

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



536 B

**FROM:** TLMA - Planning Department

**SUBMITTAL DATE:**  
05/03/07

**SUBJECT:** Ordinance No. 449.233, an Ordinance of the County of Riverside Further Extending Ordinance No. 449.226 for a Second and Final Year Until May 23, 2008 (Ordinance No. 449.226 was previously extended for 10 months and 15 days until May 23, 2007 by Ordinance No. 449.227), Requiring a 5 (Five) Acre Minimum Lot size in the Cahuilla Hills Area.

**RECOMMENDED MOTION:** That the Board adopt Ordinance No. 449.233, thereby further extending Ordinance No. 449.226, originally extended by Ordinance No. 449.227, and the interim zoning established pursuant thereto, until May 23, 2008.

**BACKGROUND:** On June 20, 2006, the Board of Supervisors adopted Ordinance No. 449.227, which extended Ordinance no. 449.226 for an additional 10 months and 15 days. Ordinance No. 449.226 was adopted by the Board on May 23, 2006 to establish interim zoning requiring a 5 (five) acre minimum lot size in the Cahuilla Hills area of the Fourth Supervisorial District. State law only permits the application of interim, urgency zoning for a maximum of two years. Therefore, should the Board adopt the current proposed Ordinance No. 449.233, it would in effect extend the subject Cahuilla Hills 5 acre minimum lot size interim zoning for a second and final one year period, to May 23, 2008.

The Cahuilla Hills area is a residential community, about one square mile in size, and is located in generally rugged terrain. There is currently a single point of access to the community, Cahuilla Way. The interim zoning was established due to a significant increase in subdivisions that had been proposed in the area with lots smaller than five acres, and the public safety hazards posed by this trend in light of the highly limited access to the community.

The Planning Department, in cooperation with other County departments, including the Fire Department, has been studying various potential solutions to the Cahuilla Hills area lot size, access, and public safety issues. First, the County proposed establishing a new zone, the Rural Mountainous-Limited (RM-L) Zone, for application in three areas of the County, including the

*Jerry Joliffe for*  
Ron Goldman  
Planning Director

initials

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE

DATE 5/30/07

FORM APPROVED COUNTY COUNSEL

DATE MAY 03 2007

BY [Signature]

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

Prev. Agn. Ref.

District:

Agenda Number:

15.3

The Honorable Board of Supervisors

RE: Ordinance No. 449.233, an Ordinance of the County of Riverside Further Extending Ordinance No. 449.226 for a Second and Final Year Until May 23, 2008 (Ordinance No. 449.226 was previously extended for 10 months and 15 days until May 23, 2007 by Ordinance No. 449.227), Requiring a 5 (Five) Acre Minimum Lot size in the Cahuilla Hills Area.

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westernmost approximately 153 acres of the Cahuilla Hills area, that portion of the community that is designated as Rural Mountainous in the County's General Plan. Although the primary provisions of the proposed RM-L zone related to grading control, one of the provisions of that zone would have been to establish a 10-acre minimum lot size, thereby limiting the creation of potential new lots that would have otherwise exacerbated Cahuilla Hills' access and public safety problems.

Public hearings were held before the Riverside County Planning Commission regarding the proposed RM-L zone in 2006. The Planning Commission denied the RM-L Zone essentially due to a concern that it would have created uncertainty regarding whether the affected parcels could be developed; thereby possibly triggering the need for an unknown number of future variance requests. The Planning Commission, in acknowledging the problems created by insensitive grading and home designs in some rugged areas of the County, did recommend that architectural guidelines be developed instead to guide home site grading and building designs and massing. The proposed RM-L Zone was not appealed by anyone, nor was it set for hearing by the Board; therefore, the Planning Commission's denial ended that particular proposal. With respect to architectural/grading guidelines, staff will be bringing forward to the Board a proposal soon to develop them. Such guidelines could benefit the Cahuilla Hills area by discouraging the creation of some potential lots that would have severe grading or site access problems. However, the guidelines, by themselves, could not sufficiently resolve access issues for the whole community.

A second proposal would establish in the County's proposed new Land Use and Development Code, proposed Ordinance No. 850, a special overlay zone for Cahuilla Hills that would restrict future parcel sizes to a minimum of 5 acres. County Counsel is currently working with staff on a major rewrite of the proposed ordinance to ensure that it is legally sound. It is expected that it will be brought forth to a public hearing before the Board by the end of this year, and could potentially be in effect before the proposed interim zone, Ordinance No. 449.233, expires in May 2008, or soon thereafter.

The Planning Department will continue to work with other County departments, including Fire and Transportation, to identify any potential community access and circulation solutions that could be employed to help in resolving Cahuilla Hills' public safety and access concerns.

Finally, the Planning Department is in the early stages of preparation for the General Plan's first major 5-year update since its adoption in 2003. Most of the General Plan update program, including the identification and analysis of proposed changes to the current General Plan, environmental analysis [an Environmental Impact Report (EIR)] of the proposed changes, and public hearings, is expected to occur during 2008 and 2009, with final adoption of the updated General Plan possible in late 2009 or early 2010.

In summary, the Planning Department recommends that Ordinance No. 449.233 be adopted to enable the department, in cooperation with other departments, to complete the above-referenced programs, in order to put in place effective long term solutions to the Cahuilla Hills access and public safety problems.





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## EXHIBIT A

The unincorporated area of the County of Riverside lying within Section 36, Township 5, South, Range 5, East, San Bernardino Base and Meridian, in the State of California.