

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

604



FROM: TLMA – Planning Department

SUBMITTAL DATE:
April 28, 2016

SUBJECT: GENERAL PLAN AMENDMENT NO. 920 – Applicant: Redhawk Investments – Third Supervisorial District – Rancho California Zoning District – Southwest Area Plan: Rural: Rural Residential (R:RR) – 72.12 Acres – Location: easterly of Anza Road, southerly of Santa Rita Road, westerly of Los Caballos Road - Zoning: R-R and R-A-10 – REQUEST: The General Plan Amendment (Foundation & Entitlement/Policy Amendment) – Proposes to amend the project site's General Plan Foundation Component from Rural (R) to Community Development (CD). It also proposes to amend the site's Land Use Designation from Rural Residential (RR) (5-Acre Minimum) and Rural Mountainous (RM) (10-acre minimum) to Medium Density Residential (MDR) (2-5 Dwelling Units Per Acre) [100% DBF funds ongoing]

Departmental Concurrence

Steve Weiss

Steve Weiss, AICP
Planning Director

Juan C. Perez

Juan C. Perez
TLMA Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:

Tina Grande
Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended to adopt an order initiating the proceedings to allow further review.

Ayes: Jeffries, Tavaglione, Benoit and Ashley
Nays: None
Absent: None
Abstain: Washington
Date: May 17, 2016
xc: Planning, Applicant

Kecia Harper-Ihem
Clerk of the Board

By: *Kecia Harper-Ihem*

Deputy

Prev. Agn. Ref.:

District:3

Agenda Number:

15-1

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

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: GENERAL PLAN AMENDMENT NO. 920**

DATE: April 28, 2016

PAGE: Page 2 of 3

RECOMMENDED MOTIONS: That the Board of Supervisors:

The Planning Director recommends that the Board of Supervisors adopt an order initiating proceedings for General Plan Amendment No. 920 to allow further review by staff. The initiation of proceedings by the Board of Supervisors for the proposed amendment shall not imply the amendment will be approved.

BACKGROUND:

General Plan Initiation Proceedings ("GPIP")

The initiation of proceedings for General Plan Foundation Component Amendments (FGPA) requires the adoption of an order by the Board of Supervisors. In accordance with section 2.5.d. of Ordinance No. 348, the Planning Director is required to prepare and submit a report and recommendation on the initiation of FGPA applications to the Board of Supervisors. Prior to the submittal to the Board, comments on the applications are requested from the Planning Commission. The Planning Commission's comments are included in the report to the Board. The General Plan Initiation Proceedings do not discuss the details of a proposed project and do not require public hearings before the Planning Commission or the Board of Supervisors. The proceedings are an opportunity early in the development process to discuss potential issues related to the proposed amendment.

If the Board of Supervisors adopts an order initiating proceedings for the proposed amendment, it will thereafter be processed, heard and decided in accordance with all the procedures applicable to a FGPA, including noticed public hearings and compliance with the California Environmental Quality Act (CEQA). The adoption of an order initiating proceedings shall not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings of this application will occur. The Planning Department did notify the applicant by mail of the time, date and place when the Board of Supervisors will consider this GPA initiation request.

GPIP and Litigation

The initiation of GPA No. 920 was brought to the Planning Commission for comments on February 4, 2009. The initiation of GPA No. 920 along with the Planning Commission's comments were brought to the Board of Supervisors for consideration on August 10, 2010. The item was then continued to September 14, 2010, November 6, 2012, and December 11, 2012 where the matter was continued off calendar and the Board of Supervisors took no action on the initiation of GPA No. 920.

On March 11, 2014, the Board of Supervisors approved the Wine Country Community Plan and certified its Environmental Impact Report No. 524. The Wine Country Community Plan established the Temecula Valley Wine Country Policy Area with guiding policies. The subject property of GPA No. 920 was included within the Temecula Valley Wine Country Policy Area. This property is also known as the Redhawk Property. Soon after the approval of the Wine Country Community Plan, Redhawk Petitioners filed an action in the Superior Court of the State of California, Court of Riverside, entitled "*J to the 5th et al. v. County of Riverside*," challenging the approval of the Wine Country Community Plan under multiple legal theories, including inverse condemnation, the California Environmental Quality Act (CEQA), and due process.

On August 31, 2015, without admission of any fault or wrongdoing, the County and Redhawk Petitioners entered into a settlement and release agreement subject to the terms and conditions outlined in the agreement. GPA No. 1157, a County initiated General Plan amendment, carried forward a condition of the settlement. The agreement required the County to process a General Plan amendment that would remove the Redhawk Property from the Temecula Valley Wine Country Policy Area, more specifically that the boundary be revised to exclude the Redhawk Property. On March 29, 2016, as part of Resolution No.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
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2016-098 (First Cycle of General Plan Amendments) the Board of Supervisors adopted GPA No. 1157 removing the Redhawk Property from the Temecula Valley Wine Country Policy Area.

In addition to the processing of GPA No. 1157, the settlement agreement requires the County to finalize the General Plan Initiation Proceedings for GPA No. 920, and agendaize it for the May 17th Board of Supervisors meeting. If the Board of Supervisors orders the initiation of GPA No. 920, GPA No. 920 will continue the land use review process, at the applicant's expense, which includes noticed public hearings and compliance with CEQA. Additionally, if GPA No. 920 is initiated, the County and petitioner in *J to the 5th v. County of Riverside* are then required to enter into a stipulated judgment within two weeks, which would resolve all claims and causes of action in the litigation and terminate it. If the Board of Supervisors elects not to initiate GPA No. 920, the settlement agreement will be terminated or allowed to expire, and the *J to the 5th* lawsuit will likely recommence.

Impact on Citizens and Businesses

If the project is initiated by the Board of Supervisors, the project will go through a public process in which the environmental impacts of the project will be evaluated and public hearings will be held at both at the Planning Commission and the Board of Supervisors.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness


N/A

ATTACHMENTS:

A. STAFF REPORT

Agenda Item No.:
Area Plan: Southwest
Zoning District: Rancho California
Supervisory District: Third
Project Planner: Russell Brady
Board of Supervisors: May 17, 2016

GENERAL PLAN AMENDMENT NO. 920
(Entitlement/Policy and Foundation – Regular
Amendment)
Applicant: Redhawk Investments
Engineer/Representative: Richard Valdez


Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 920 (Foundation & Entitlement/Policy Amendment) – Proposes to amend the project site's General Plan Foundation Component from Rural (R) to Community Development (CD). It also proposes to amend the site's Land Use Designation from Rural Residential (RR) (5-Acre Minimum) and Rural Mountainous (RM) (10-acre minimum) to Medium Density Residential (MDR) (2-5 Dwelling Units Per Acre). The project site totals approximately 72.12 acres and is located easterly of Anza Road, southerly of Santa Rita Road, and westerly of Los Caballos Road, within the Southwest Area Plan.

BACKGROUND:

General Plan Initiation Proceedings ("GPIP")

The initiation of proceedings for General Plan Foundation Component Amendments (FGPA) requires the adoption of an order by the Board of Supervisors. In accordance with section 2.5.d. of Ordinance No. 348, the Planning Director is required to prepare and submit a report and recommendation on the initiation of FGPA applications to the Board of Supervisors. Prior to the submittal to the Board, comments on the applications are requested from the Planning Commission. The Planning Commission's comments are included in the report to the Board. The General Plan Initiation Proceedings do not discuss the details of a proposed project and do not require public hearings before the Planning Commission or the Board of Supervisors. The proceedings are an opportunity early in the development process to discuss potential issues related to the proposed amendment.

If the Board of Supervisors adopts an order initiating proceedings for the proposed amendment, it will thereafter be processed, heard and decided in accordance with all the procedures applicable to a FGPA, including noticed public hearings and compliance with the California Environmental Quality Act (CEQA). The adoption of an order initiating proceedings shall not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings of this application will occur. The Planning Department did notify the applicant by mail of the time, date and place when the Board of Supervisors will consider this GPA initiation request.

GPIP and Litigation

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On March 11, 2014, the Board of Supervisors approved the Wine Country Community Plan and certified its Environmental Impact Report No. 524. The Wine Country Community Plan established the Temecula Valley Wine Country Policy Area with guiding policies. The subject property of GPA No. 920 was included within the Temecula Valley Wine Country Policy Area. This property is also known as the Redhawk Property. Soon after the approval of the Wine Country Community Plan, Redhawk Petitioners filed an action in the Superior Court of the State of California, Court of Riverside, entitled "*J to the 5th et al. v. County of Riverside*," challenging the approval of the Wine Country Community Plan under multiple legal theories, including inverse condemnation, the California Environmental Quality Act (CEQA), and due process.

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In addition to the processing of GPA No. 1157, the settlement agreement requires the County to finalize the General Plan Initiation Proceedings for GPA No. 920. If the Board of Supervisors orders the initiation of GPA No. 920, GPA No. 920 will continue the land use review process, at the applicant's expense, which includes noticed public hearings and compliance with CEQA. Additionally, if GPA No. 920 is initiated, the County and petitioner in *J to the 5th v. County of Riverside* are then required to enter into a stipulated judgment within two weeks, which would resolve all claims and causes of action in the litigation and terminate it. If the Board of Supervisors elects not to initiate GPA No. 920, the settlement agreement will be terminated or allowed to expire, and the *J to the 5th* lawsuit will likely recommence.

POTENTIAL ISSUES OF CONCERN:

The proposed site is located in the "Rancho California" and the "Wolf Valley" communities within the Southwest Area Plan. The site is surrounded by the Rural Residential designation to the north, south, east and west with some Rural Mountainous found to the south as well. The site is surrounded by land use designations found within the Rural Foundation Component; however, there is a progression of Community Development land use designations coming from the south of the subject site.

In 2008, two Foundation Component General Plan Amendment applications, also known as GPA No. 986 and GPA No. 1026, were submitted for property directly to the west of the subject site. These applications were proposing a land use designation of Community Development: Medium Density Residential. GPA No. 986 was subsequently withdrawn by the applicant and GPA No. 1026 was denied primarily due to land use compatibility and infrastructure concerns related to the proposed densities. With GPA No. 986 and GPA No. 1026 no longer in process, the proposed GPA No. 920 would be a relatively isolated higher density amongst rural densities and may not be consistent with the overall vision for the community.

However, a number of residential tracts with similar densities as the proposal have been approved since the adoption of the General Plan in 2003 or are in process in the vicinity of the site. Tract Map (TR) 32813 which lies to the west of the subject site across Anza Road was approved for 59 single-family residential lots on 20.0 acres in 2007 and has recorded. Likewise, TR32227 was approved for 104

single-family residential lots on 60.83 acres in 2007 and also lies west of the subject site across Anza Road but has not recorded yet. TR32778 lies to the southeast of the proposed site and was approved for 44 single-family residential lots on 20.42 acres but has not recorded yet. On the other hand, TR32988 proposed 36 single-family residential lots on 12.91 acres to the east of the subject site across Anza Road but was denied by the Board of Supervisors in 2012.

Additionally, a County fault line transects the northern parcels of the subject site which could potentially create fault hazards; however, as part of the review for TR32227 (Geologic Report No. 1484) no evidence of faulting was found in the area and therefore mitigation measures weren't necessary with TR32227. Development of the subject site would address faulting issues at the project level as well.

PROJECT SITE SUMMARY:

- | | |
|---|--|
| 1. Existing Foundation General Plan Land Use (Ex #6): | Rural (R) |
| 2. Proposed Foundation General Plan Land Use (Ex #6): | Community Development (CD) |
| 3. Existing General Plan Land Use (Ex #6): | Rural Residential (RR) (5-Acre Minimum),
Rural Mountainous (RM) 10-Acre Minimum) |
| 4. Proposed General Plan Land Use (Ex #6): | Medium Density Residential (MDR) (2-5 Dwelling Units Per Acre) |
| 5. Surrounding General Plan Land Use (Ex #6): | Rural Residential (RR) (5-Acre Minimum) to the north, east, south, and west, Rural Mountainous (RM) 10-Acre Minimum to the east and south, Medium Density Residential (MDR) (2-5 Dwelling Units Per Acre) further to the west. |
| 6. Existing Zoning (Ex #2): | Rural Residential (R-R), Residential Agricultural, 10-acre minimum (R-A-10) |
| 7. Proposed Zoning: | N/A |
| 8. Surrounding Zoning (Ex #2): | Residential Agricultural, 20-acre minimum (R-A-20) to the north and east, Wine Country – Equestrian (WC-E) to the east and west, Rural Residential (R-R) to the south, Residential Agricultural, 10-acre minimum (R-A-10) to the south |
| 9. Existing Land Use (Ex #1): | Agriculture |
| 10. Surrounding Land Use (Ex #1): | Water tanks to the south, vacant land to the south, mixture of large lot residential and agriculture to the east, north, and west |
| 11. Project Size (Ex #1): | Total Acreage: 72.12 Acres |

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisors adopt an order initiating proceedings for General Plan Amendment No. 920 to allow further review by staff. The initiation of proceedings by the Board of Supervisors for the proposed amendment shall not imply the amendment will be approved.

INFORMATIONAL ITEMS:

1. A letter from the City of Temecula has been received in opposition to the General Plan Amendment as attached. No other letters in support or opposition have been received.
2. The project site is not located within:
 - a. A MSHCP Criteria Area;
 - b. A Redevelopment Area;
 - c. An Airport Influence Area;
 - d. A City Sphere of Influence;
 - e. Ord. No. 663.10 Stephen's Kangaroo Rat Fee Area;
 - f. An Agricultural Preserve; or
 - g. A Flood Zone.
3. The project site is located within:
 - a. Ord. No. 655 Mount Palomar Lighting Influence Area;
 - b. A County Fault Zone; and
 - c. A Moderate and High Fire Area.
4. The subject site is currently designated as Assessor's Parcel Numbers 966-380-028, 966-380-029, 966-380-030, 966-380-031, and 966-380-032.

RB

Y:\Planning Case Files-Riverside office\GPA00920\GPIP Staff Report.GPA00920.BOS.2016.docx

Date Prepared: 04/19/16

Date Revised: 04/26/16

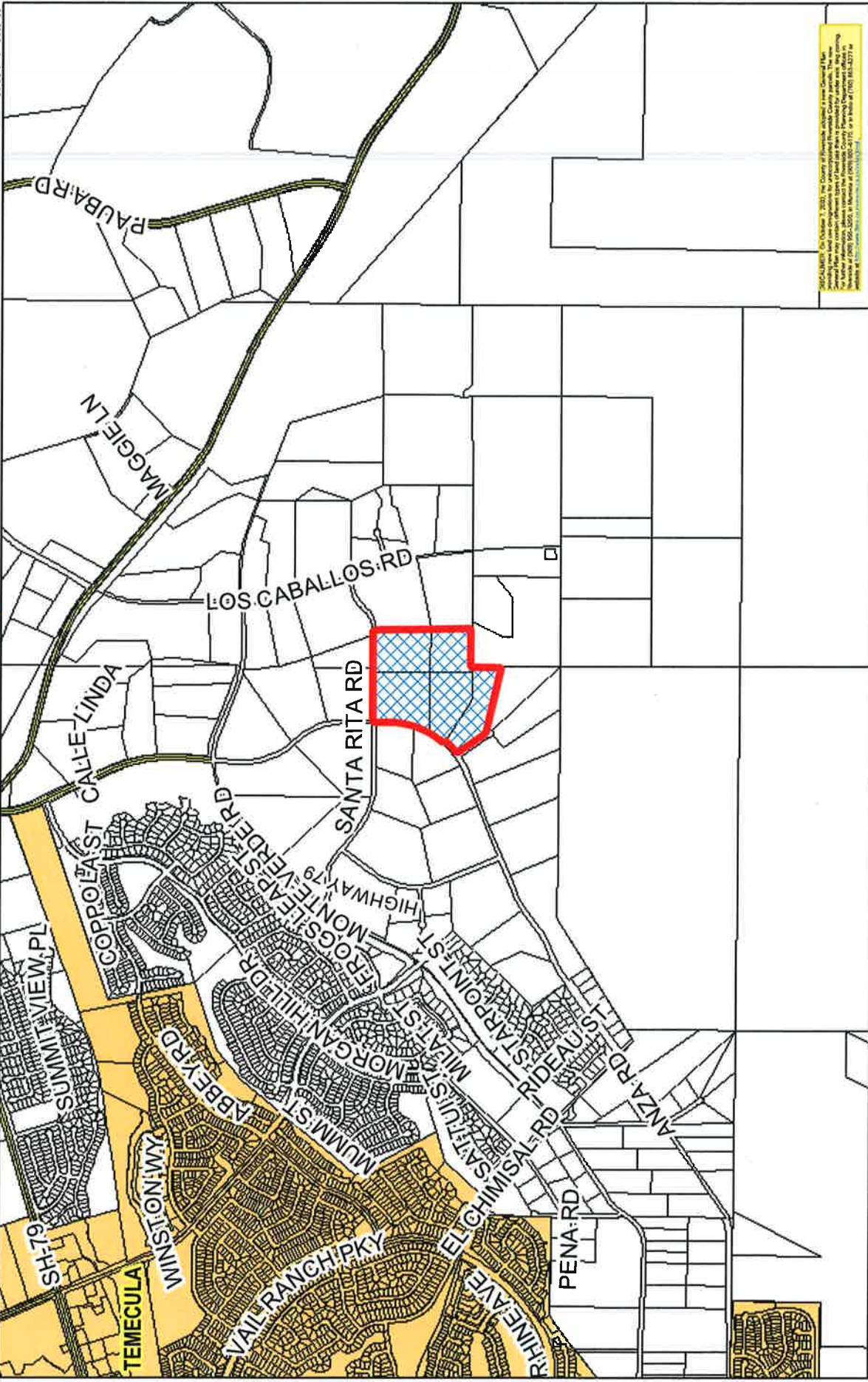
Supervisor Stone
District 3

Date Drawn: 2/20/08

GPA00920

VICINITY MAP

Planner: Amy Aldana
Date: 2/21/08
VICINITY MAP



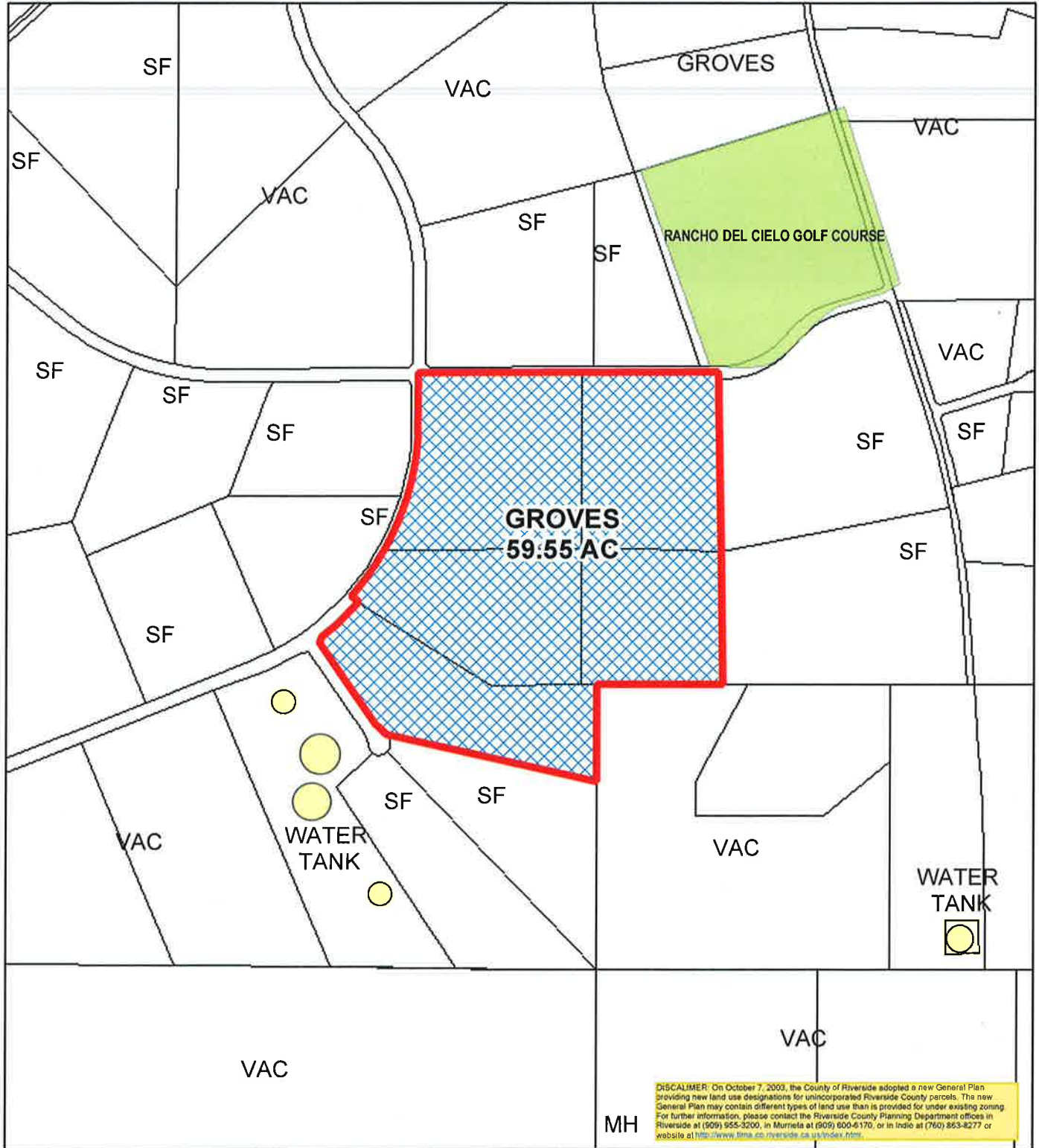
DISCLAIMER: On October 1, 2007, the County of Riverside adopted a new General Map. This map may contain different types of land use designations than the General Map. The County of Riverside is not responsible for any errors or omissions in this map. For more information, please contact the County of Riverside, Planning and Community Development Department, 1000 Main St., Riverside, CA 92501. Telephone: (951) 955-2777. Fax: (951) 955-2778.

Zone Rancho California
 Area: T8SR2W
 Township/Range: T8SR2W
 Section : 23 & 24

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors
 Bk. Pg. 966-38
 Thomas
 Bros. Pg. 980 A3





RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T8SR2W
Section : 23 & 24

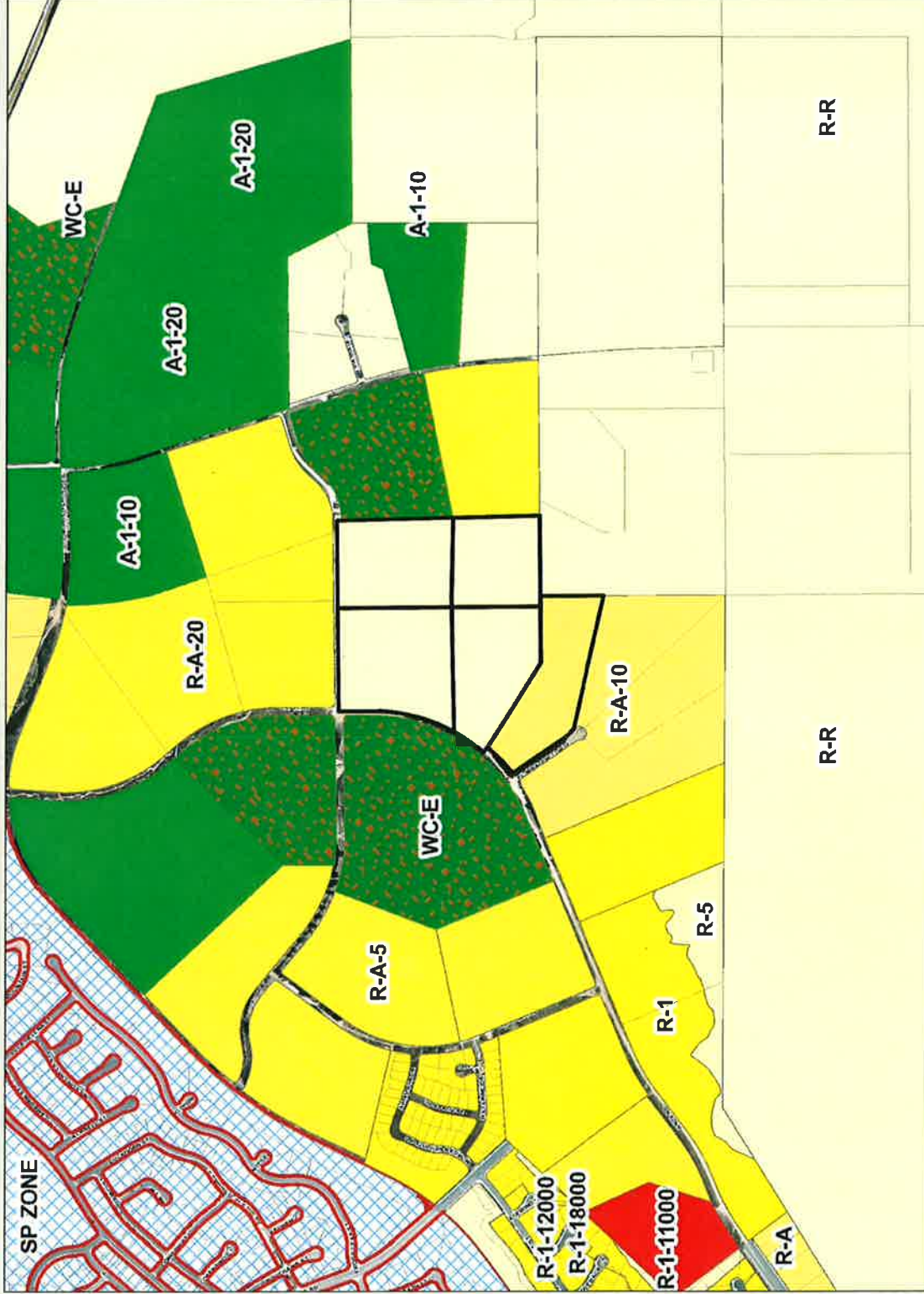


Assessors
Bk. Pg. 966-23
Thomas
Bros. Pg. 980 A3



GPA00920

ZONING Exhibit No. 2



Legend

Display Parcels

Zoning

<all other values>

- A-1
- A-1-1
- A-1-1 1/2
- A-1-1/2
- A-1-10
- A-1-15
- A-1-2
- A-1-2 1/2
- A-1-2 1/4
- A-1-20
- A-1-30000
- A-1-4
- A-1-40
- A-1-5
- A-2
- A-2-1
- A-2-10
- A-2-2
- A-2-2 1/2
- A-2-20
- A-2-5
- A-D
- A-P
- A-P-10

Notes

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

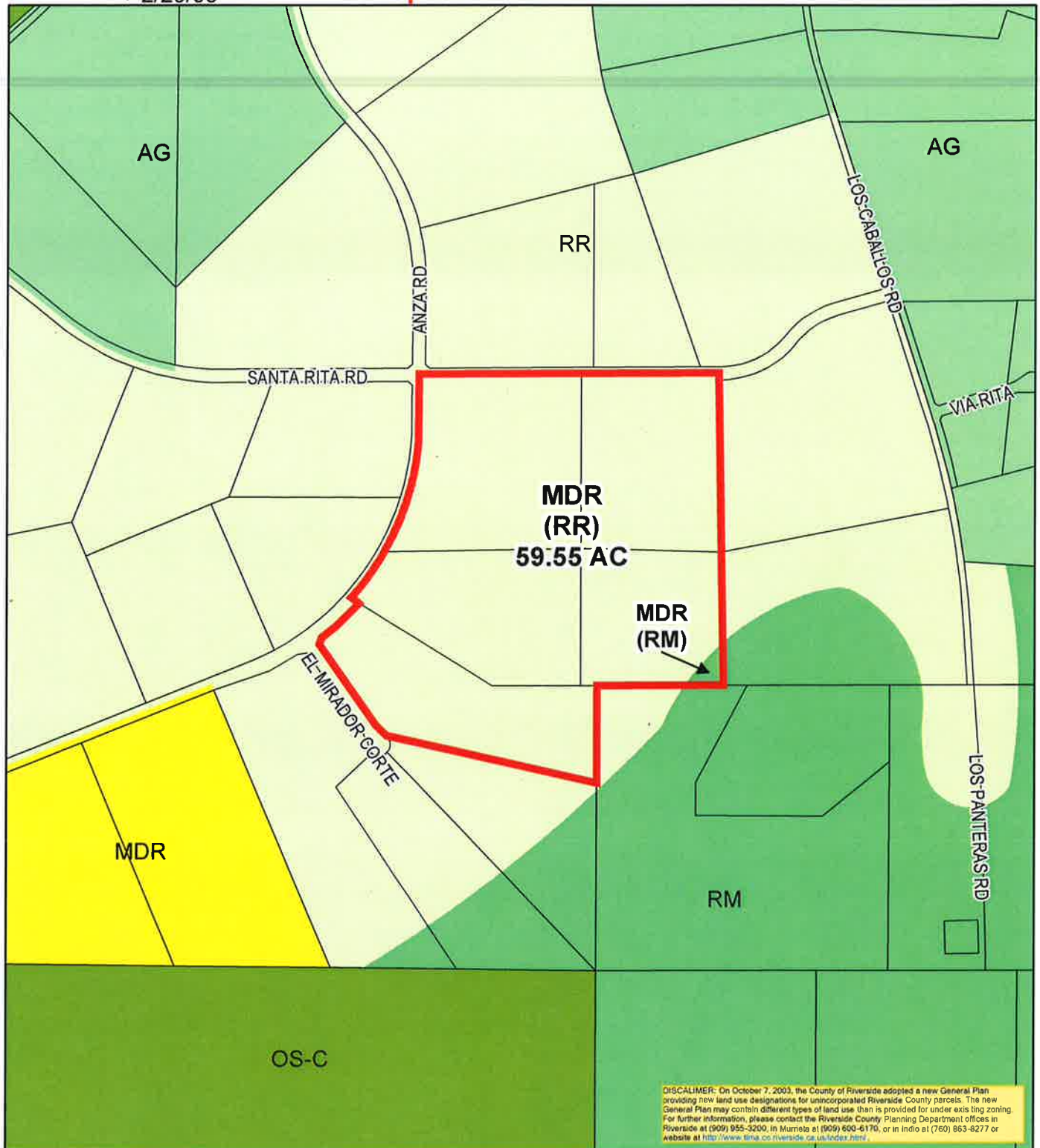
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0 1,315 2,630 Feet

REPORT PRINTED ON.../59/2016 10:02:01 AM

© Riverside County TLMA GIS

Proposed General Plan



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone
Area: Rancho California
Township/Range: T8SR2W
Section : 23 & 24



Assessors
Bk.Pg. 966-38
Thomas
Bros. Pg. 980 A3



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss, AICP
Planning Director

DATE: 5/9/16

TO: Clerk of the Board of Supervisors

FROM: Planning Department – Riverside

SUBJECT: GENERAL PLAN AMENDMENT NO. 920

(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**
 - 10 Day
 - 20 Day
 - 30 day
- **SELECT CEQA Determination**
 - 10 Day
 - 20 Day
 - 30 day
- Notify Property Owners (app/agencies/property owner labels provided)

BOARD OF SUPERVISOR DATE: MAY 17, 2016

**Original
Form 11 - and 1 Board Packet
is at Executive's Office**

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7040

**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
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Ms Miller

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

City: _____ **Zip:** _____

Phone #: _____

Date: _____ **Agenda #** 15-1

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: _____