

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

325B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
June 17, 2010

SUBJECT: GENERAL PLAN AMENDMENT NO. 1099- Foundation-Extraordinary – Applicant: Anza Partners, LLC – Engineer/Representative: Craig Heaps - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum Lot Size) – Location: Northerly of Linda Rosea Road, southerly of Calle Campo, easterly of Danby Road and westerly of Anza Road – 23.43 Gross Acres - Zoning: Residential Agricultural, Five Acre Minimum Lot Size (R-A-5) - **REQUEST:** This General Plan Amendment proposes an Extraordinary Amendment to amend the General Plan Foundation Component of the subject site from Rural Community to Community Development and to amend the Land Use designation of the subject site from Estate Density Residential (RC:EDR) (2 Acre Minimum Lot Size) to Medium High Density Residential (CD:MHDR) (5-8 Dwelling Units per Acre) - APNS: 951-170-009 and 951-170-026

RECOMMENDED MOTION: The Planning Director recommendation that the Board of Supervisors tentatively decline to adopt an order initiating proceedings for General Plan Amendment No. 1099, an Extraordinary Amendment, from Rural Community: Estate Density Residential to Community Development: Medium High 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.

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

Jerry Jolliffe, Deputy Planning Director for,

Jerry Jolliffe

Ron Goldman
Planning Director

(continued on attached page)

Initials:
RG:th *th*

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Stone and duly carried IT WAS ORDERED that the recommended motion be denied, and IT WAS FURTHER ORDERED that an order to initiate proceedings for the above-referenced general plan amendment be tentatively adopted with an acknowledgement that the general plan amendment cannot be approved unless the findings required by the general plan are made.

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: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref.

District: Third

Agenda Number:

15.8

REVIEWED BY EXECUTIVE OFFICE

DATE *6/23/10*
Tina Grande

Departmental Concurrence

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

ATTACHMENTS FILED

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

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

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

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

325 B

DATE: June 9, 2010

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: General Plan Amendment No. 1099

(Charge your time to these case numbers)

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

- | | |
|---|---|
| <input type="checkbox"/> Place on Administrative Action (Receive & File; EOT) | <input type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | **SELECT Advertisement** |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> **SELECT CEQA Determination** |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC) | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input checked="" type="checkbox"/> Place on Section Initiation Proceeding (GPIP) | <input type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided) |
| | Controversial: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

Designate Newspaper used by Planning Department for Notice of Hearing: 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

RMJ
6/17/10

**PLANNING COMMISSION
MINUTE ORDER JUNE 2, 2010
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

- I. AGENDA ITEM 6.1: GENERAL PLAN AMENDMENT NO. 1099** - Foundation-Extraordinary - Applicant: Anza Partners, LLC - Engineer/Representative: Craig Heaps - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum Lot Size) - Location: Northerly of Linda Rosea Road, southerly of Calle Campo, easterly of Danby Road and westerly of Anza Road - 23.43 Gross Acres - Zoning: Residential Agricultural, Five Acre Minimum Lot Size (R-A-5) - **APNs:** 951-170-009 and 951-170-026

II. PROJECT DESCRIPTION

This General Plan Amendment proposes an Extraordinary Amendment to amend the General Plan Foundation Component of the subject site from Rural Community to Community Development and to amend the Land Use designation of the subject site from Estate Density Residential (RC:EDR) (2 Acre Minimum Lot Size) to Medium High Density Residential (CD:MHDR) (5-8 Dwelling Units per Acre)

III. MEETING SUMMARY

The following staff presented the subject proposal:

Project Planner: Mike Harrod, Ph: (951) 955-1881 or E-mail mharrod@rctlma.org

The following spoke in favor of the subject proposal:

Paul Peck, Applicant's Representative, 16801 Sendero Del Charro, Riverside, CA 92504

Craig Heaps, Applicant's Representative, 35051 Yucaipa Blvd., Suite C, Yucaipa, CA 92399

The following did not wish to speak, but gave their time to Craig Heaps:

Clair Van Wick, Neighbor

Mike Nagggar, Other Interested Party, 445 South D St., Perris, CA

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.

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.: 6.1
Area Plan: Southwest Area
Zoning District: Rancho California
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: June 2, 2010

General Plan Amendment No. 1099
Applicant: Anza Partners, LLC
Engineer/Representative: Craig Heaps

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 GPA01099 as an Extraordinary General Plan Amendment from Rural Community: Estate Density Residential to Community Development: Medium High Density Residential and the Planning Commission made the comments below. The Planning Director continues to recommend that the Board of Supervisors 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 to tentatively decline to adopt an order initiating proceedings for the proposal. Mr. Roth noted that Anza Road does need road improvements and drainage work and deferred to Transportation and Flood Control on those issues. Mekbib Degaga, Riverside County Flood Control stated that if the case moved forward then the proposal would be reviewed and Flood would comment accordingly. Mr. Degaga also stated that Flood Control may have some issues with the maintenance of a silt basin that may be proposed under the project. Farrah Khorashadi, Riverside County Transportation, stated that there are no current improvement plans for Anza Road. Mr. Roth went on to comment that the proposal is a case of urban density in a rural area and that the proposal, if allowed to move forward, would invite more urbanization. Mr. Roth also commented that the noticing requirements for this area should be expanded from a 600 foot radius to a 1200 foot radius at the time of the public hearings, if applicable.

Commissioner John Snell: Commissioner Snell questioned the direction of the existing flow in the area. The applicant indicated that the current flow runs from north to south. Commissioner Snell also asked for clarification as to how any potential detention basins would benefit Calle Campo which is located directly adjacent to the north end of the subject site. A representative for the case indicated that such basins would in fact address the issues on Anza Road which lies adjacent to the east of the subject site more so than Calle Campo. Mr. Snell also inquired as to whether or not any other portion of Anza Road experiences this type of flooding during rain events. A representative for the case stated that those portions of Anza Road south of the subject site to Highway 79 also experience major flooding issues. The representative also noted that flooding issues are not as severe in the areas north of the subject site. Mr. Snell inquired as to why the applicant had not submitted any information that addressed the proposal's compatibility with the surrounding area. The applicant stated that the issue of compatibility would be addressed in subsequent public hearings if the proposal is allowed to move forward; however, the applicant also noted that his proposal is compatible with wine country and the Citrus Vineyard area.

Commissioner John Petty: Commissioner Petty commented that the Planning Commission had not had many Extraordinary General Plan Amendments come before it with which to compare the present case or against which to judge the applicant's proposed findings. However, Commissioner Petty stated that the applicant had presented a safety issue with the flooding of Anza Road which may qualify the case to be considered as an Extraordinary Amendment. He noted that the threshold for General Plan initiation of proceedings is low, and therefore, the case should be allowed to proceed. Commissioner Petty also commented that the specifics of the case would not be known until a thorough review is completed. Furthermore, Mr. Petty stated that he is interested in the input that the surrounding neighbors may have.

Commissioner Jim Porras: Commissioner Porras stated that the applicant must conduct some form of community outreach as some incompatibility issues exists. Mr. Porras stated that the applicant will have a rather long, expensive road ahead in seeking approval.

Commissioner Jan Zuppardo: No Comments

Agenda Item No.: 6.1
Area Plan: Southwest
Zoning District: Rancho California
Supervisory District: Third
Project Planner: Tamara Harrison
Planning Commission: June 2, 2010

General Plan Amendment No. 1099
Applicant: Anza Partners, LLC
Engineer/Rep.: Craig Heaps

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes an Extraordinary Amendment to amend the General Plan Foundation Component of the subject site from "Rural Community" (RC) to "Community Development" (CD) and to amend the General Plan Land Use designation of the subject site from "Estate Density Residential" (EDR) (2 acre minimum lot size) to "Medium High Density Residential" (MHDR) (5-8 du/ac) for an approximately 23.43 acre site. The project is located northerly of Linda Rosea Road, southerly of Calle Campo, westerly of Anza Road and easterly of Danby Road. The subject proposal which is located in the "Rancho California" community within the "Southwest" Area Plan.

POTENTIAL ISSUES OF CONCERN:

The Administration Element of the General Plan states that an Extraordinary Amendment to the General Plan "may be initiated at any time, but must also have extraordinary justification" due to the potential impacts the amendment may have on the General Plan. Riverside County Ordinance No. 348, Section 2.6.f. sets forth the findings that must be made in order to approve an Extraordinary Amendment. The first two findings listed below and any one or more of the subsequent findings would have to be made:

1. The foundation change is based on ample evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan
2. A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, Principles, or Policies. An Extraordinary Amendment must still result in a consistent direction for the subsequent planning period. The condition stimulating such an amendment may involve private properties, public properties or both.
3. An unconstitutional taking of property would occur without the amendment, and the amendment alters the General Plan Foundation Component designation only to the extent necessary to avoid the taking
4. A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan Foundation Component designations in order to protect the public health, safety and welfare
5. A component amendment is required to conform to changes in State or Federal law, or applicable findings of a court of law

6. A component change is required to comply with an update of the Housing Element or change in State Housing Element law
7. A General Plan component amendment is required to significantly expand basic structural employment (such as industrial, agricultural processing, and research and development), excluding retail, service commercial, warehousing, and residential uses not ancillary to the primary employment use
8. A component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the MSHCP and Community Environmental Transportation Acceptability Program (CETAP) programs that are contained in this General Plan, and that could not be accomplished by a lesser change in the General Plan.

The applicant has submitted evidence in support of findings nos. 1, 2, and 4, but has chosen not to submit any information or evidence with respect to findings nos. 3 and 5-8 listed above. This evidence is presented in the attached report entitled, "Foundation Amendment Findings, Anza Mountain Estates," and dated April 20, 2010 and is attached to this report for reference.

The applicant's evidence in support of findings nos. 1, 2, and 4 is summarized below:

- The amendment would enhance the "deficient infrastructure" that currently exists on and around the site. The applicant states that a land use designation that will allow the site to yield more dwelling units will in turn be able to support the improved infrastructure expense.
- The flooding of Anza Road, which lies adjacent to the subject site, during rain events constitutes a compelling emergency condition that can only be rectified by amending the land use vision.
- The flooding of Anza Road during rain events may also be seen as a public emergency as defined by CEQA. Furthermore, generating enough revenue for drainage and other infrastructure improvements will provide added safety to Anza Road and will be "extraordinarily beneficial" to the general public.

The following addresses the adequacy of the applicant's proposed findings in satisfying the mandatory findings set forth in Riverside County Ordinance No. 348, Section 2.6.f. relating to Extraordinary Amendments to the General Plan.

- No substantial evidence has been provided to show that "new conditions or circumstances" are present in the area that would justify the proposed amendment as required by the mandatory findings.
- Periodic flooding within Anza Road where reoccurring seasonal maintenance addresses the flooding conditions does not constitute an unusually compelling condition. Also, an amendment to the General Plan is not the only means for addressing the periodic flooding of Anza Road as various options exist as required by the mandatory findings.
- Anza Road flooding conditions during rainy seasons does not constitute a "natural or man-made disaster or a public emergency" as required by the

mandatory findings since the flooding issue has reoccurred over the years and can be addressed through seasonal maintenance.

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.

RECOMMENDATION:

The Planning Director's recommendation is to tentatively decline to adopt an order initiating proceedings for General Plan Amendment No. 1099 as an Extraordinary Amendment from Rural Community: Estate Density Residential to Community Development: Medium High 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:

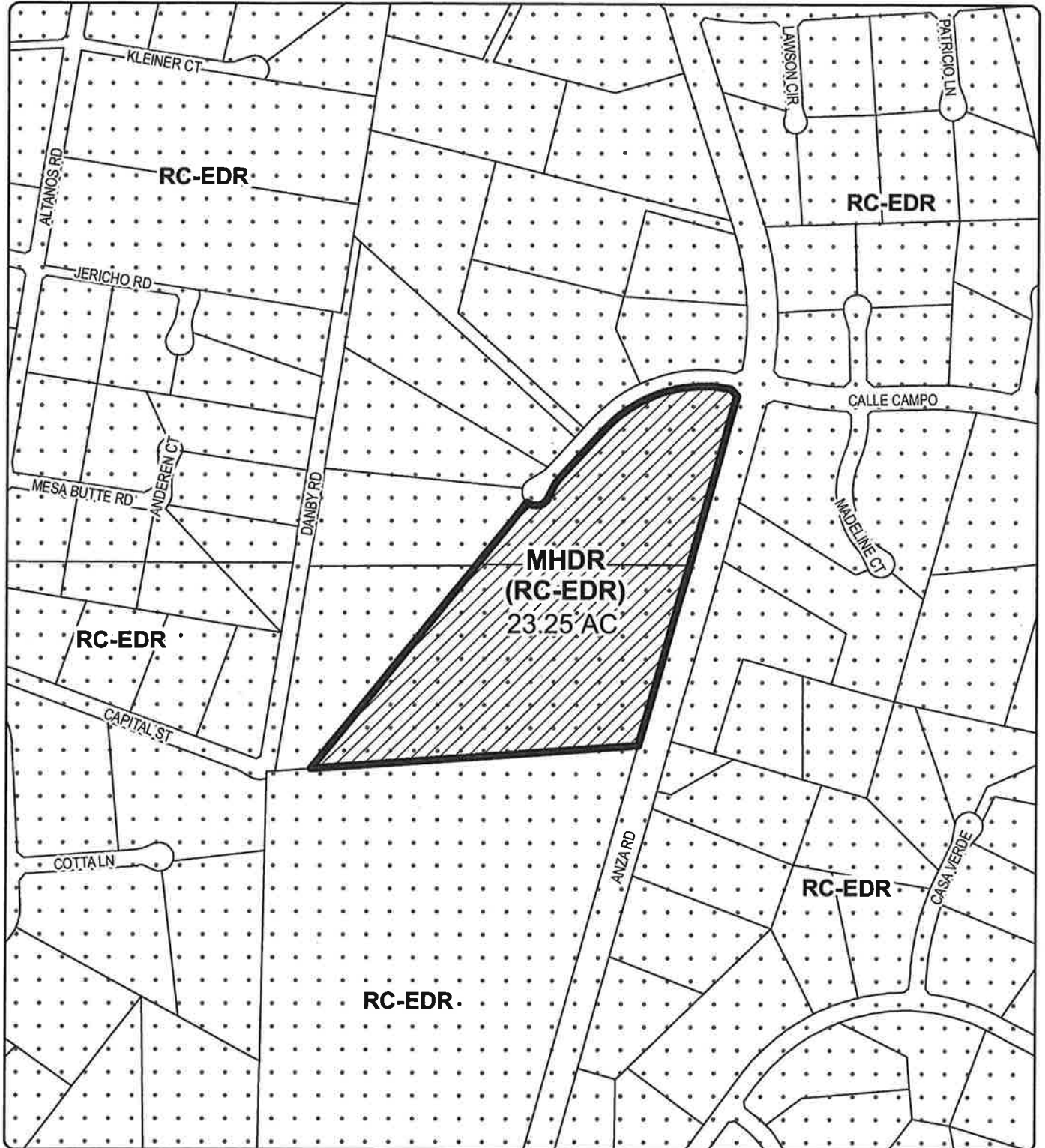
1. This project was filed with the Planning Department on April 22, 2010.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$6,965.26.
3. The project site is currently designated as Assessor's Parcel Numbers: 951-170-009 and 951-170-026.

**RIVERSIDE COUNTY PLANNING DEPARTMENT
GPA01099 - EXTRAORDINARY AMENDMENT**

Supervisor Stone
District: 3

Date Drawn: 5/11/2010
Exhibit 6

PROPOSED GENERAL PLAN



Zoning Area: Rancho California
Township/Range: T7SR2W, T8SR2W
Section: 35, 8

Assessors Bk. Pg. 951-17
Thomas Bros. Pg. 960 B5
Edition 2009

DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.lima.co.riverside.ca.us/index.html>

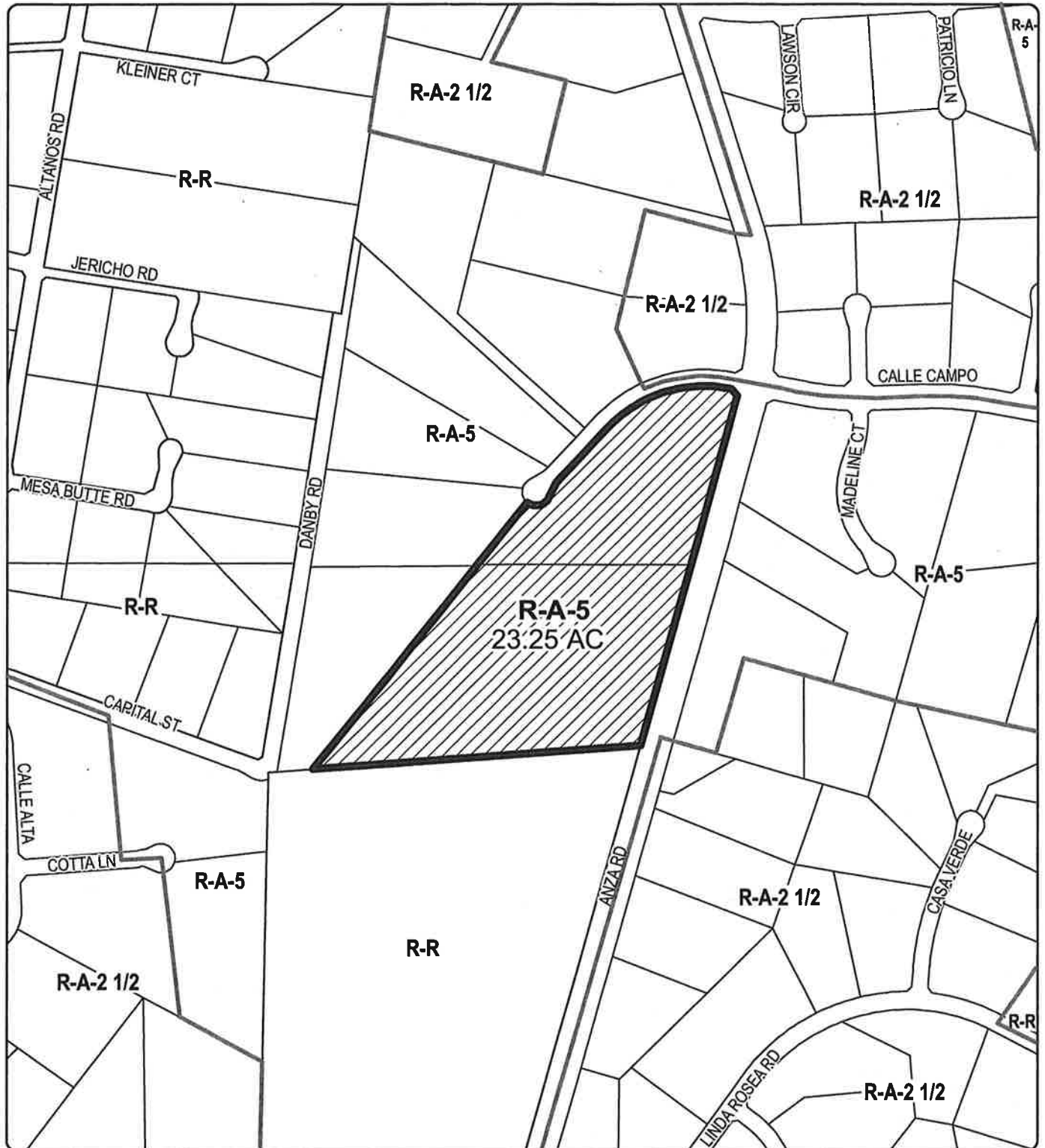


**RIVERSIDE COUNTY PLANNING DEPARTMENT
GPA01099 - EXTRAORDINARY AMENDMENT**

Supervisor Stone
District 3

Date Drawn: 5/11/2010
Exhibit 2

EXISTING ZONING



Zoning Area: Rancho California
Township/Range: T7SR2W, T8SR2W
Section: 35, 8

Assessors Bk. Pg. 951-17
Thomas Bros. Pg. 960 B5
Edition 2009



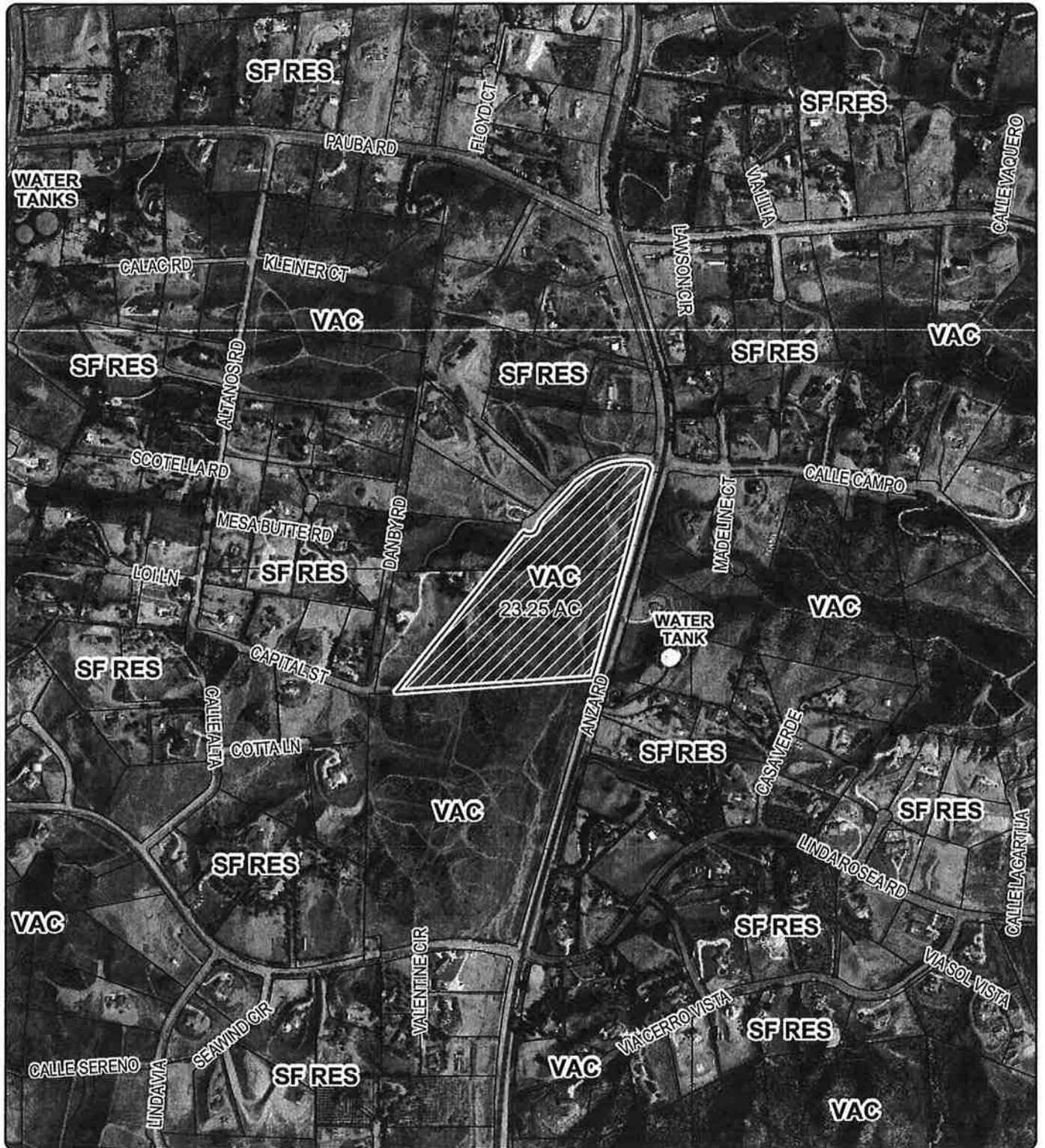
DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.tlma.co.riverside.ca.us/index.html>

**RIVERSIDE COUNTY PLANNING DEPARTMENT
GPA01099 - EXTRAORDINARY AMENDMENT**

Supervisor Stone
District 3

Date Drawn: 5/11/2010
Exhibit 1

LAND USE

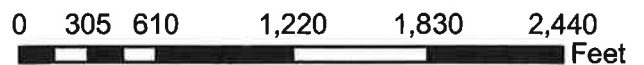


Zoning Area: Rancho California
Township/Range: T7SR2W, T8SR2W
Section: 35, 8

Assessors Bk. Pg. 951-17
Thomas Bros. Pg. 960 B5
Edition 2009



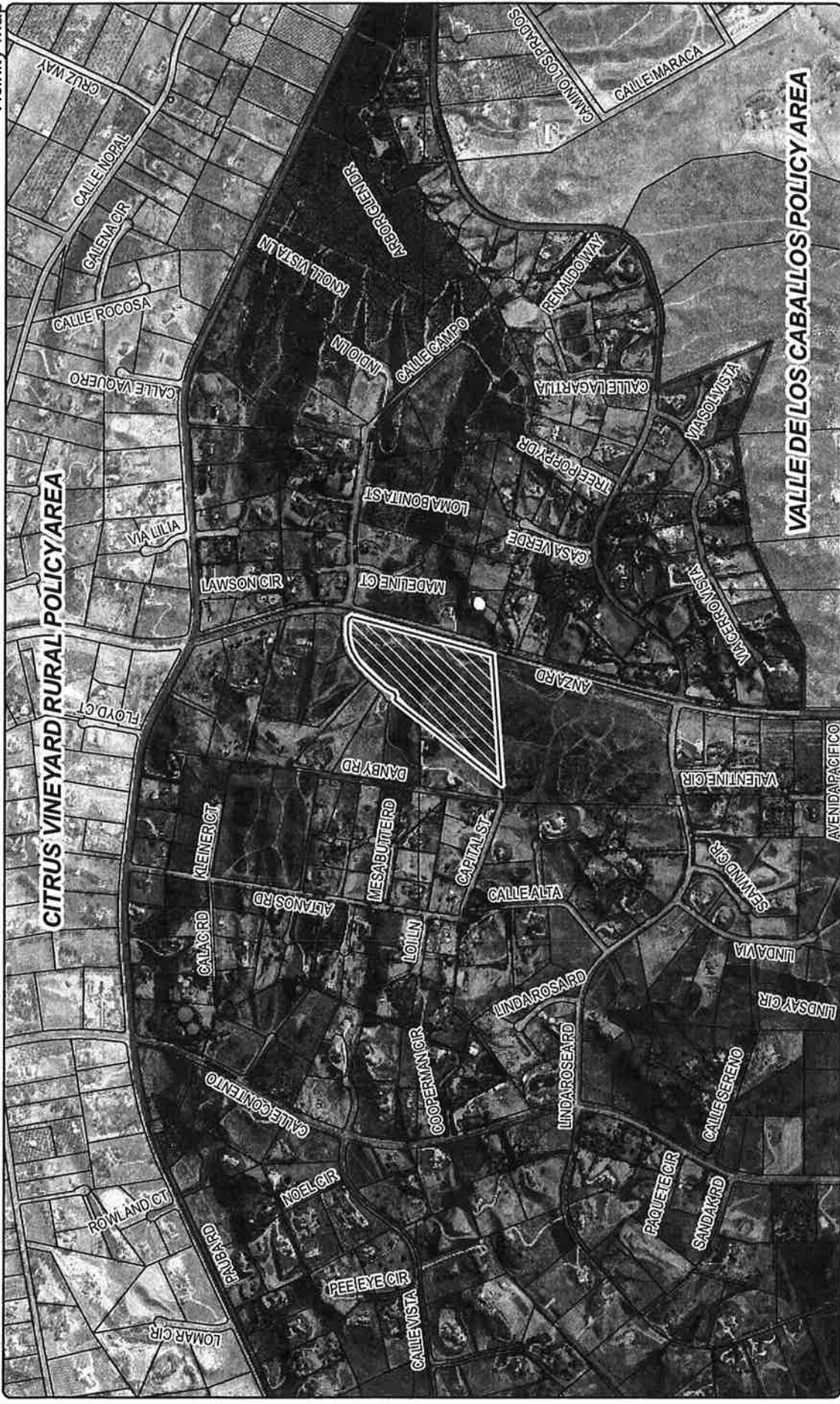
DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.rma.co.riverside.ca.us/index.html>



**RIVERSIDE COUNTY PLANNING DEPARTMENT
GPA01099 - EXTRAORDINARY AMENDMENT
VICINITY/POLICY AREAS**

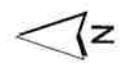
Supervisor Stone
District 3

Date Drawn: 5/11/2010
Vicinity Map



Zoning Area: Rancho California
Township/Range: T7SR2W, T8SR2W
Section: 35, 8

Assessors Bk. Pg. 951-17
Thomas Bros. Pg. 960 B5
Edition 2009



DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.firma.co.riverside.ca.us/indioa.html>

SECTION 2.6. GENERAL PLAN FOUNDATION COMPONENT AMENDMENTS – EXTRAORDINARY.

a. **APPLICABILITY.** This Section shall govern the processing of any Foundation Component Amendment not occurring during the Five-Year General Plan Review Cycle including any General Plan amendment to change:

- (1) The Riverside County Vision;
- (2) The General Planning Principles set forth in General Plan Appendix B;
- (3) A Foundation Component of the General Plan (except for an amendment to change property to or from the Agriculture Foundation Component which shall be processed in accordance with Section 2.7 of this ordinance); or,
- (4) A proposed change to the land use designations established in the Eastern Riverside County Desert Area, not covered by an Area Plan.

b. **INITIATION OF AMENDMENT PROCEEDINGS.** The initiation of proceedings for any amendment pursuant to this Section shall require an order of the Board of Supervisors, adopted by the affirmative vote of not less than a majority of the entire membership of the Board. The Board of Supervisors may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Board initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.

c. **RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS.** Either the Planning Director or the Planning Commission may recommend that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. All such recommendations shall be in writing and shall be submitted to the Clerk of the Board for placement on the agenda of the Board as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

d. **PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS.** The owner of real property, or a person authorized by the owner, shall have the right to request that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in County Ordinance No. 671. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the Clerk of the Board for placement on the Board agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the Clerk of the Board, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

e. **AMENDMENT PROCEEDINGS AND HEARINGS.** After adoption of an order of the Board of Supervisors initiating proceedings for an amendment pursuant to this Section, the amendment shall be processed, heard and decided in accordance with Section 2.1 and Section 2.10 of this ordinance. If the Board adopts orders initiating proceedings for several amendments pursuant to this Section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.

f. **FINDINGS.** A Planning Commission resolution recommending approval of an Extraordinary General Plan Foundation Component Amendment and a Board of Supervisors resolution approving an Extraordinary General Plan Foundation Component Amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:

- (1) The foundation change is based on substantial evidence that new conditions or

circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan. The foregoing requirement for findings shall not apply to any amendment to the Riverside County Vision.

(2) A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, General Planning Principles set forth in General Plan Appendix B, or Foundation Component.

(3) An unconstitutional taking of property might occur without the amendment, and the amendment alters the General Plan Foundation Component only to the extent necessary to avoid the potential taking.

(4) A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan Foundation Component designations in order to protect the public health, safety or welfare.

(5) A Foundation Component Amendment is required to conform to changes in State or Federal law, or applicable findings of a court of law.

(6) An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.

(7) A Foundation Component Amendment is required to significantly expand basic structural employment (such as industrial, agricultural processing, and research and development), excluding retail, service commercial, warehousing, and residential uses not ancillary to the primary employment use.

(8) A Foundation Component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the adopted MSHCP or Community Environmental Transportation Acceptability Program (CETAP) programs that could not be accomplished by a lesser change in the General Plan.

FOUNDATION AMENDMENT FINDINGS

Anza Mountain Estates

April 20, 2010

Summary

Proposed Project:

120-unit Courtyard Senior-only Development, on 23 acres.

Location:

SW corner of Anza Road and Calle Campo, Rancho California Area

Request:

Foundation Amendment from Rural Community (Estate Density Residential – 2 ac. min. lot size) to Community Development (Medium High Density Residential – 5 to 8 d.u. per acre)

Type of Foundation Amendment:

Extraordinary Amendment Event

Project Description

The proposed Anza Mountain Estates project consists of 120 courtyard residential units clustered on the 23-acre site located on Anza Road, approximately 1.5 miles south of Rancho California Road. The development is characterized as luxury senior living, in that the units are age-restricted to 55-year old and over residents, and are designed to satisfy the upper income market for the attached product type. With its wine country location and resort type layout, the project is anticipated to be attractive to those part-time residents living in Southern California for the winter months.

General Plan Land Use Designation

The Riverside County General Plan has organized land use designations in a two-tier structure: General Plan Foundation Components and Area Plan designations. The Foundation Components are divided into broad land use categories: Agriculture, Rural, Rural Community, Open Space, and Community Development. The Foundation Component land use designation for the subject site is Rural Community (see Exhibit 1, page 7). The site is located within the Southwest Area Plan, with an Area Plan designation of Estate Density Residential, 2-acre minimum lot size. In order to implement the proposed Anza Mountain Estates project, an amendment to the General Plan is necessary. The density of the proposed project exceeds five (5) dwelling units per acre, which is not consistent with the densities permitted by any Area Plan designation within the Rural Community Foundation Component. Therefore, the project site will require a Foundation Amendment to Community Development, wherein the High Density Residential Area Plan designation will permit the courtyard type of residential development.

County of Riverside Foundation Amendment

The Foundation Components of the RCIP are the fundamental basis for land management in the County; as a result, any proposed change requires very specific procedures and findings, which are intended to maintain the continuity of the RCIP goals. A Foundation Amendment can occur in two ways: as part of the regular 5-year review period, or as an Extraordinary Amendment Event, which can be initiated at any time. The Anza Mountain Estates project is proposing a Foundation Amendment through the Extraordinary Amendment process, and, as required in the Administrative Element of the RCIP, has provided findings for mandatory parts (a) and (b), and part (d), per the provisions in Section 3, *Foundation Amendment Findings*.

Based on the following information, the project satisfies the required findings for an extraordinary event to support the proposed Foundation Amendment. As required by the RCIP, Foundation Amendment Findings (a), (b) and (d), are provided below:

Foundation Amendment Finding (a):

The foundation change is based on ample evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create internal inconsistency among the elements of the General Plan.

A constant challenge for local governments is the providing of sufficient infrastructure to support community growth. As the primary responsibility for providing development-related facilities falls to the builders, the relationship between land use and infrastructure needs remains inextricably connected. As part of the RCIP Vision Statement, various visions directed at growth and infrastructure issues were developed, some of which include:

- Local infrastructure systems to improve levels of service and the quality of life in existing communities and to support new growth are being installed and expanded, with costs paid by those who benefit directly from these improvements. Cooperative and equitable arrangements to accomplish this continue to be crafted to respond to specific local situations.
- Development occurs only where appropriate and where adequate public facilities and services are available or are provided for at the time of development in accordance with adopted level-of-service standards.

While it's critical that the development of public facilities keep pace with the neighborhood and community growth they are intended to support, local government is limited to the extent it can require individual development projects to provide such facilities. Like other local governments, Riverside County requires that development projects provide public facilities commensurate with the scale of the impact on the facilities by the development. In this way, growth provides for its own infrastructure, without expense to those who are currently in place. However, in some circumstances, public infrastructure is deficient in supporting existing conditions and new development only provides the infrastructure mitigation to which it impacts. As a result, a deficient condition is either corrected by county resources, or it remains as is, until the appropriate areas develop.

Specifically, the Anza Mountain Estates project site is occupied by a drainage course traversing the eastern portion of the site, along Anza Road. In addition, a second drainage course enters the site at the northeast corner, from the east, along Calle Campo. Both drainages are unimproved and are subject to high concentration of sediment in the storm water. As a result, after a storm event, a significant amount of debris is left on the flooded road and renders the flooded stretch of Anza Road inaccessible to nearby residents and emergency vehicles. Exacerbating this flooding condition is the partial development of Tract 32982 at the east end of Calle Campo, where additional debris and storm water run-off reach the same drainage course. Riverside County Transportation Department personnel indicate that the flooding of this segment of Anza Road is subject to flooding with debris-laden flows every year, which require emergency maintenance by

the county. These flows leave up to 3 feet high debris deposits on the road surface, causing a safety hazard for vehicles regularly traveling at speed of 50 MPH in this area.

This is somewhat of a unique condition; where, under wet weather conditions the roadway is flooded and inundated with debris, which is extremely hazardous alone, and secondly, once the storm passes and the floodwater evacuates the area, the wet, slippery silt and mud remain. Drivers approaching the area on a dry roadway at potentially speeds of 50 MPH are suddenly confronted with an unsafe road surface.

In addition to the clear safety concerns, the costs and maintenance efforts are significant. During the course of the clean-up for a single storm event, six to eight county personnel and two to three pieces of equipment are typically needed in emergency maintenance to remove the debris along this section of Anza Road. In the past few years, the cost borne by the county for just sediment removal in this limited section of Anza Road can reach \$35,000 in a single season. Due to the frequent flood events that interrupts traffic on Anza Road and the safety hazard associated with debris accumulation in the road and inaccessibility of emergency services to the region during and after storm events, regional debris-control projects is much needed to improve the accessibility and safety of Anza Road.

The project proposes to construct a debris basin along the easterly boundary of the site and to replace the undersized corrugated metal pipe culvert under Anza Road with one two times the size. The larger culvert will eliminate the flood and debris problem on Anza Road and its intersection with Calle Campo, for 100-year storms. A second culvert would be installed under Calle Campo at the north boundary of the site, which will keep storm water runoff from overflowing Calle Campo. Instead of proposing a basin specifically for the project site of about 25 acres in size, a debris basin with a storage capacity of for the whole tributary area of 755 acres is proposed. This proposed debris basin can serve as the much-needed regional debris-control facility for the southern portion of Anza Road. It will greatly reduce sediment concentration in the storm water downstream of the site, which enhances the flow capacity of the natural water course and reduces or even eliminates clogging on the hydraulic structures in the system. With cleaner water downstream of the project site, the frequency of flood events on Anza Road will be reduced, thereby making Anza Road accessible to residents and emergency vehicles immediately after storm events. Ordinarily, as part of the standard drainage infrastructure requirements, the project would be required to limit downstream flow to its historical rate and to retain the amount added by the new development on site. Thus the 25 acre sized basin noted earlier, and drainage course improvements crossing Calle Campo, adjacent to the site would be required as a condition of development. The oversized basin and culvert under Anza Road would not be constructed by the project, leaving the deficient storm drain facilities in place.

The Foundation Amendment would help improve a deficient infrastructure circumstance, which currently generates a dangerous condition, by providing a land use designation that yields a dwelling unit density that is sufficient to support the added infrastructure expense. While the circumstance of the flooding of Anza Road occurs each rainy

season, this information was not included as part of the General Plan Update process, which is understandable due to the broad level of review commensurate with the General Plan and the localized nature of the flooding problem. However, that is part of the amendment process, where more detailed information comes to be known in the due course of development that may affect the organization of the land uses.

Foundation Amendment Finding (b):

A condition or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, Principles, or Policies. An Extraordinary Amendment must still result in a consistent direction for the subsequent planning period. The condition stimulating such an amendment may involve private properties, public properties, or both.

Without making a change in the Riverside County land use vision, the unsafe roadway condition which occurs on Anza Road each rainy season will continue. To date, while the County recognizes the need for drainage improvements along this segment of Anza Road, there are no plans for an area-wide capital improvement program for the necessary drainage facilities. The absence of large tracts of land with few owners makes establishing a Community Facilities District unlikely. Because the creation of the CFD requires a two-thirds super-majority vote of the landowners within the district boundaries, it's extremely challenging to gain approval of a property tax increase for a drainage improvement that many might consider to be a county issue. With constraints on revenue received by the county expected to continue for the next several years, it is likely that the current practice of seasonal maintenance will continue, expending valuable revenue and resources year after year. It is both, private as well as public properties that are subject to the condition that stimulates the proposed amendment. The natural drainage course, which contributes the majority of the sediment, traverses private property along the south side of Calle Campo, east of Anza Road. The flooding, of course, occurs on the public roadway, as well as private property.

While the Foundation Amendment is requested for a single project site, consisting of two parcels, totaling 23 acres, it is of sufficient size to stand alone without significantly altering the direction of the county vision for the area. Other than the adjoining 40-acre parcel to the south, which could be included in the amendment, the properties along the Anza Road corridor are subdivided to generally the underlying zoning size requirement. Therefore, with few large parcels remaining in the area, the Foundation Amendment would only be viable in the subject location, producing an enclave of courtyard dwelling units along an Arterial roadway. The parcelized properties throughout the corridor would remain designated Rural Community, maintaining the consistent direction for subsequent planning periods.

The approval of the proposed Foundation Amendment can also be found consistent with other RCIP Vision policies, including those in the Efficient Use of Land, Community Design, Land Use Compatibility, Open Space, and Hillside and Slope sections of the Land Use Element. As well as the Transportation Element policies, in that the traffic

generated by the 120-unit senior development is only slightly greater than a 12-lot subdivision permitted by the current General Plan designation and zoning. Moreover, as a change in the density of the residential land use and not the land use itself, the proposed project can be found to be consistent with the balance of the elements in the General Plan.

Although the compelling “condition or event,” identified here as flooding, could be considered seasonal maintenance since it occurs each rainy season, it should more accurately reflect an emergency condition. Seasonal maintenance tends to more typically describe the activity undertaken prior to the rainy season, where drainage channels and basins are cleaned and repaired in preparation of rain events. In the case of the Anza Road and Calle Campo circumstance, virtually every rain event causes immediate attention from county personnel to clear the road of debris, in what would normally be categorized as an emergency response. Therefore, with an emergency response necessary each time a storm occurs to keep this section of road safe, the condition at this location could certainly be classified as compelling.

Foundation Amendment Finding (d):

A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan Foundation Component designations in order to protect the public health, safety, and welfare.

The California Environmental Quality Act (Sec. 21060.3) defines “emergency” as “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss, of damage to, life, health, property, or essential public services. “Emergency” includes such occurrences as fire, flood, earthquake...” Although its occurrence is less unexpected, the hazardous condition resulting from the yearly flooding of Anza Road should meet the definition of a public emergency. Clearly, immediate action is taken by county maintenance personnel to avoid damage to life, health, and property.

The proposed project represents a unique opportunity for the region. With its location adjacent to the confluence of two drainage courses, and the flexibility of the site to accommodate an increased residential density, a solution to troublesome circumstance is available. An amendment to the Foundation Component, which allows a 23-acre site to provide 120 senior courtyard homes instead of 12 single family residences, generates sufficient revenue to construct the \$401,000 drainage improvements. When completed, the proposed drainage improvements significantly improve the safety of and accessibility to Anza Road, which are indeed extraordinarily beneficial to the residents of the project’s vicinity as well as the general public for the whole region.

Exhibit 1

Vicinity Map

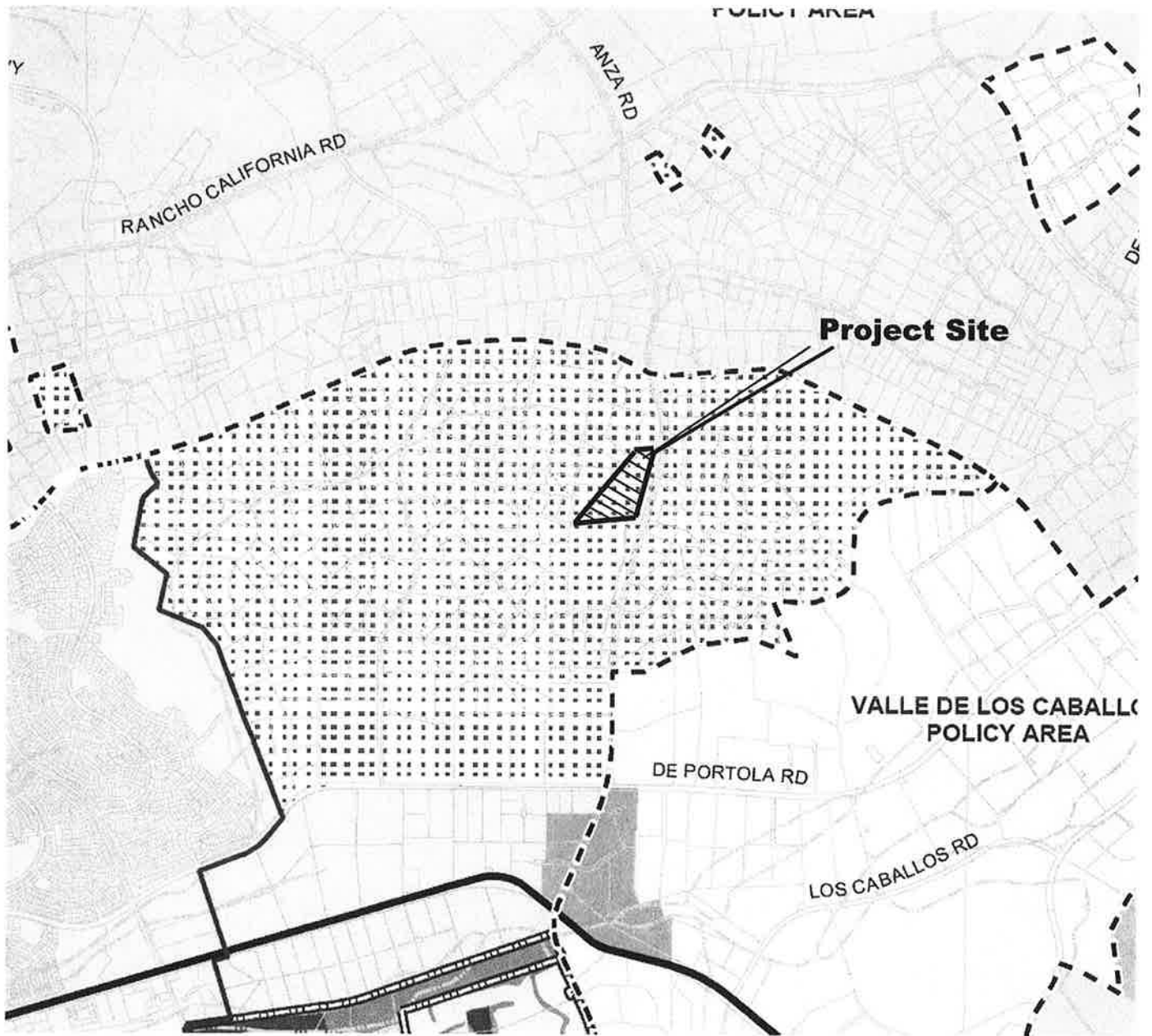
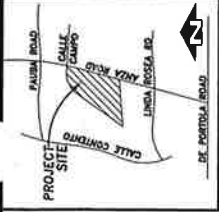
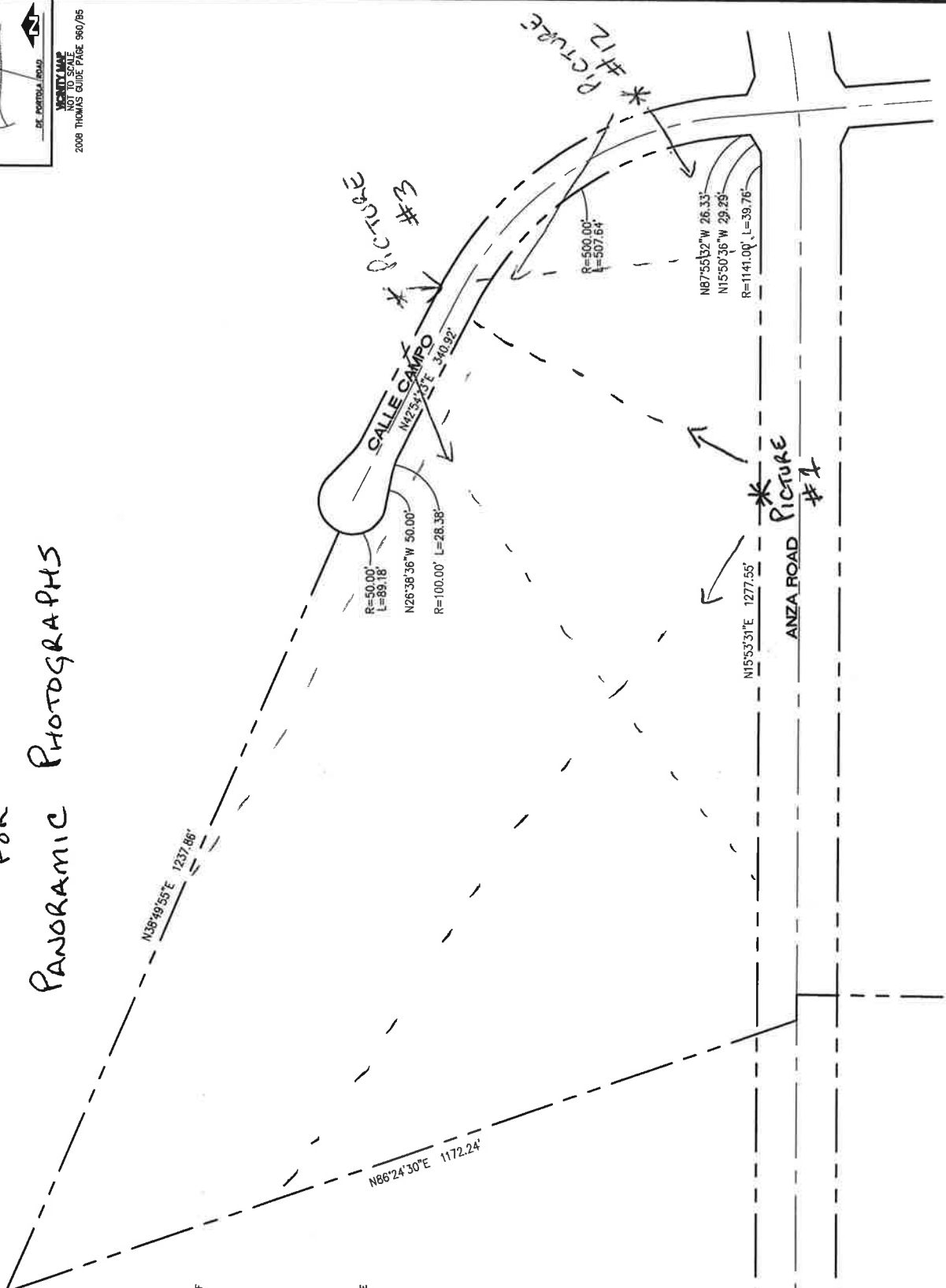


EXHIBIT 'A'
SITE PLAN

LOCATIONAL MAP
FOR
PANORAMIC PHOTOGRAPHS



NOT TO SCALE
2008 THOMAS GUIDE PAGE 980/95



LEGAL DESCRIPTION
PARCEL 24 OF PARCEL MAP NO. 35-1, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 33, PAGE(S) 72 THROUGH 77, INCLUSIVE OF PLAT MAP 35-1, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 951-170-009, 951-170-028

PROPERTY SIZE: 23.43 ACRES

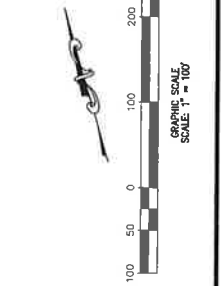
EXISTING GENERAL PLAN: RURAL COMMUNITY

PROPOSED GENERAL PLAN AMENDMENT DESCRIPTION: FOUNDATION AMENDMENT FROM RURAL COMMUNITY (ESTATE DENSITY RESIDENTIAL - 2 AC. MIN. LOT SIZE) TO COMMUNITY DEVELOPMENT (MEDIUM HIGH DENSITY RESIDENTIAL - 5 TO 8 DU PER ACRE)

OWNER: AURA SPANTE, ANZA PARTNERS, LLC, 18775 HOMBRE LANE, MURRIETA, CA 92582, (951) 200-3300

OWNER: JUAN CARLOS ROTELINI, 10000 WILSON AVENUE, SUITE 100, TEMECULA, CA 92591, (951) 691-3735

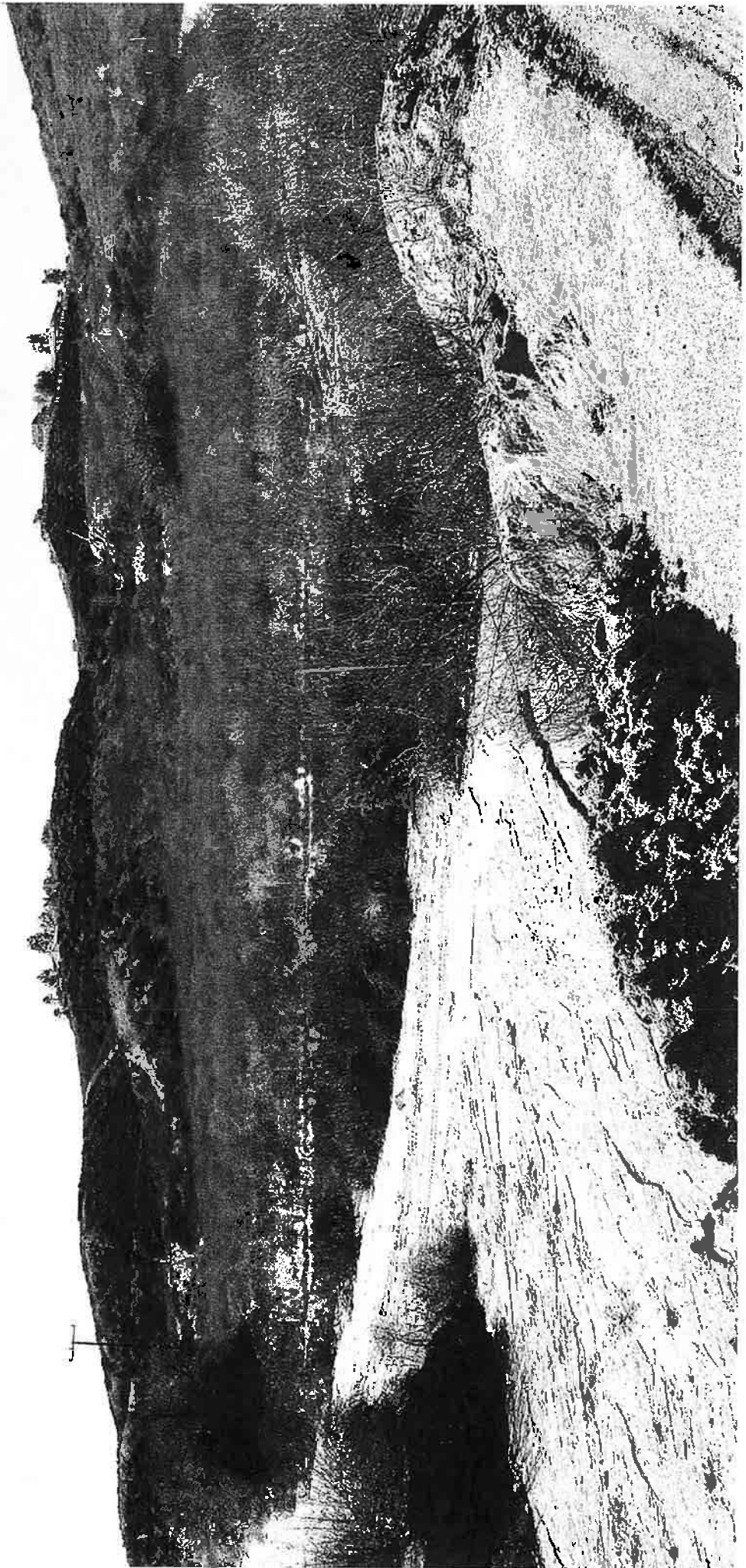
MAP PREPARER: MANGO DESIGN CONSULTANTS, 35051 YUCAIPA BLVD., SUITE C, (951) 790-3579



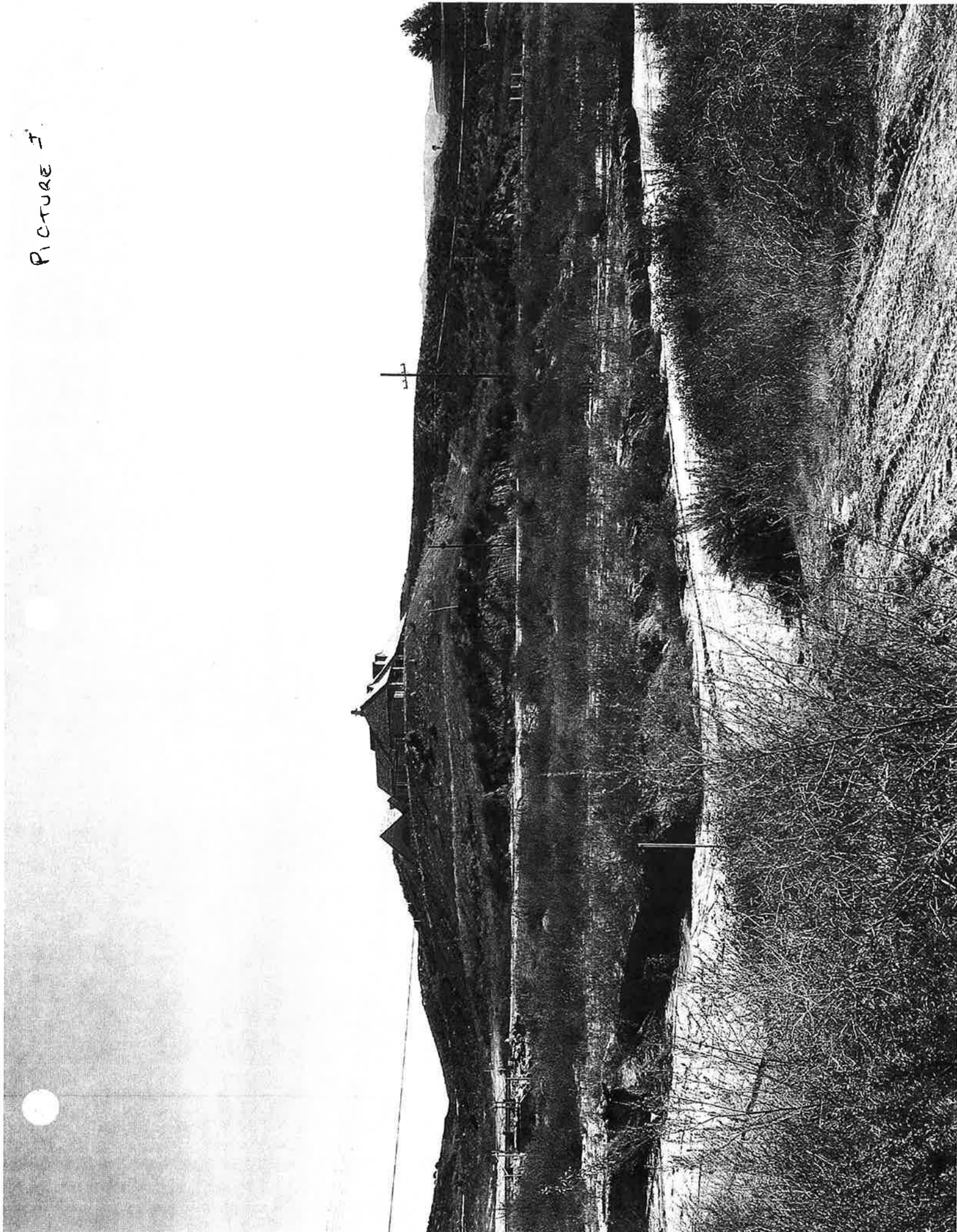
PICTURE #1

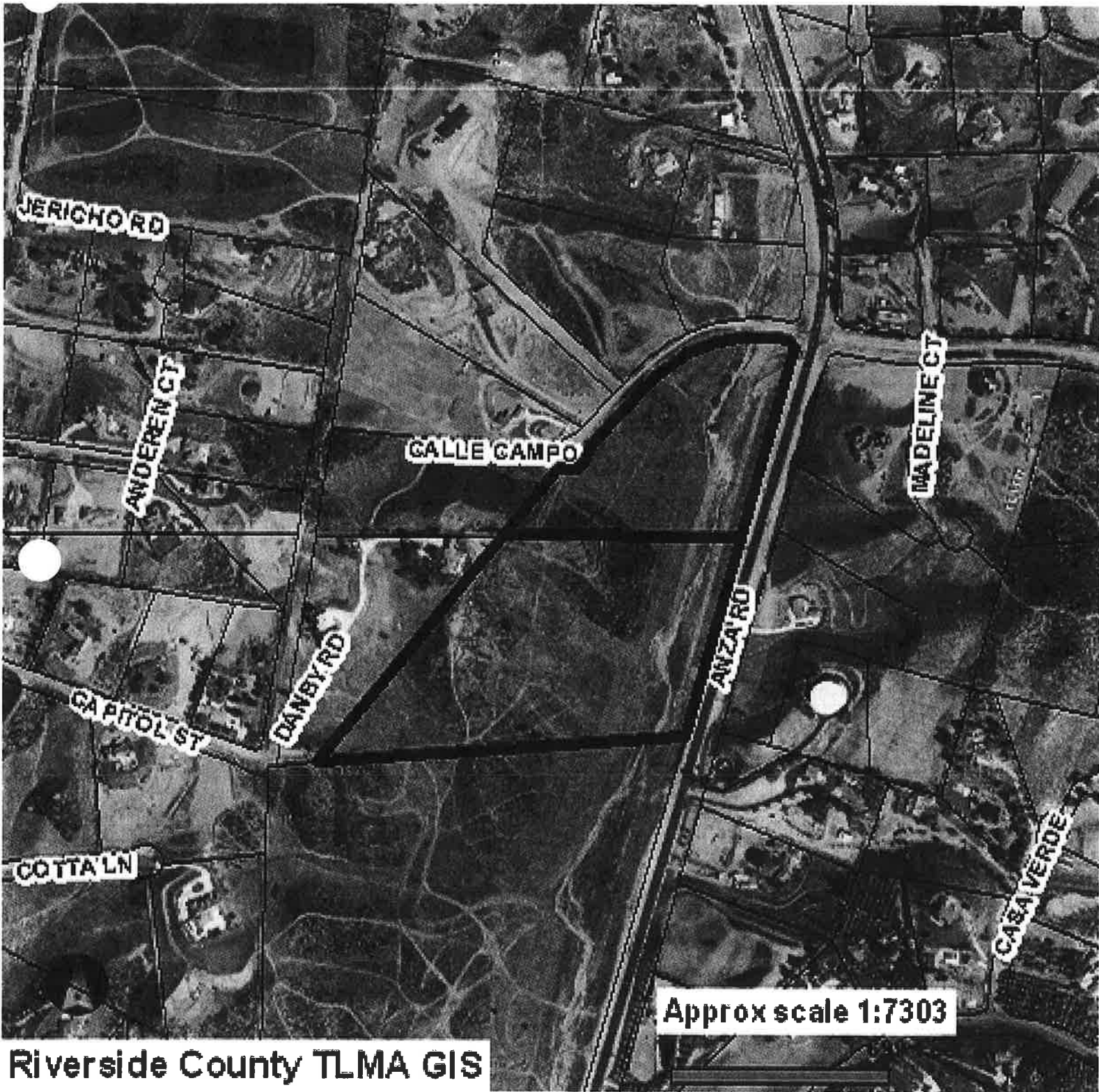


PICTURE #

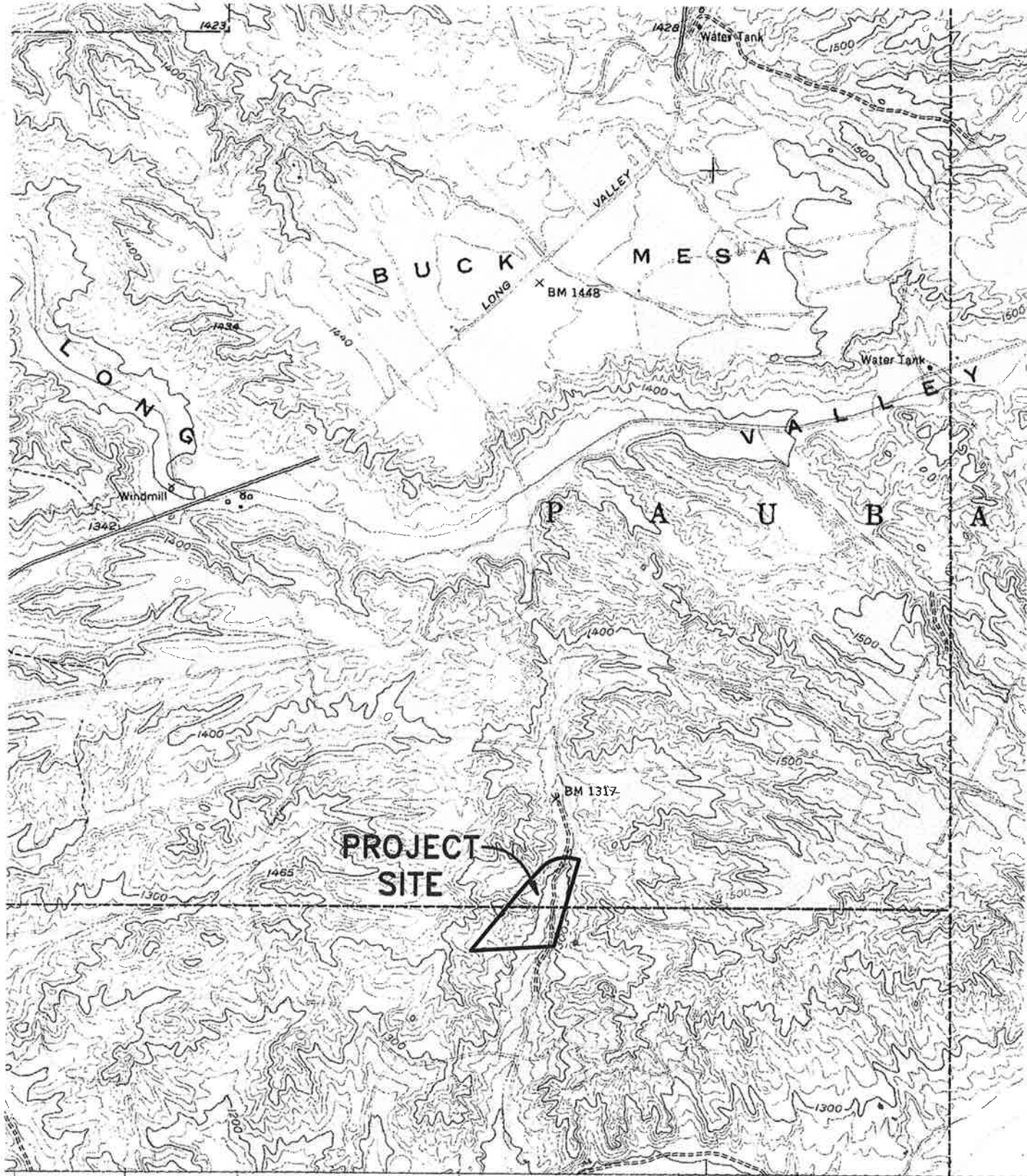


PICTURE I.





Riverside County TLMA GIS



493 (PECHANGA) 2550 1 NE 495 2'30" R 2 W 1.5 MI. TO CALIF. 71



SECTION 35
T7S R2W
SCALE: 1"=2000'

USGS
BACHELOR MTN.
QUADRANGLE

Juan Carlos Rotellini
40335 Winchester Road
Temecula, CA 92591
GPA1099-Owner

Anza Partners, LLC
18775 Hombre Lane
Murrieta, CA 92562
GPA1099-Applicant

Craig Heaps
35051 Yucaipa Boulevard, Suite C
Yucaipa, CA 92399
GPA1099-Engineer

Juan Carlos Rotellini
40335 Winchester Road
Temecula, CA 92591
GPA1099-Owner

Anza Partners, LLC
18775 Hombre Lane
Murrieta, CA 92562
GPA1099-Applicant

Craig Heaps
35051 Yucaipa Boulevard, Suite C
Yucaipa, CA 92399
GPA1099-Engineer

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 Giaidini)
Chairman Marion Ashley (ATTN: Darcy Kuenzi)

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

RE: Agenda Item 15, June 29, 2010

PAGES: 4 (including cover)

RECEIVED JUN 28 11 51 AM
U129110 15.8

2010-06-10 541

ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



June 27, 2010

VIA FACSIMILE 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 initiate. 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

MEMORANDUM



RIVERSIDE COUNTY COUNSEL

January 6, 2010

TO: Honorable Jeff Stone, Supervisor for the Third District

FROM: David H. K. Huff
Deputy County Counsel

RE: Anza Mountain Estates – Proposed Findings in Support of Extraordinary
Amendment to Foundation Component of Riverside County General Plan

We have recently been advised that the applicant for the above-referenced matter seeks to build a luxury senior living project involving units that are age-restricted to 55 years and older and which will require an extraordinary foundation change to the Riverside County General Plan. Our office has been asked to review the proposed findings which have been prepared by the project applicant to determine their adequacy for the purpose of satisfying the requirements under Riverside County Ordinance No. 348, Section 2.6 relating to General Plan Foundation Component extraordinary amendments. Consequently, we provide the following legal analysis with regard to the proposed findings that have been submitted for review:

ISSUE: Do the proposed findings satisfy the requirements under Riverside County Ordinance No. 348, Section 2.6.f. relating to General Plan Foundation Component extraordinary amendments?

SHORT ANSWER: No

BACKGROUND INFORMATION:

As indicated by the applicant, the proposed Anza Mountain Estates project consists of 120 courtyard residential units clustered on a 23-acre site located on Anza Road, approximately 1.5 miles south of Rancho California road. The development is described as luxury senior living involving units that are age-restricted to 55 years and older residents and are designed to satisfy the upper income market demographic. The project applicant anticipates that the development will be attractive to part-time residents living in Southern California for the winter months given the area's wine-country location and resort-type layout.

The Foundation Component land use designation under the Riverside County General Plan for the existing project site is Rural Community with an Area Plan designation of Estate Density Residential, 2 acre minimum lot size. The proposed project exceeds five (5) dwelling units per acre, which is not consistent with the densities permitted by any Area Plan designation within the Rural Community Foundation Component. As a result, an amendment to the General Plan is required to change the Foundation Component land use designation from Rural Community to Community Development which would then allow the proposed project density that exceeds five

(5) dwelling units per acre. The proposed project requires an "Extraordinary" Foundation Component amendment since the timing of the proposal falls between the regular 5-year review period cycle.

ANALYSIS:

The mandatory findings requirements relating to "Extraordinary" amendments to a General Plan Foundation Component are found in Riverside County Ordinance No. 348, Section 2.6.f.. The Applicant has submitted evidence in support of findings nos. 1, 2 and 4 but has chosen not to submit any information or evidence with respect to findings nos. 3 and 5-8. The relevant findings provide as follows:

"f. FINDINGS. A Planning Commission resolution recommending approval of an Extraordinary General Plan Foundation Component Amendment and a Board of Supervisors resolution approving an Extraordinary General Plan Foundation Component Amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:

(1) The foundation change is based on substantial evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan. The foregoing requirement for findings shall not apply to any amendment to the Riverside County Vision.

(2) A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, General Planning Principles set forth in General Plan Appendix B, or Foundation Component.

(3) Omitted – no evidence provided by applicant on this finding.

(4) A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan Foundation Component designations in order to protect the public health, safety or welfare.

(5) Omitted – no evidence provided by applicant on this finding.

(6) Omitted – no evidence provided by applicant on this finding.

(7) Omitted – no evidence provided by applicant on this finding.

(8) Omitted – no evidence provided by applicant on this finding."

A. Extraordinary Finding f. (1)

The first proposed finding that the applicant must satisfy to support the amendment is ^{THAT IS} "based on substantial evidence that **new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create internal inconsistency among the elements of the General Plan.**" (emphasis added) ①

In support of such finding, the applicant indicates that the subject project site and surrounding local area lacks sufficient public facilities and infrastructure with regard to prevention of periodic flooding and debris-laden flows that negatively impact a segment of Anza Road. The applicant indicates that such negative impacts occur where “after a storm event, a significant amount of debris is left on the flooded road and renders the flooded stretch of Anza Road inaccessible to nearby residents and emergency vehicles.” Significantly, the applicant states that “Riverside County Transportation Department personnel indicate that the flooding of this segment of Anza Road is **subject to flooding with debris-laden flows every year**, which require emergency maintenance by the county.” (emphasis added) Moreover, the applicant also states “**in the past few years**, the cost borne by the county for just sediment removal in this limited section of Anza Road can reach \$35,000 in a single season.” (emphasis added)

As indicated by the applicant’s own language, the problems associated with flooding along the segment of Anza Road in question appear to be long-standing and chronic in nature given the negative impacts caused by periodic flood events taking place over the years. As a result, the applicant has failed to demonstrate the “new conditions or circumstances” necessary to meet the mandatory findings requirement found in Riverside County Ordinance No. 348, Section 2.6.f.(1)

B. Extraordinary Finding f. (2)

The second proposed finding that the applicant must satisfy to support the amendment is “**a condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, General Planning Principles set forth in General Plan Appendix B, or Foundation Component.**” (emphasis added) (2)

In support of such finding, the applicant contends that “without making a change in the Riverside County land use vision, the unsafe roadway **condition which occurs on Anza Road each rainy season** will continue” (emphasis added) and that this constitutes an unusually compelling condition. The applicant also indicates that “while the County recognizes the need for drainage improvements along this segment of Anza Road, there are **no plans for an area-wide capital improvements program** for the necessary drainage facilities.” (emphasis added) Significantly, the applicant states that “with constraints on revenue received by the county expected to continue for the next several years, **it is likely that the current practice of seasonal maintenance will continue**, expending valuable revenue and resources year after year.” (emphasis added)

Based on what the applicant has stated with respect to this finding, it does not appear that the noted periodic flooding conditions taking place on Anza Road each rainy season constitute an unusually compelling condition. This is especially the case where a practice of regular ongoing seasonal maintenance exists to address such periodic flooding conditions. Moreover, it does not appear that the periodic flooding conditions occurring along this segment of Anza Road can only be rectified by a Foundation Component change where other options may exist to address such conditions. For example, the County is not precluded from developing plans for a capital improvements program that would include the subject site. Nor is the County prevented from installing limited additional public facilities and infrastructure that would address the immediate area of the subject project site and that may entail creation of a Community Facilities District to finance the costs of such improvements. As a result, the applicant has failed to demonstrate the “new conditions or circumstances” necessary to meet the mandatory findings requirement found in Riverside County Ordinance No. 348, Section 2.6.f.(2).

C. Extraordinary Finding f. (4)

The third proposed finding that the applicant has selected and which must be satisfied to support the amendment is **"a natural or man-made disaster or public emergency has occurred that warrants a change in General Plan Foundation/Component designations in order to protect the public health, safety or welfare."** (emphasis added) 3

In support of such finding, the applicant indicates that **"although its impact occurs in a limited area, the hazardous condition resulting from yearly flooding** of Anza Road is nonetheless a public emergency." (emphasis added) The applicant also goes on to indicate that the proposed project is beneficial where "a solution to **troublesome circumstances** is available" due to the project's ability to generate sufficient revenue to construct the \$401,000 drainage improvements." Finally, the applicant states "the proposed drainage improvements **significantly improve the safety and accessibility to Anza Road**, which are indeed extraordinarily beneficial to the residents of the project's vicinity as well as the general public for the whole region." (emphasis added)

Based on what the applicant has stated with respect to this finding and as indicated elsewhere in the applicant's findings material, it does not appear that the noted periodic flooding conditions taking place on Anza Road each rainy season constitute "a natural or man-made disaster or public emergency." It is apparent from the background information furnished by the applicant that the problems associated with flooding along the segment of Anza Road in question appear to be long-standing and chronic in nature given the negative impacts caused by periodic flood events taking place over the years. The County's response involves a practice of regular ongoing seasonal maintenance developed to address such periodic flooding conditions. Based on the foregoing, it does not appear that such ongoing periodic conditions qualify as either a "disaster" or as an "emergency" as required by the mandatory findings requirement found in Riverside County Ordinance No. 348, Section 2.6.f.(4).

CONCLUSION:

Based on the review contained herein, the proposed findings prepared by the project applicant are inadequate for the purpose of satisfying the requirements under Riverside County Ordinance No. 348, Section 2.6.f relating to General Plan Foundation Component extraordinary amendments.

If you have any questions concerning this matter, please do not hesitate to contact me.

cc: Ron Goldman
Olivia Barnes
Katherine Lind
Karin Watts-Bazan

**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: CRAIG HEAPS

Address: 35051 YUCAIPA BLVD, # C
(only if follow-up mail response requested)

City: YUCAIPA **Zip:** 92399

Phone #: 909-790-3579

Date: 6-29-10 **Agenda #** 15.8

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: COREY FINNIE

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

City: Murrieta **Zip:** 92562

Phone #: 951-200-3300

Date: 29 June 2010 **Agenda #** 15-8

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: Craig Heaps

Did Not Speak

**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: PAUL PECK

Address: 16801 SENDERO DEL CHARRO
(only if follow-up mail response requested)

City: RIVERSIDE **Zip:** 92504

Phone #: 951.780.5404

Date: 6/29/10 **Agenda #** 15.8

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: _____