

Scan

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

DATE: May 19, 2010

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: GPA00992

(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) | ☐ Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| ☐ Labels provided If Set For Hearing | ☐ Publish in Newspaper: |
| ☐ 10 Day ☐ 20 Day ☐ 30 day | **SELECT Advertisement** |
| ☐ Place on Consent Calendar | ☐ **SELECT CEQA Determination** |
| ☐ Place on Policy Calendar (Resolutions; Ordinances; PNC) | ☐ 10 Day ☐ 20 Day ☐ 30 day |
| ☒ Place on Section Initiation Proceeding (GPIP) | ☐ Notify Property Owners (app/agencies/property owner labels provided) |
| | Controversial: ☐ YES ☐ NO |

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

Please schedule on the June 8, 2010 BOS Agenda

BUS sent 5/26/10

Ray
5-24-10

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



FROM: TLMA - Planning Department

SUBMITTAL DATE:
May 26, 2010

SUBJECT: GENERAL PLAN AMENDMENT NO. 992 - Foundation-Regular - Applicant: Busch Properties, Inc. (c/o John Martz) - Engineer/Representative: T&B Planning - Third Supervisorial District - French Valley Zoning Area - Southwest Area Plan: Rural: Rural Residential (RUR-RR) (5 Acre Minimum Lot Size) - Location: Northerly of the City of Murrieta and Clinton Keith Road, easterly of Meniffee Road and the City of Murrieta, southerly of Keller Road, and westerly of Briggs Road - 958.2 Gross Acres - Zoning: Rural Residential (R-R) - **REQUEST:** Propose to amend General Plan from Rural: Rural Residential (RUR-RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area and Sections 25 and 36 Policy Area to Community Development: Medium High Density Residential (CD-MHDR) (5-8 DU/AC) and Open Space: Conservation (OS-C) - APN(s): 384-270-001, 392-340-028, 392-350-021, & 392-350-022

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

BACKGROUND: The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on every GPA application and submit it to the Board of Supervisors. Prior to the submittal to the Board, comments on the application are requested from the Planning Commission, and the Planning Commission comments are included in the

Ron Goldman
Planning Director

Initials:
RG:th

(continued on attached page)

REVIEWED BY EXECUTIVE OFFICER

DATE

Tina Grande

Departmental Concurrence

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

Prev. Agn. Ref.

District: Third

Agenda Number:

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.

**PLANNING COMMISSION
MINUTE ORDER APRIL 7, 2010
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

- I. AGENDA ITEM 6.1: GENERAL PLAN AMENDMENT NO. 992** - Foundation / Regular - Applicant: Busch Properties, Inc. (c/o John Martz) - Engineer/Representative: T&B Planning - Third Supervisorial District - French Valley Zoning Area - Southwest Area Plan: Rural: Rural Residential (RUR-RR) (5 Acre Minimum Lot Size) - Location: Northerly of the City of Murrieta and Clinton Keith Road, easterly of Menifee Road and the City of Murrieta, southerly of Keller Road, and westerly of Briggs Road - 958.2 Gross Acres - Zoning: Rural Residential (R-R) - **APNs:** 384-270-001, 392-340-028, 392-350-021 and 392-350-022
- II. PROJECT DESCRIPTION**
Propose to amend General Plan from Rural: Rural Residential (RUR-RR) (5 Acre Minimum Lot Size) within the Highway 79 Policy Area and Sections 25 and 36 Policy Area to Community Development: Medium High Density Residential (CD-MHDR) (5-8 DU/AC) and Open Space: Conservation (OS-C).
- III. MEETING SUMMARY**
The following staff presented the subject proposal:
Project Planner: Mike Harrod, Ph: (951) 955-1881 or E-mail mharrod@rctlma.org

No one spoke in favor, opposition or a neutral position 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
Zoning District: French Valley
Supervisory District: Third
Project Planner: Michael Harrod
Planning Commission: April 7, 2010

General Plan Amendment No. 992
Applicant: Busch Properties Inc
Engineer/Representative: T & B Planning

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisors tentatively decline to adopt an order initiating proceedings for General Plan Amendment No. 992 from Rural: Rural Residential to Community Development: Medium High Density Residential and Open Space: Conservation and the Planning Commission made the comments below. The Planning Director continues to recommend that the Board tentatively decline to adopt an order initiating proceedings for the general plan amendment. For additional information regarding this case, see the attached Planning Department Staff Report(s).

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

The following comment(s) were provided by the Planning Commission to the Planning Director:

Commissioner John Roth: No Comments

Commissioner John Snell: No Comments

Commissioner John Petty: Commissioner Petty was absent.

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: Commissioner Zuppardo indicated that she had a change to briefly speak with Commissioner John Petty and that he was in agreement with staff's recommendation [i.e., to tentatively decline to adopt an order initiating proceedings for General Plan Amendment No. 992].

Agenda Item No.: 6.1
Area Plan: Southwest
Zoning Area: French Valley
Supervisory District: Third
Project Planner: Michael Harrod
Planning Commission: April 7, 2010

General Plan Amendment No. 992
Applicant: Busch Properties Inc
Engineer/Rep.: T & B Planning

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The applicant proposes to amend the General Plan Foundation Component from "Rural" (RUR) to "Community Development" (CD) and the General Plan Land Use designation from "Rural Residential" (RR) (5 acre minimum lot size) to "Medium High Density Residential" (MHDR) (5-8 du/ac) on 304.5 acres and "Open Space-Conservation" on 653.7 acres of an approximately 958.2 acre site. The project is located northerly of the City of Murrieta and Clinton Keith Road, southerly of Keller Road and the City of Menifee, easterly of Menifee Road and the City of Murrieta, and westerly of Briggs Road.

POTENTIAL ISSUES OF CONCERN:

The site is located in the Southwest Area Plan, the gateway between Riverside and San Diego counties. The Southwest Area Plan plays a pivotal role in the access, connections, and impressions for Riverside County, while seeking to capture and capitalize upon not only the special qualities of the land, but also its strategic location.

The site is designated Rural Residential with a 5 acre minimum lot size. Adjacent areas in the County are designated Rural Residential and Estate Density Rural Community to the north, Rural Residential to the west, and Rural Residential and Medium Density Residential (2 to 5 du/ac) to the east. Much of the Medium Density Residential to the east is now vacant.

The change in land use designation from Rural Residential to Medium High Density Residential is categorized as a Foundation Amendment (Regular) to the general plan. To justify such a change, the Board of Supervisors will have to make the required findings set forth in the Required and Optional Findings section of the Administrative Element. A summary of those findings are as follows:

1. There is substantial evidence that new conditions or circumstances justify the proposed change.
2. The proposed change does not conflict with the overall Riverside County Vision.
3. The proposed change does not create an internal inconsistency among the Elements of the General Plan.

The premise for a Foundation Amendment is that the General Plan will only be amended in any fundamental way for significant cause. As discussed below, a significant cause

cannot be found for amending the General Plan. Although urban development has occurred in the adjacent City of Murrieta, such as Golden City and Spencer's Crossing, and although the improvement of Clinton Keith Road is planned through the subject site, there is no substantial evidence that these new conditions or circumstances justifying the proposed change. In addition to the increased demand placed on existing infrastructure from the above mentioned development, a significant level of development is already allowed under the County's existing General Plan, yet infrastructure improvements to support such development, like the improvement of Clinton Keith Road, have not been completed. Increasing the potential density of any future development of the site may well worsen this situation.

According to the Southwest Area Plan, the Open Space and Rural designations were applied in the mountains and foothills surrounding the City of Murrieta. As described, the Rural Residential designation has been applied to this site, which lies just east of the City of Murrieta, where the site's elevations range from 1276 feet to 1552 feet, a difference of 276 feet.

According to the Plan, "These Open Space, Agricultural, and Rural general plan land use designations reflect the existing and intended long term land use patterns for these areas and help maintain the historic identity and character of the Southwest planning area. Such designations also provide an edge to urban development and a separation between the adjoining area plans and San Diego County. This edge strengthens the identity of the Southwest planning area and helps to distinguish it from other communities. Future growth is largely accommodated northeast of the existing Cities of Temecula and Murrieta in the French Valley."

The proposed change would be contrary to the intended long term land use pattern described above and edge/separation between the City of Murrieta and more urban designations to the east, as well as the Vision established for the area.

Additionally, the proposed change does not support the County's vision to use land efficiently. According to the Vision Statement, "Earlier problems clearly associated with leapfrog development (development that "skips over" developable land and establishes inefficient development patterns) have virtually disappeared." This suggests that vacant areas identified for Medium Density Residential to the east should be developed before new areas are added, as in this case. The proposed change would "skip over" this substantial area of vacant land to the east already designated for urban development. An efficient development pattern would see these areas developed before new areas are added. It would also not take advantage of the existing development potential of the site under the existing General Plan.

The site lies to the east and north of the City of Murrieta within its sphere of influence. City/county coordination is a critical component of the Southwest Area Plan. Adjacent to Interstate 215 between Clinton Keith and Keller Road, there is a combination of Business Park and Multiple Use within the City. There are also two specific plans that extend the single family development pattern found to the south of Clinton Keith Road to the northern City limit. Farther to the east and within the City's sphere of influence are Estate and Rural Residential lands, much of this area is within a Master Plan Overlay

that allows for clustering to protect environmentally sensitive areas and provide a more efficient use of infrastructure. This area is where the site is located.

Under the City's plan, the site's designation is Estate 2 Residential (ER-2) within the Master Plan Overlay. The ER-2 land use designation allows 1.1 to 2 dwelling units per acre with a minimum lot size of 0.5 acres. According to the City's Land Use Element, "The Master Plan Overlay (MPO) designation is an overlay to the base land use designation and will only be applied in areas where conditions such as terrain, environmental resources, public amenities, and/or the inclusion of significant public open spaces beyond that normally required support the clustering of single-family residential dwelling units within projects. Developments should have uniform lot patterns."

The MPO does not permit a greater number of lots than would otherwise be permitted under the base land use designation. With respect to the subject site, this would be between 1.1 to 2 dwelling units per acre. Within the MPO, the minimum lot size allowed for ER-2 would be 7,200 square feet. The maximum number of units allowed under the City's plan would be between 871 and 1,916. By contrast, the maximum number of units allowed under the proposed amendment would be between 1,522 and 2,436 or a density over the entire site of 1.5 to 2.5 dwelling units per acre. This is 1.3 to 1.7 times the maximum number of units proposed under the City's sphere of influence plan, and 8 to 13 times the maximum number of units allowed under existing Rural Residential land use designation (191 units at 1 dwelling unit per 5 acres).

The site is coterminous with the "Sections 25/36 Policy Area" (See attached). This policy area was created to recognize the special challenges and opportunities associated with planning for development, transportation, preservation, and recreational needs associated with the site. According to the policy, the County shall require that future development proposals: protect Warm Springs Creek and associated habitat; cluster development; provide for recreational opportunities; provide adequate access; respect natural landforms; be consistent with the City of Murrieta General Plan Sphere of Influence designations for the property and the surrounding area; and comply with Highway 79 Policy Area requirements to provide improvements and funding for Circulation Element roadways.

The proposed change in land use designation may create an internal inconsistency between the Land Use Element and the policies established under the Sections 25/36 Policy Area, since the proposed land use designation would allow densities greater than those established by the policy area. Those policies require plans to be consistent with the City of Murrieta General Plan Sphere of Influence designations for the property. As described above, the City's sphere plan would allow densities between 1.1 and 2 dwelling units per acre with a minimum lot size of 7,200 square feet, whereas the proposal would allow densities between 1.5 and 2.5 dwelling units per acre and potentially smaller lot sizes than 7,200 square feet.

The Circulation Section of the General Plan identifies Keller Road as a Secondary Highway east of Briggs Road with a 100 foot wide right-of-way, and Briggs Road as a Major Highway with a 118 foot wide right-of-way. Clinton Keith Road at the south end of the site is identified as an Urban Arterial with a 152 foot wide right-of-way. These roads have not been improved to the standards described and are largely dirt or partially paved

adjacent to the site. Since the adoption of the General Plan in 2003, there have been no improvements to the circulation system near the site to support the proposed change in designation.

The Multiple Species Habitat Conservation Plan for Western Riverside County (MSHCP) was approved by the County Board of Supervisors on June 17, 2003. Federal and state permits were issued on June 22, 2004 and implementation of the plan began on June 23, 2004. The MSHCP is a criteria-based plan, focused on preserving individual species through Habitat conservation.

The northern portion of the site (APN 384-270-001) is located in Cell Group X of the Southwest Area Plan portion of the MSHCP and includes the western four Criteria Cells of the six cells of the Cell Group (Cell Nos. 5260, 5265, 5367, and 5369). The remaining two cells are located to the east (Cell Nos. 5266 and 5370). Conservation within Cell Group X will contribute to assembly of Proposed Core 2, focusing on the conservation of chaparral, coastal sage scrub, grassland, riparian scrub, woodland, and forest habitat adjacent to Warm Springs Creek which runs through the subject site. Conservation within this Cell Group will range from 75% to 85% of the Cell Group focusing in the western portion of the Cell Group.

The southern portion of the site (APN 392-350-021, 392-350-022, and 392-340-028) is located in Cell Group Z, and includes the central two cells (Cell Nos. 5475 and 5569) of the six cells of the cell group. Conservation within Cell Group Z will contribute to assembly of Proposed Core 2, focusing on the conservation of riparian scrub, woodland, and forest habitat along Warm Springs Creek, and adjacent chaparral, coastal sage scrub and grassland habitat. Conservation within this Cell Group will range from 75% to 85% of the Cell Group focusing in the western portion of the Cell Group.

In addition to any conservation which may be required, the site will also be required to conform to additional plan wide requirements of the MSHCP such as Riparian/Riverine Policies, Specific Species Surveys, Urban/Wildlands Interface Guidelines (UWIG) and Narrow Endemic Plant Species Policies and Determination of Biologically Equivalent or Superior Preservation Analysis (DBESP) as applicable. Conserved portions of the site will be identified as part of the Habitat Acquisition and Negotiation Strategy (HANS) process. A HANS review has been submitted on the site (HANS05169).

The current proposal is inconsistent with the General Plan's Highway 79 Policy Area. The policy area requires that residential development be proposed at 9% below the mid-point of the existing designation due to transportation infrastructure and capacity deficiencies. The policy did not include provisions to increase potential densities within the policy area as proposed by this amendment. A workshop was held at the regular Planning Commission meeting on September 30, 2009 in order to discuss the Highway 79 Policy area and the regular Foundation General Plan Amendments that fall within the policy area. As a result of the workshop, the Planning Commission recommended that those Foundation General Plan Amendments within the policy area be brought forward on a case by case basis in order to determine the appropriateness of each proposal and that the Highway 79 policies be reviewed during the General Plan update for potential amendments.

Other issues affecting the site include the following: the southern portion of the site is located within the French Valley Airport Influence Area and compatibility Zone D and Zone E; will require flood plain review along Warm Springs Creek; subject to moderate liquefaction; and susceptible to subsidence.

Based on the above, the proposal does the following: conflicts with the intended long term land use patterns established for the area by the General Plan; eliminates edges between urban developments; result in inefficient development patterns by skipping over nearby vacant land designated for urban development; and may create an internal inconsistency between the Land Use Element and the policies established under the Sections 25/36 Policy Area by allowing densities greater than those allowed by the policy area.

RECOMMENDATION:

The Planning Director's recommendation is to **tentatively decline** to adopt an order initiating proceedings for General Plan Amendment No. 992 from Rural: Rural Residential to Community Development: Medium High Density Residential and Open Space: Conservation. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any element thereof, shall not imply any such amendment will be approved.

INFORMATIONAL ITEMS:

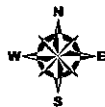
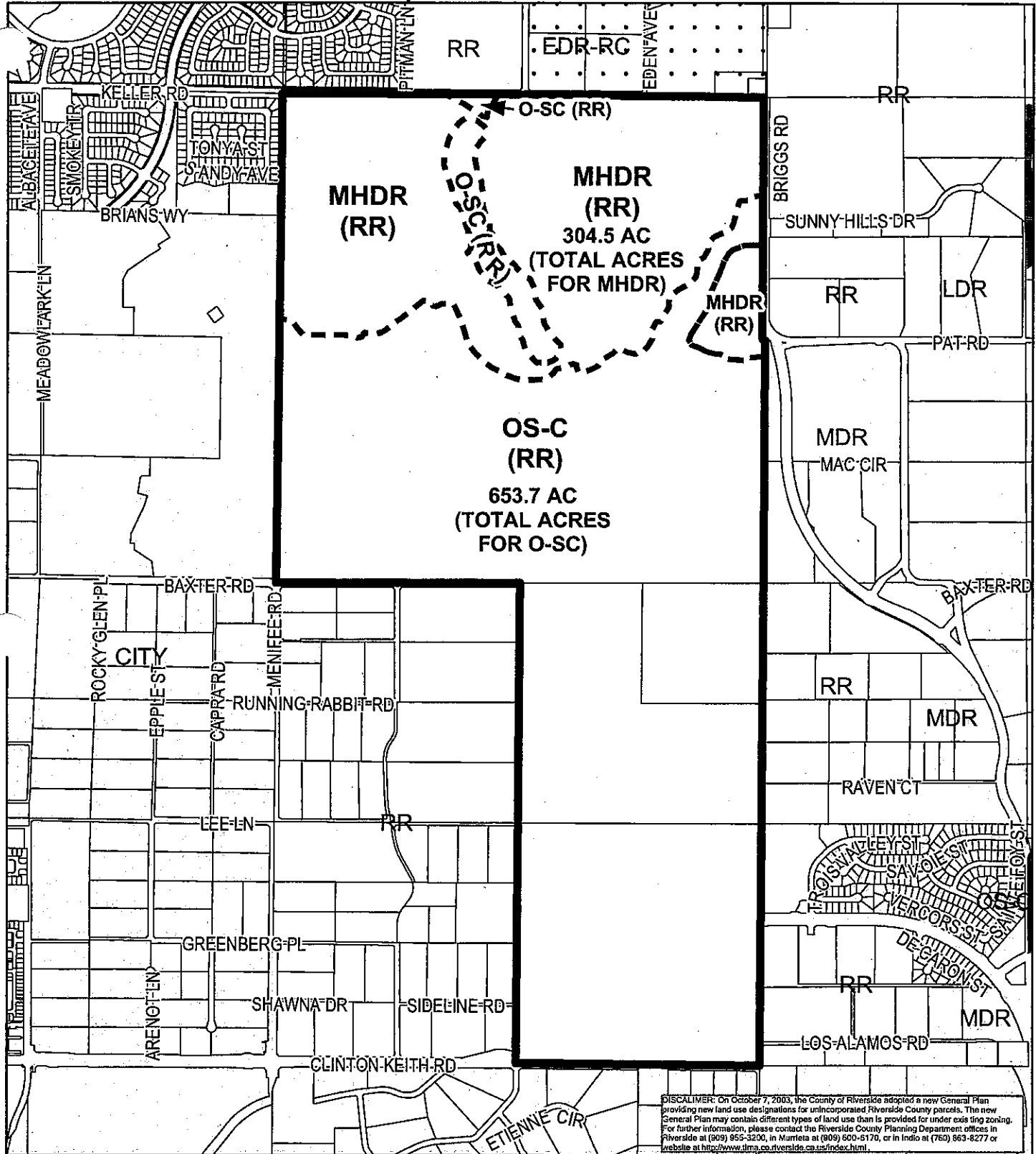
1. This project was filed with the Planning Department on February 14, 2008.
2. Deposit Based Fees charged for this project as of the time of staff report preparation, total \$ 2,551.28.
3. The project site is currently designated as Assessor's Parcel Numbers: 384-270-001, 392-340-028, 392-350-021, & 392-350-022.

Supervisor Stone
District 3
Date Drawn: 2/22/10

GPA00992

Planner: Mike Harrod
Date: 3/10/08
Exhibit 6

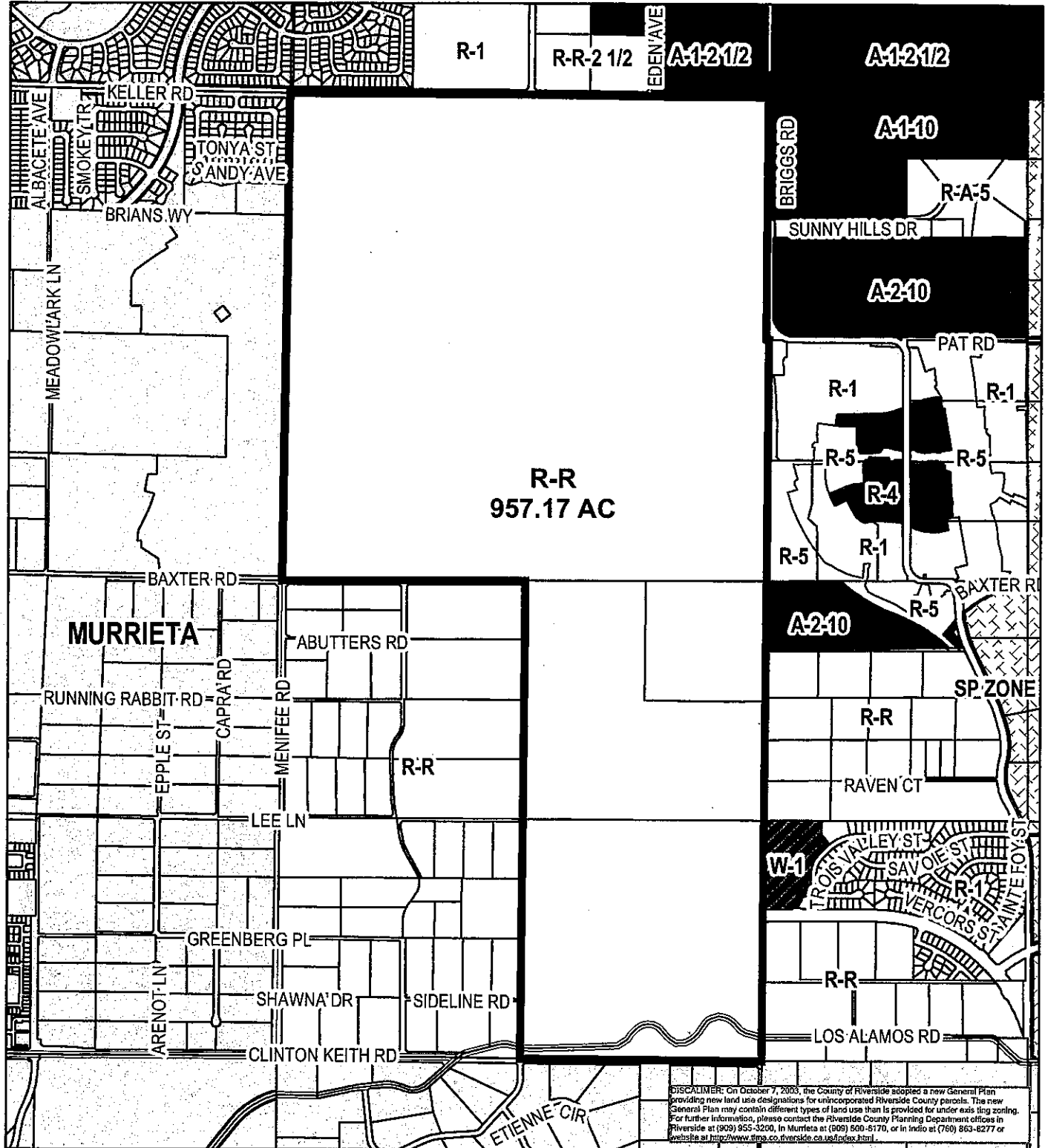
Proposed General Plan



Supervisor Stone
District 3
Date Drawn: 3/05/08

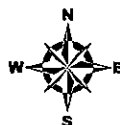
GPA00992
EXISTING ZONING

Planner: Amy Aldana
Date: 3/10/08
Exhibit 2



Zone
Area: French Valley
Township/Range: T6SR3W
Section: 25 & 36

RIVERSIDE COUNTY PLANNING DEPARTMENT

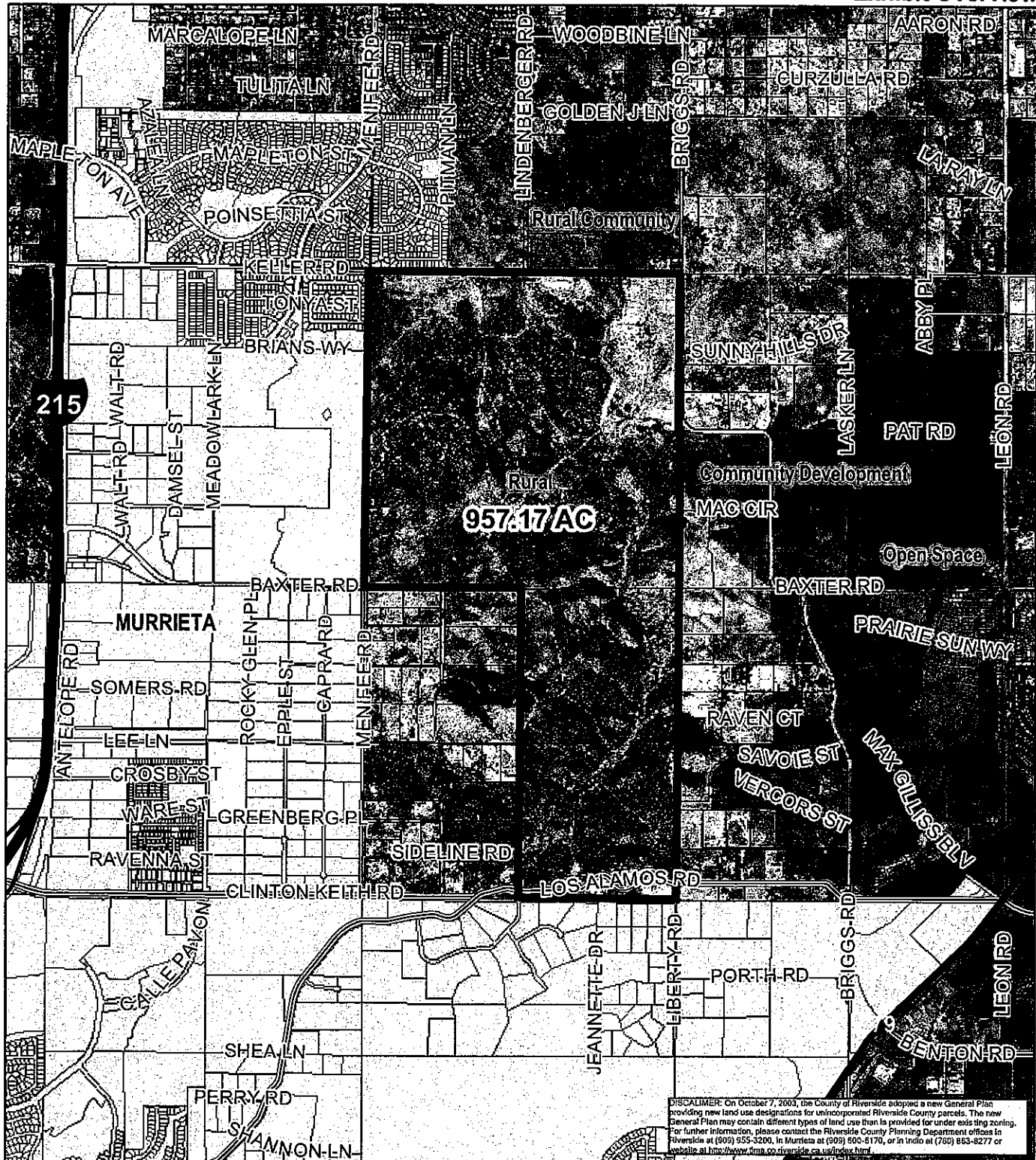


Assessors
Bk. Pg. 384-27
Thomas 392-34 & 35
Bros. Pg. 898 H5

Supervisor Stone
District 3
Date Drawn: 3/05/08

GPA00992
DEVELOPMENT OPPORTUNITY

Planner: Amy Aldana
Date: 3/10/08
Exhibit Overview

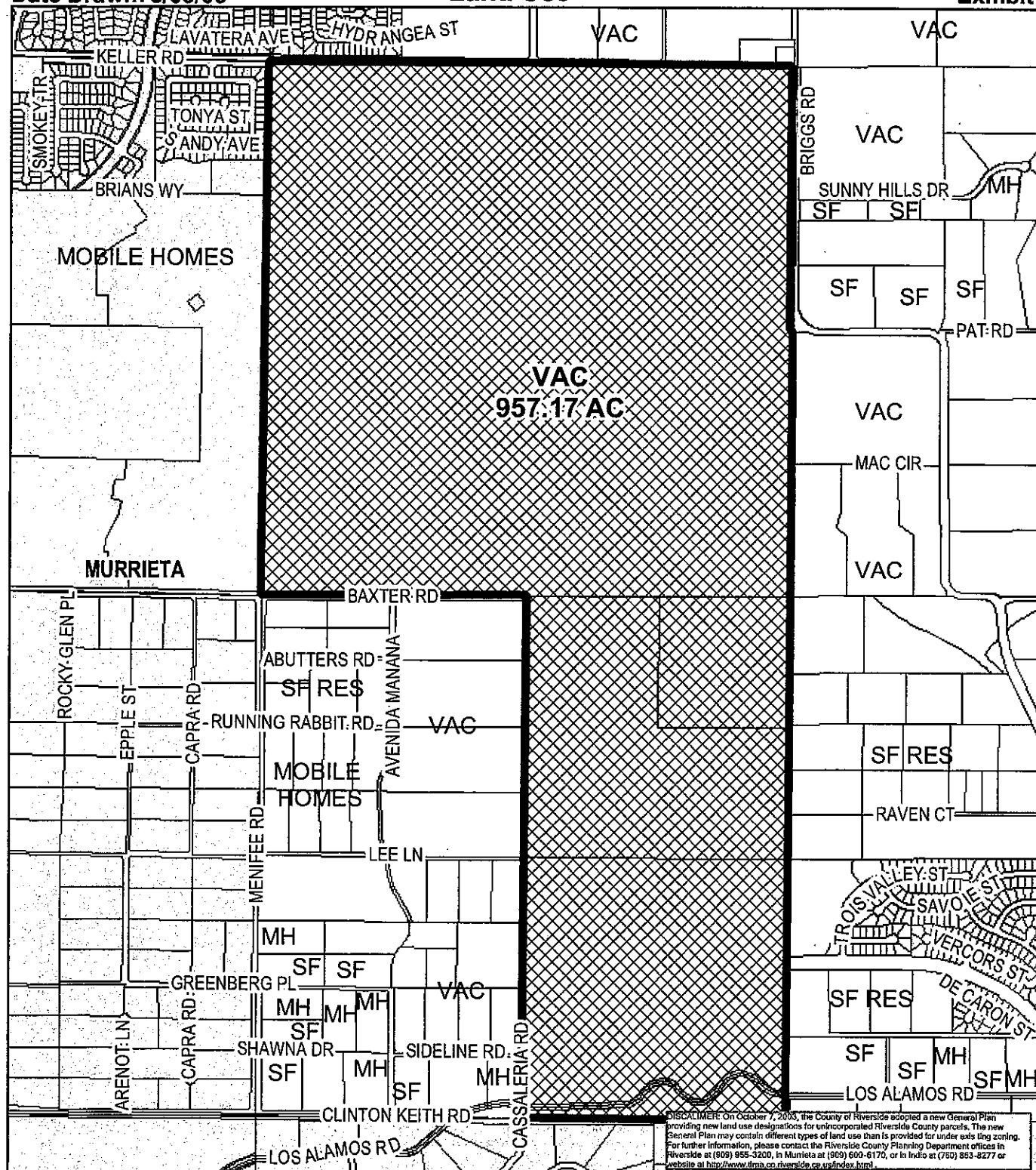


RIVERSIDE COUNTY PLANNING DEPARTMENT

Area
Plan: French Valley
Township/Range: T6SR3W
Section: 25 & 36

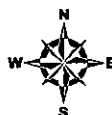


Assessors
Bk. Pg. 384-27
Thomas 392-34 & 35
Bros. Pg. 898 H5



Zone
Area: French Valley
Township/Range: T6SR3W
Section : 25 & 36

RIVERSIDE COUNTY PLANNING DEPARTMENT



Assessors
Bk. Pg. 384-27
392-34 & 35
Thomas
Bros. Pg. 898 H5



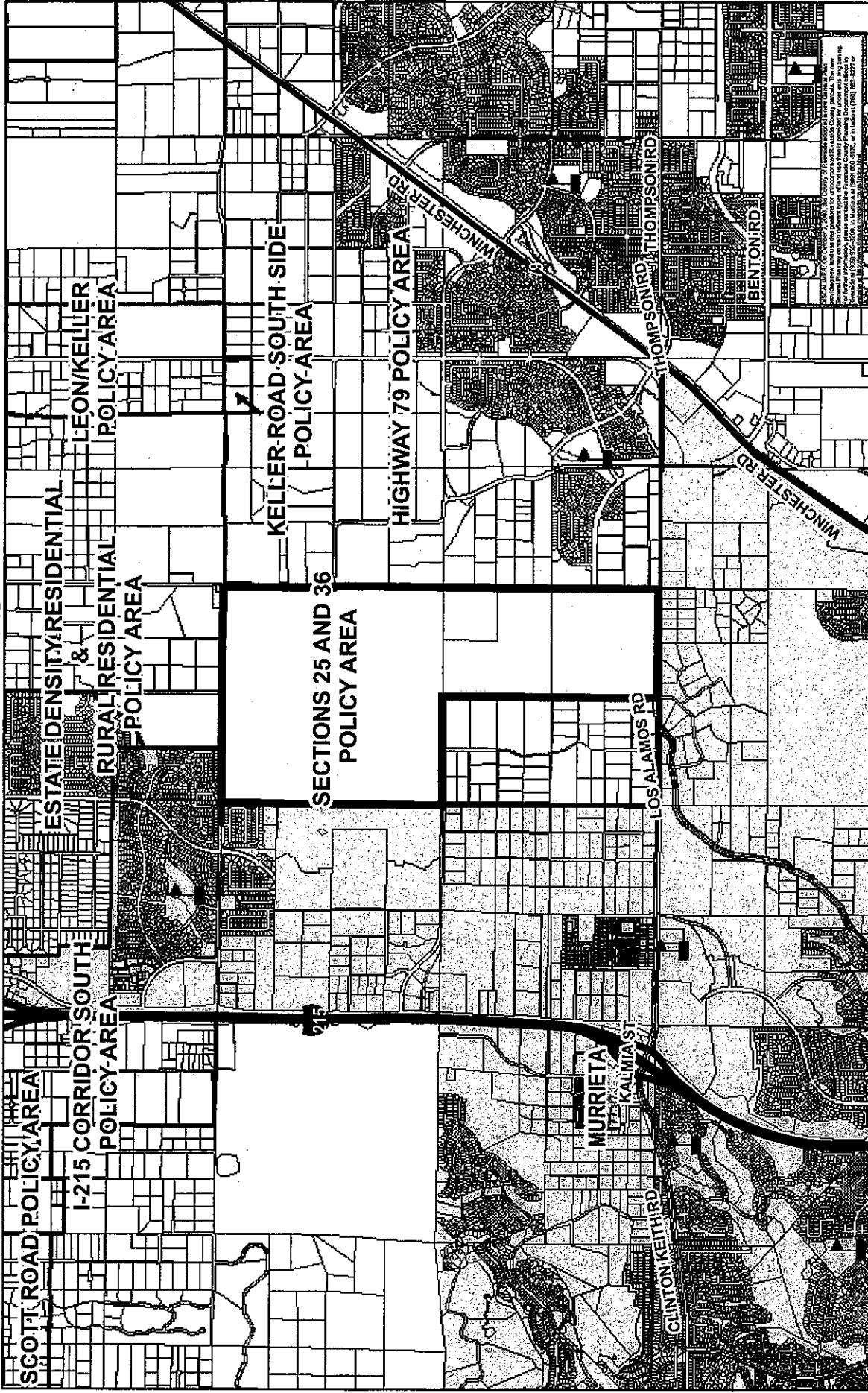
Supervisor Stone
District 3

Date Drawn: 3/05/08

GP A00992

POLICY AREAS

Planner: Amy Aldana
Date: 3/10/08
Exhibit 8



RIVERSIDE COUNTY PLANNING DEPARTMENT

Zone French Valley
Area:

Township/Range: T6SR3W

Section : 25 & 36

Assessors
Bk. Pg. 384-27
Thomas
Bros. Pg. 898 H5

0 3,700 7,400 14,800 22,200

Feet

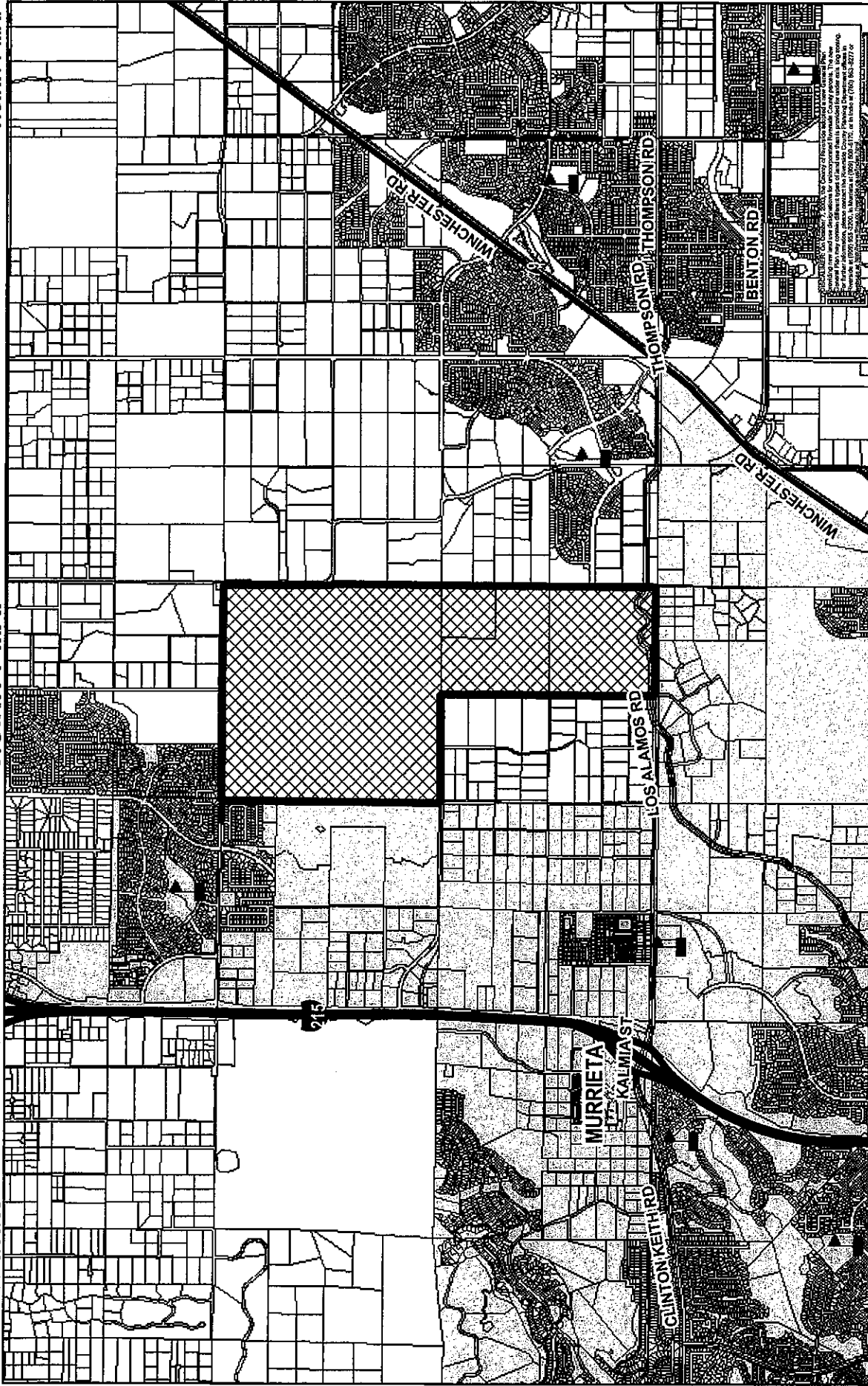
Supervisor Stone
District 3

Date Drawn: 3/05/08

GPA00992

VICINITY MAP

Planner: Amy Aldana
Date: 3/10/08
VICINITY MAP



Zone French Valley
Area:

Township/Range: T6SR3W

Section : 25 & 36

RIVERSIDE COUNTY PLANNING DEPARTMENT

Assessors

Bk. Pg. 384-27

392-34 & 35

Thomas

Bros. Pg. 898 H5

22,200

14,800

7,400

3,700

0

Feet



Policies:

- SWAP 6.1 The proposed development shall be of a scale that would not require the introduction of sewer infrastructure, major road improvements, or other urban services or infrastructure into the hilly De Luz area, or the establishment of assessment districts to finance such infrastructure.
- SWAP 6.2 The proposed development shall be compatible with the surrounding rural residential area. Any lots smaller than five acres shall be clustered around the interior of the site, and the properties surrounding the Walker Basin Policy Area shall be buffered from the clustered smaller lots by lots larger than five acres within the perimeter of the project. Any larger lots needed to maintain the required buffering shall be protected against further subdivision by legally enforceable conditions or restrictions prior to or concurrently with the creation of any lots smaller than five acres.
- SWAP 6.3 The proposed development shall provide for the protection of stream courses, oak trees, wildlife corridors, and other important natural features of the site.
- SWAP 6.4 The proposed development shall provide for traffic and fire safety improvements that will contribute to the public good.
- SWAP 6.5 The proposed development shall be designed to further the objectives of the Western Riverside County Multi-Species Habitat Conservation Plan, if adopted.

Sections 25/36 Policy Area

The Sections 25/36 Policy Area has been created to recognize the special challenges and opportunities associated with planning for development, transportation, preservation, and recreation needs within an approximately 1.5 square mile area located northerly of Clinton Keith Road, southerly of Keller Road, and westerly of Briggs Road and comprised of four large, contiguous parcels. Following are the policies for this area:

Policies:

- SWAP 7.1 In order to provide for balancing of the transportation corridor, development, and recreational values of this area with protection of the biological and aesthetic resources associated with Warm Springs Creek, the County shall require that future development proposals:
- Provide for adequate long-term protection of Warm Springs Creek and its associated wetland and riparian habitats;
 - Cluster development areas to provide efficient use of infrastructure and allow for the use of on-site amenities such as open spaces, enhanced landscaping, and recreational opportunities;



- Provide for recreational opportunities including a network of multipurpose trails available for public use, as described in the Open Space, Parks, and Recreation section of the General Plan Multipurpose Open Space Element;
- Provide adequate access as described in the System Access section of the General Plan Circulation Element;
- Respect the natural landforms of the Policy Area;
- Provide that plans for development be consistent with the City of Murrieta General Plan Sphere of Influence designations for the property and for the surrounding area; and
- Provide that all plans for development shall comply with Highway 79 Policy Area requirements to provide improvements and funding for Circulation Element roadways consistent with Level of Service Policies of the General Plan.

Keller Road South Side Policy Area

The Keller Road South Side Policy Area consists of two ten-acre parcels located southerly of Keller Road and westerly of Leon Road (together comprising the north half of the northeast quarter of the northeast quarter of Section 30, Township 6 South, Range 2 West), directly easterly of the French Valley Specific Plan (Specific Plan No. 312). These properties are designated Community Development - Low Density Residential. While this designation provides for a density of two dwelling units per acre, which generally corresponds to a one-half acre lot size, the Community Development foundation component would normally allow for use of clustering to establish smaller lots. However, at this location, it is necessary to provide for a minimum lot size along Keller Road in order to maintain compatibility with the rural lifestyle enjoyed by residents of areas to the east (designated Rural Residential) and north (designated Rural Community - Estate Density Residential with a dwelling unit density of one dwelling unit per 2½ acres by policy). This approach would also be consistent with the special buffering provisions included in the final version of the French Valley Specific Plan.

Policies:

- SWAP 8.1 Notwithstanding the Community Development foundation component designation of this Policy Area, lots fronting onto the south side of Keller Road (or, if no lots front on Keller Road, the most northerly row of lots) shall maintain a minimum lot area of one-half acre. In the event that this Policy Area is the subject of a land division proposing to establish any lots smaller than one-half acre, the first two rows of lots southerly of Keller Road shall maintain a minimum net lot size of 30,000 square feet.

5163 5165 5167 5168

A B

5259 5260 5265 5266

5366 5367 5369 5370

MURRIETA

5483 5475 5476

5576 5569 5570

5572 5577

Approx scale 1:23152

Riverside County TLMA GIS

384-270-001 392-340-028 392-350-021 392-350-022

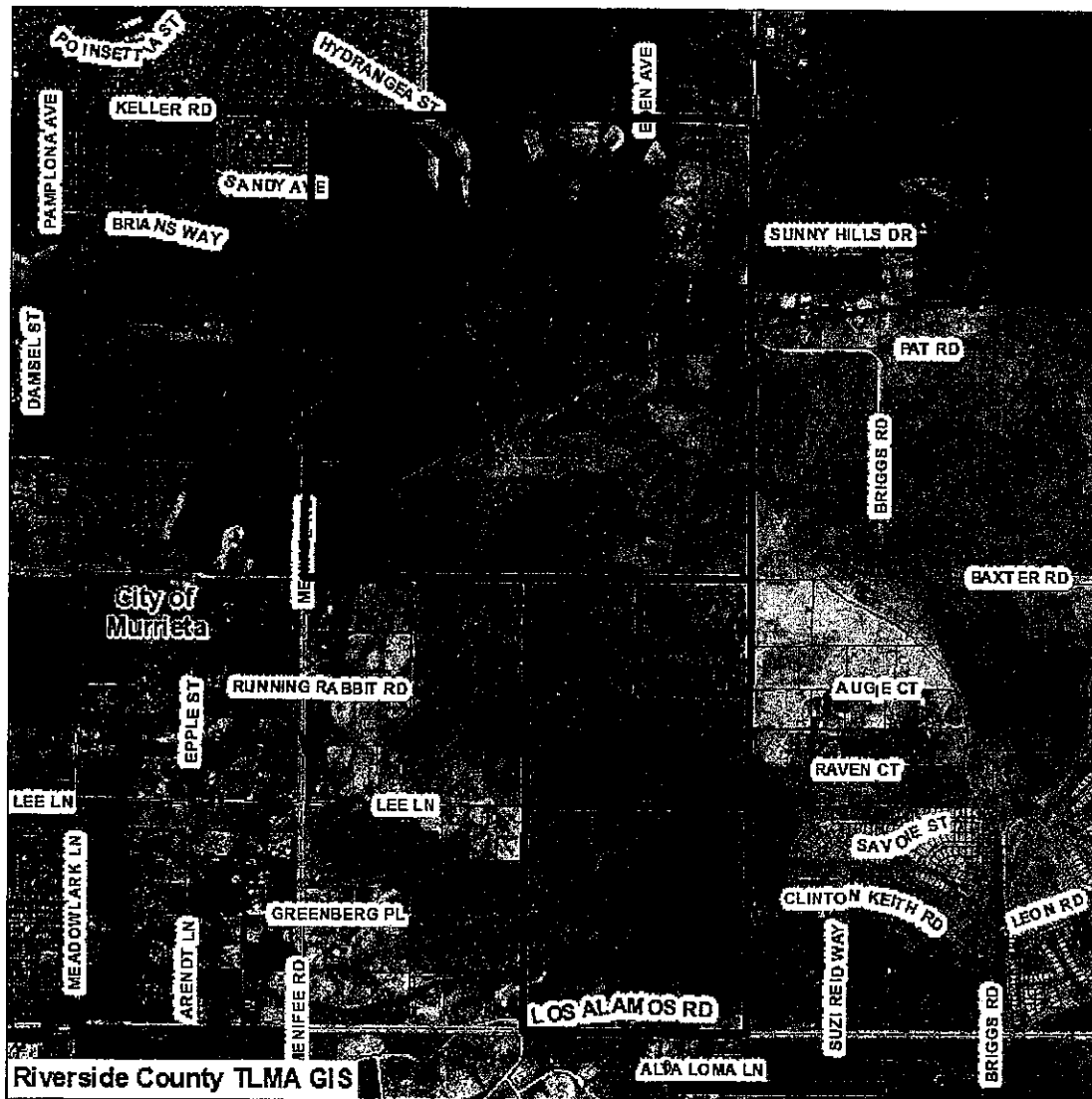
 SELECTED PARCEL
 PARCELS
 36 CRITERIA CELL NUMBER
 CRITERIA CELL
 SOUTHWEST AREA
 SUN CITY/MENIFEE
 A, A'
 B, B'
 Y
 Z
 CITY BOUNDARY

This information is made available through the Riverside County Geographic Information System. The information is for reference purposes only. It is intended to be used as base level information only and is not intended to replace any recorded documents or other public records. Contact appropriate County Department or Agency if necessary. Reference to recorded documents and public records may be necessary and is advisable.

<http://www3.tlma.co.riverside.ca.us/cw/rclic/print.htm>

10/27/2008

French Valley Airport



Selected parcel(s):

384-270-001 392-340-028 392-350-021 392-350-022

AIRPORTS

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

IMPORTANT

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Planning Commission
Item 6.1 April

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Via E-Mail and U.S. Mail

April 1, 2010

Michael Harrod, Principal Planner
Riverside County Planning Department
4080 Lemon Street, 9th Floor
P.O. Box 1409
Riverside, CA 92502-1409

Re: March 22, 2010, County of Riverside Memorandum regarding proposed General Plan Amendment No. 992 related to Warm Springs Ranch (APNs 384-270-001, 392-340-028, 392-350-021, and 392-350-022), owned by Anheuser-Busch, Incorporated/Busch Properties, Inc.

Dear Mr. Harrod:

This firm represents Anheuser-Busch, Incorporated in litigation with the County of Riverside (Riverside Superior Court Case No. RIC 530137). That litigation concerns Anheuser-Busch's Warm Springs Ranch Property.

This letter is prompted by your March 22, 2010, Memorandum to T & B Planning concerning proposed General Plan Amendment No. 992, which also concerns Anheuser-Busch's Warm Springs Ranch. The County has taken no action on this proposed general plan amendment since Anheuser-Busch submitted its application in February 2008. And your memorandum provides no explanation as to why the County is finally acting on it. The existence of the litigation and the timing of the County's decision to finally process the proposed general plan amendment do not appear coincidental. And the County's staff report – which reads much like a rebuttal to Anheuser-Busch's allegations in the litigation – evidences that these two occurrences are not coincidental.

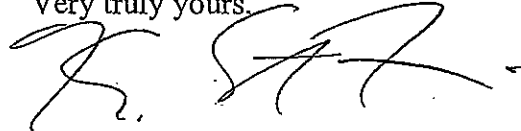
As I am sure you are aware, Anheuser-Busch has owned its Warm Springs Ranch property for more than three decades and, since before 2002, has been working to develop that property. However, intent on preserving Anheuser-Busch's property for the County's own conservation purposes, the County has consistently placed roadblocks in the path of the property's development. Among other things, the County down-zoned Anheuser-Busch's property; the County placed restrictive "criteria" on Anheuser-Busch's property as part of the County's Multiple Species Habitat Conservation Plan; the County stalled the processing of Anheuser-Busch's 2005 development

Mr. Michael Harrod, Principal Planner
Riverside County Planning Department
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applications (including a proposed general plan amendment, zone change, and specific plan); the County identified all but 71 of Anheuser-Busch's 960 acres for acquisition under the MSHCP in connection with a HANS application; and the County walked away from a land swap that the County had championed as a way for Anheuser-Busch to obtain some value for its land. And, of course, the County has made no effort – until now – to process Anheuser-Busch's 2008 proposed general plan amendment, and it is doing so now at a time that coincides with the litigation between Anheuser-Busch and the County and, in particular, coincides with the County's having to respond to detailed discovery requests about its handling of Anheuser-Busch's development applications.

In short, Anheuser Busch wants the County to process its development applications, including the general plan amendment. However, Anheuser-Busch can only interpret the County's sudden activity on Anheuser-Busch's 2008 application for a general plan amendment as a County litigation strategy meant to support the County's efforts to take Anheuser-Busch's property for conservation purposes without paying for it. That the County's staff report specifically identifies the MSHCP as a rationale for not processing the proposed general plan amendment underscores the County's true intent.

Very truly yours,



K. Erik Friess

KEF:ld

cc: Kecia Harper-Ihem, Clerk of the Board (via U.S. Mail)
Jeff Stone, Supervisor (via U.S. Mail)
John Petty, Planning Commissioner (via U.S. Mail)
Pamela J. Walls, Esq., County Counsel (via U.S. Mail)
Glenn R. Beloian, Esq., Deputy County Counsel (via e-mail)
Steve A. McKinley, Esq. (via e-mail)

Planning Commission
Item 6.1
April 7, 2010

April 1, 2010

VIA ELECTRONIC MAIL AND FACSIMILE

Riverside County Planning Commission
County of Riverside
4080 Lemon St., 9th Floor
Riverside, CA 92501

RE: Item 6.0, General Plan Amendment Initiation Proceedings (April 7, 2010)

Honorable Chair and Members of the Commission:

The Endangered Habitats League (EHL) appreciates the opportunity to comment on these landowner-initiated GPA proposals. We ask you to hold the planning integrity of the General Plan.

Item 6.1, GPA 992 (French Valley)

Concur with staff recommendation to deny initiation. The thorough staff report details numerous reasons to deny initiation of this 952-acre foundation change. Specifically, there are no new planning circumstances, the change from rural to urban contradicts the General Plan vision, a community separator would be infringed upon, there is inconsistency with the Master Plan Overlay of the City of Murrieta's sphere of influence, it would "leap frog" development over other vacant land, create General Plan inconsistencies, and worsen infrastructure deficiencies. While Conservation Open Space is proposed, in point of fact, the HANS application is not complete. Indeed, on February 17, 2007, the Environmental Programs Dept. issued a determination showing that the development footprint in the GPA request is *grossly* in excess of that permitted by the MSHCP. Thus, from an MSHCP perspective, initiation is highly premature and would prejudice MSHCP assembly and create a General Plan inconsistency on that basis. However, we wish to make clear our continuing interest in working with the landowner and the County on MSHCP solutions for this critical site.

Item 6.2, GPA 1094 (Western Coachella Valley)

No position.

Item 6.3, GPA 1092 (Western Coachella Valley)

No position.

Thank you for considering our views.

Sincerely,

Dan Silver, MD
Executive Director

Electronic cc: Board Offices

George Johnson, TLMA

Ron Goldman, Planning Dept.

Damian Meins, Planning Dept.

Mike Harrod, Planning Dept.

Sam Alhadeff

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