

Agenda Item No.: 6.1
Area Plan: Lakeview Nuevo
Zoning District: Nuevo
Supervisory District: Fifth
Project Planner: Matt Straite
Planning Commission: February 4, 2009

General Plan Amendment No. 621
Applicant: KB Home
Engineer/Rep.: T&B Planning

COUNTY OF RIVERSIDE PLANNING DEPARTMENT DIRECTOR REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 621 proposes to eliminate the land use designations of Community Development: Medium Density Residential (CD:MDR) (2-5 Dwelling Units per Acre), Open Space – Water (OS-W), and Conservation (OS-C) and would establish a Community Development Specific Plan on the 329.8 gross acre project site. A Specific Plan application (Specific Plan No. 329, “Creekside”) has been filed in conjunction with the General Plan Amendment. The Specific Plan will include designations that would permit a mix of medium density residential development and non-residential uses including recreational and open space uses. A Notice of Preparation for the Environmental Impact report was circulated for public review in August of 2002.

The proposed project is located in the Lakeview/Nuevo area plan, more specifically, southerly of Nuevo Road, easterly of Dunlap Drive, westerly of the San Jacinto River.

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 all GPA applications and submit them to the Board of Supervisors. Prior to the submittal to the Board, comments on the applications will be requested from the Planning Commission, and the Planning Commission comments will be included in the report to the Board. The Board will either approve or disapprove the initiation of the proceedings for the GPA requested in the applications.

The consideration of the initiation of proceedings pursuant to this application by the Planning Commission and the Board of Supervisors will not involve a noticed public hearing. The Planning Department, however, did notify the applicant by mail of the time, date and place when the Planning Commission will 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 of 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. This particular GPA application is an Entitlement/Policy Amendment, under Section 2.4. The project also features small portions of land with Open Space foundation designations. These do not require a separate review under the General Plan. The underlying Specific Plan, while a Community Development Plan, will echo designations on these portions of the plan and be consistent with the Open Space designations.

Additionally, refer to the attached Worksheet for General Plan Amendment Initiation Consideration Analysis.

GENERAL PLAN ADMINISTRATIVE ELEMENT FINDINGS:

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal could possibly satisfy certain required findings. The Administration Element of the General Plan explains that there are four categories of amendments, Technical, Entitlement/Policy, Foundation, and Agriculture. Each category has distinct required findings.

General Plan Amendment No. 621 falls into the Entitlement/Policy Amendment category. The GPA is a nEntitlement/Policy Amendment since it will change the land use designation of the project site from Community Development: Medium Density Residential (CD:MDR) (2-5 Dwelling Units per Acre), to a Community Development Specific Plan.

The Administration Element of the General Plan explains that the first two findings and any one or more of the subsequent findings would justify an **entitlement/policy amendment**. The findings for an Entitlement/Policy Amendment are:

- a. The proposed change does not involve a change in or conflict with:
 - (1) The Riverside County Vision;
 - (2) Any General Plan Principle; or
 - (3) Any Foundation Component designation on the General Plan
- b. The proposed amendment would either contribute to the achievement of the achievement of the purposes of the General Plan or, at a minimum, would not be detrimental to them.
- c. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.
- d. A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.
- e. An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.
- f. An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.
- g. An amendment is required to address changes in public ownership of land or land not under Board of Supervisors' land use authority.

Consideration Analysis:

First Required Finding: The first required finding explains that the proposed Amendment must not involve a change in or conflict with the Riverside County Vision; any General Plan Principle; or any Foundation Component designation in the General Plan.

A. The proposed Amendment does not conflict with:

- (1) The Riverside County Vision:

Given the flexibility inherent in a Specific Plan is reasonable to assume that a Community Development: Specific Plan and the land use designations proposed therein for the project site can achieve the future vision of the General Plan. The current designation for the site is mostly Medium Density Residential, which has a density range of 2-5 Dwelling units per acre. The Specific Plan Land Use Plan proposes an average density on the site of four (4) dwelling units per acre, thus the proposed plan is consistent with the existing designated density. It is possible to make this finding.

(2) Any General Plan Principle:

Given staff's review it is possible that the proposed designation could satisfy each of the General Plan Principals and Policies.

(3) Any Foundation Component designation in the General Plan:

The project designation would be within the same Community Development Foundation. Thus, the proposed Amendment is consistent with the Community Development Foundation. Those sections that are within the Open Space Designation will reflect similar uses on the Specific Plan Land Use map.

Second Required Finding: The second required finding explains that the proposed Amendment must either contribute to the achievement of the purposes of the General Plan or, at a minimum, not be detrimental to them.

The Land Use Element of the General Plan argues that development should be clustered around community centers and that leapfrog development should be discouraged. The proposed Amendment is contiguous with another application for a Specific Plan in an area of the County that has been slated for increased development. More Specifically, the Lakeview Nuevo Design Guidelines outlines an area in the Lakeview/Nuevo area plan that is intended for rural preservation. This area is east of Menifee road. Development to the west of Menifee Road is shown in the General Plan as having slightly higher densities, more specially, medium density development of 2-5 dwelling units per acre. Additionally, as previously mentioned, the proposed density of this project is within the densities permitted by the existing land use designation. Thus, the proposed Amendment is highly consistent with the existing General Plan Land Use designation of the site and surrounding designations to the north.

The project is also located with the San Jacinto River General Plan Policy Area (LNAP 1.1). This Policy explains that development along the San Jacinto River will need to comply with the final determination of the channelization project which has yet to be completed. However, given the flexibility inherent in Specific Plans, it is possible that the proposed project could comply with any determination of the river channelization project. Thus, the proposed Amendment could make the findings that it is consistent with the policy and all other General Plan Principles and Policies. The findings can be made that the proposed Amendment contributes to the purposes of the General Plan.

Third Required Finding: In addition to the two required findings, the General Plan indicates that an additional finding, from a list of five, must also be made.

The appropriate additional finding for the proposed Amendment is "Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan." The San Jacinto River Channelization Project is ongoing and not yet complete. An outcome in the Channelization Project will

become a “special circumstance” that is required to satisfy this finding. It is possible that the Channelization Project will not permit the Specific Plan in its entirety or require the plan to be changed to a smaller scale, but at this time this information is known. Given the low threshold of the General Plan Initiation Process it is appropriate to permit the proposed amendment to continue processing as it may be possible for the amendment to satisfy the required finding.

SUMMARY OF FINDINGS:

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| 1. Existing General Plan Land Use (Ex. #6): | Community Development: Medium Density Residential (CD:MDR) (2-5 Dwelling Unit per Acre), Open Space –Water (OS-W), Conservation (OS-C) |
| 2. Existing Zoning (Ex. #2): | Light Agriculture 20 Acre Minimum (A-1-20) |
| 3. Surrounding Zoning (Ex. #2): | Rural Residential (RR) and Agriculture Poultry (AP) to the north, Rural Residential (RR) to the south and east, City of Perris to the west. |
| 4. Existing Land Use (Ex. #1): | Vacant |
| 5. Surrounding Land Use (Ex. #1): | Vacant land to the north, west and south, EMWD holding ponds/lakes to the east. |
| 6. Project Data: | Total Acreage: 329.8 Gross Acres |

RECOMMENDATIONS:

The Planning Director recommends that the appropriate findings per the General Plan Administration Element can be made and that the Planning Commission recommend to the Board of Supervisors to adopt an order initiating proceedings for General Plan Amendment No. 621. 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. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. A city sphere of influence;
 - b. The Stephens Kangaroo Rat Fee Area;
 - c. A High Fire Area;
 - d. The boundaries of a Redevelopment Area; or,
 - e. An area drainage plan area.
3. The project site is located within:
 - a. County service area 146;
 - b. The boundaries of the Nuvview Union & Perris Union High District;
 - c. The Santa Ana River Watershed;
 - d. Three WRCMSHCP Criteria Cells;
 - e. The Lake Perris dam inundation area;
 - f. An area of high (high B) paleontological sensitivity;
 - g. An area susceptible to subsidence; and,

- h. An area of moderate liquefaction potential.
- 4. The subject site is currently designated as Assessor Parcel Number's: 310-230-015, 310-240-004, 310-240-007, 310-240-008, 310-240-009, 310-240-010, and 310-240-012