-Year Update proceeds.

Sincerely,

Dan Silver, MD
Executive Director

Electronic cc: Board Offices
George Johnson, TLMA
Ron Goldman, Planning Dept.
Katherine Lind, County Counsel
Carolyn Luna, EPD
Greg Neal, EPD
Interested parties

Oz Bratene
25759 Jefferson Avenue
Murrieta CA 92562
GPA988-Applicant

Edward Wright/Kurt Rietsch
307 Leeann Lane
Leucadia CA 92024
GPA988-Owner

Oz Bratene
25759 Jefferson Avenue
Murrieta CA 92562
GPA988-Applicant

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307 Leeann Lane
Leucadia CA 92024
GPA988-Owner

FAX MEMO

June 27, 2010

TO: Clerk of the Board

Supervisor Bob Buster (ATTN: Dave Stahovich)

Supervisor John Tavaglione (ATTN: John Field)

Chairman Jeff Stone (ATTN: Olivia Barnes)

Supervisor John J. Benoit (ATTN: Mike Gialdini)

Chairman Marion Ashley (ATTN: Darcy Kuenzi)

FROM: Dan Silver (EHL) 213-804-2750

RE: Agenda Item 15, June 29, 2010

PAGES: 4 (including cover)

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2010-ar-10154/1

ENDANGERED HABITATS LEAGUE
DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE

June 27, 2010

VIA FASCIMILE AND ELECTRONIC MAIL

Chairman Marion Ashley
Riverside County Board of Supervisors
4080 Lemon Street, 5th Floor
Riverside, CA 92501

RE: Item 15, General Plan Amendment Initiation Proceedings (June 29, 2010)

Dear Chairman Ashley and Members of the Board:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on these landowner-initiated GPAs. We urge that the integrity of the Foundation system be upheld, and that therefore that staff recommendations not be uniformly followed.

Item 15.1, GPA 985 (Elsinore)

Request additional information. Apparently, the proposal has been amended to limit conversion to Community Development to an 1.87-acre portion of a 34-acre site subject to flood hazard. We urge you to carefully evaluate any assurances that have been offered by the Flood Control District, including the effects of "flood proofing" on other properties. Also, no information has been provided as to whether MSHCP objectives would be prejudiced by the more limited proposal.

Item 15.2, GPA 988 (Elsinore)

Concur with staff recommendation to deny initiation. This 83-acre proposal responds to no changed circumstances. It would intensify residential uses within a very high fire hazard area, contrary to the recommendation of the Fire Hazard Reduction Task Force. The current designation correctly reflects the viewshed and buffer characteristics of the area, and should not be altered. According to staff, "Increasing the intensity of uses on the site could also potentially create inconsistencies amongst the Land Use element and the Safety element of the General Plan."

Item 15.3, GPA 1042 (SWAP)

Concur with staff recommendation to deny initiation. As noted in the staff report, the proposed commercial use of this 37-acre site is inconsistent with the vision and surrounding area, and no new circumstances justify new commercial in this location. Furthermore, the site falls within a portion of an MSHCP Criteria Cell needed to establish habitat connectivity, and the proposed intensification may conflict with the MSHCP.

Item 15.4, GPA 946 (Winchester)

Disagree with applicant's original proposal and with staff's modified recommendation for initiation. To change the designation of this large, 176-acre property from Rural Community to Community Development – or to *facilitate* such future conversion via staff's modified recommendation – are *both* inconsistent with maintaining the current rural policy area. There is also no MSHCP analysis. The larger question is that no absorption study has demonstrated the need for additional Community Development or, even if so, whether this is an optimal location. Indeed, the location appears discontiguous from other development and would represent a piecemeal and disorderly pattern of urbanization that maximizes greenhouse gas emissions.

Item 15.5, GPA 974 (French Valley)

Disagree with staff recommendation to initiate. For unspecified reasons, staff has *reversed* its prior sound recommendation for denial. The proposal would breach a Rural "Community Separator" for the City of Menifee and contribute to a larger group of unnecessary proposed urban conversions. No absorption study based upon existing General Plan capacity justifies additional development.

Item 15.6, GPA 976 (Winchester)

Disagree with staff recommendation to inititate. 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 15.7, GPA 1000 (Southwest Area Plan)

Request additional information. When this 379-acre GPA was before the Planning Commission, the proposal was to convert this rugged and fire-prone rural location to Specific Plan/Community Development. Staff recommended denial due to discontiguity from urban infrastructure and services and because conversion "would be contrary to the existing character and land use pattern in the area." Now, an amended proposal seeks a less dense Agriculture designation, consistent with proposed expansion of the Citrus Vineyard Policy Area. *However, such expansion has not been approved as yet.* GPA initiation may be premature. Should Policy Area expansion *precede* redesignation? What is the proper sequence so as not to prejudice objective Policy Area decision-making, consideration of water supply, etc? Also, if redesignation were approved at this time, what prevents urban conversion under the loophole-ridden Agriculture conversion process, especially in the event that Policy Area expansion does not occur? Given the applicant's previous request for far more intense development than

currently allowed, the possibility of an attempt to circumvent the Certainty System via an Agriculture designation warrants consideration.

Item 15.8, GPA 1099 (Southwest Area Plan)

Concur with staff recommendation to decline to initiate. To change this 23-acre site from Rural Community to Community Development Medium Density Residential would create an incompatible "spot zone." Greenhouse gas emissions would increase by placing more residents distant from employment centers. Finally, the thorough staff analysis has conclusively shown that the required findings cannot be met:

> Staff concludes that the applicant's proposed findings are inadequate for the purposes of satisfying the requirements found under Riverside County Ordinance 348, Section 2.6.f relating to General Plan Foundation Component Extraordinary Amendments.

Thank you for considering our views, and we look forward to working with you as the Five-Year Update proceeds.

With best regards,

Dan Silver, MD
Executive Director

Electronic cc: Board Offices
George Johnson
Ron Goldman
Damian Meins
Jerry Jolliffe
Mike Harrod
Katherine Lind
Carolyn Luna
Charles Landry

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: OZ BRATENE

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

City: _____ **Zip:** _____

Phone #: _____

Date: 6-29-10 **Agenda #** 15.2

PLEASE STATE YOUR POSITION BELOW:

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

X **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: ED WRIGHT

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

City: _____ **Zip:** _____

Phone #: _____

Date: 6/29/10 **Agenda #** 15.2

PLEASE STATE YOUR POSITION BELOW:

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

X **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: _____