

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

402 B



FROM: Planning Department and County Counsel

SUBMITTAL DATE: March 13, 2008

SUBJECT: Ordinance No. 348.4573, an Ordinance of the County of Riverside amending Articles I and II of Ordinance No. 348

RECOMMENDED MOTION:

1. That the Board introduce and adopt on successive weeks Ordinance No. 348.4573.
2. That the Board find that the adoption of Ordinance No. 348.4573 is exempt from CEQA pursuant to Section 15061 (b) (3) in that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

BACKGROUND: This Ordinance amendment comprehensively revises Article I and Article II of Ordinance No. 348 and is part of an ongoing effort to revise, improve and update that Ordinance.

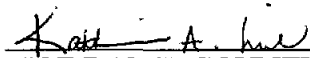
Article I addresses the general structure of the Ordinance and the allocation of planning responsibilities among the Board of Supervisors, Planning Commission and Planning Director. In addition to general legal revisions, the Article I amendments add detailed procedures governing hearing notices. Currently, each different permit under Ordinance No. 348 includes separate procedures for notice and hearing, some of which are legally deficient. This amendment specifies required notice procedures in conformance with current state statutory provisions and will allow the incorporation of these procedures into the various permit provisions.

Article II addresses the procedures with respect to the Riverside County General Plan and Specific Plans. In addition to general legal revisions, the Article II amendments add detailed procedures governing general plan amendments in order to implement the General Plan Certainty System set forth in the Administration Element of the General Plan.

(Continued on page 2)



RON GOLDMAN, PLANNING DIRECTOR




Katherine A. Lind for
JOE RANK, COUNTY COUNSEL

Policy
 Policy

APPROVE

C.E.O. RECOMMENDATION:

BY 

Tina Grande

County Executive Office Signature

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

3.33

Each of the general plan amendment categories defined under the General Plan Certainty System is implemented by an ordinance section as follows:

1. Section 2.4. General Plan Technical Amendments and Entitlement/Policy Amendments.
2. Section 2.5. General Plan Foundation Component Amendments-Regular This is the section governing the Five-Year General Plan Review Cycle.
3. Section 2.6. General Plan Foundation Component Amendments-Extraordinary.
4. Section 2.7. Agriculture Foundation Component General Plan Amendments.

The special findings, procedures and limitations applicable to each category of general plan amendment under the General Plan Certainty System are set forth in these ordinance sections.

The following provisions apply to all categories of general plan amendment:

1. The initiation of proceedings for any general plan amendment requires an order of the Board of Supervisors, adopted by a majority of the Board. The adoption of an order by the Board does not require a public hearing and does not imply that a proposed amendment will be approved. After the Board orders the initiation of proceedings, all general procedures governing the processing, hearing and adoption of general plan amendments apply. In addition, any special procedures applicable to the particular category of amendment, e.g. findings requirements, will apply.
2. Either the Planning Director of the Planning Commission may recommend that the Board adopt an order initiating proceedings for an amendment. All such recommendations shall be placed on the Board agenda as a matter not requiring a public hearing. Whenever the Planning Director submits a recommendation, he shall first request the comments of the Planning Commission and include any comments in the submission to the Board. No public hearing before the Planning Commission is required to request comments.
3. Private property owners have the right to apply for an order initiating proceedings to amend the General Plan with respect to provisions of the General Plan affecting the use of their property. All applications shall be submitted to the Board, with the report and recommendation of the Planning Director and any comments of the Planning Commission, as a matter not requiring a public hearing.
4. Once the Board adopts an order initiating proceedings for any general plan amendment, it may be processed, heard and decided separately or together with other amendments as determined by the Planning Director.

Under Government Code Section 65853 and Section 20.3a of Ordinance No. 348, these ordinance amendments do not require a noticed public hearing before the Board or the Planning Commission. These amendments were presented to the Planning Commission in a study session on January 23, 2008.

1 b. Members of the Commission shall be appointed for a four year term.
2 Notwithstanding the specified term of four years for a member of the
3 Commission, a member shall not remain eligible to remain on the
4 Commission should the member of the Board of Supervisors from the
5 district which the Commission member was appointed ceases to be a
6 member of the Board of Supervisors or if a Commission member moves his
7 residence out of the district from which he was appointed, and in either such
8 situation membership shall automatically terminate upon the appointment
9 by the Board of a new member to fill the remainder of the unexpired term.
10 The term of two Commissioners shall expire on June 30 of the same year
11 and the term of three Commissioners shall expire on June 30, two years
12 thereafter.

13 c. The Commission shall elect one member as chairman and one as vice
14 chairman, to hold office at the pleasure of the members. Three members
15 shall be a quorum and three affirmative votes shall be required to carry a
16 motion. The Commission shall hold at least one regular meeting per month.

17 d. The Commission shall perform those planning and zoning duties specified
18 by State law or ordinance, including, but not limited to, the duties related to
19 legislative matters and the duties related to quasi-judicial matters and
20 appeals thereof.

21 e. Members of the County Planning Commission shall receive such
22 compensation as may be fixed by or pursuant to the salary ordinance.
23 Commission members shall also receive travel expenses for attending
24 Commission meetings, and other authorized travel, as may be fixed by or
25 pursuant to the salary ordinance.

26 SECTION 1.5. PLANNING DEPARTMENT. The Planning Department shall
27 be headed by a Planning Director who shall be appointed by the Director of the Transportation and
28 Land Management Agency to hold office at his pleasure, and shall include a staff of employees

1 under his direction as provided by or pursuant to the salary ordinance. The Planning Department
2 shall provide technical and clerical assistance to the County Planning Commission and shall
3 perform functions related to planning, zoning and land divisions as may be required by State law,
4 ordinance or order of the Board of Supervisors.

5 SECTION 1.6. NOTICE OF HEARING BY PUBLICATION.

- 6 a. When a provision of this ordinance requires notice of a public hearing to be
7 given pursuant to this Section, notice shall be published once in at least one
8 newspaper of general circulation within the County at least 10 days prior to
9 the hearing.
- 10 b. The notice shall include the information specified in Section 1.10 of this
11 ordinance.
- 12 c. In addition to the notice required by this Section, the Planning Director
13 may direct that notice of the hearing be given in any other manner deemed
14 necessary or desirable. The failure of any person or entity to be given such
15 optional additional notice pursuant to this subsection, or to receive any such
16 notice, shall not constitute grounds for the invalidation of any action of the
17 County.
- 18 d. Whenever the County considers the adoption or amendment of policies or
19 ordinances affecting drive-through facilities, the County shall incorporate,
20 where necessary, notice procedures to the blind, aged, and disabled
21 communities in order to facilitate their participation. Such notice shall be
22 satisfied by providing mailed notice of hearing to at least one organization
23 which works with the blind community, at least one organization which
24 works with the aged community, and at least one organization which works
25 with the disabled community.

26 SECTION 1.7. NOTIFICATION PROCEDURES.

- 27 a. When a provision of this ordinance requires notice of a public hearing to be
28 given pursuant to this Section, notice shall be given in all of the following

ways:

- (1) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property as shown on the latest equalized assessment roll. Instead of using the assessment roll, the County may use records of the County assessor or tax collector if those records contain more recent information than the information contained on the assessment roll. Notice shall also be mailed to the owner's duly authorized agent, if any, and to the project applicant.
- (2) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.
- (3) Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property that is the subject of the hearing. In lieu of using the assessment roll, the County may use records of the County assessor or tax collector which contain more recent information than the assessment roll. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph or paragraph (1) is greater than 1,000, the County, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days prior to the hearing.
- (4) If the notice is mailed or delivered pursuant to paragraph (3), the notice shall also be published once in at least one newspaper of

1 general circulation within the County at least 10 days prior to the
2 hearing.

3 b. The notice shall include the information specified in Section 1.10 of this
4 ordinance.

5 c. In addition to the notice required by this Section, the Planning Director may
6 direct that notice of the hearing be given in any other manner deemed
7 necessary or desirable. The failure of any person or entity to be given such
8 optional additional notice pursuant to this subsection, or to receive any such
9 notice, shall not constitute grounds for the invalidation of any action of the
10 County.

11 d. Whenever a hearing is held regarding a permit for a drive-through facility,
12 or modification of an existing drive-through facility permit, the County
13 shall incorporate, where necessary, notice procedures to the blind, aged, and
14 disabled communities in order to facilitate their participation in any hearing
15 on, or appeal of the denial of, a drive-through facility permit. Such notice
16 shall be satisfied by providing mailed notice of hearing to at least one
17 organization which works with the blind community, at least one
18 organization which works with the aged community, and at least one
19 organization which works with the disabled communities.

20 SECTION 1.8. REQUEST FOR NOTIFICATION. When a provision of this
21 ordinance requires notice of a public hearing to be given pursuant to Section 1.6 or 1.7, the notice
22 shall also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a
23 written request for notice with the Planning Director accompanied by the fees set forth in County
24 Ordinance No. 671. Any such request for notice shall expire after one year unless renewed by the
25 filing of a new request accompanied by the fees set forth in County Ordinance No. 671.

26 SECTION 1.9. FAILURE TO RECEIVE MANDATORY NOTICE; FAILURE
27 TO GIVE OR RECEIVE OPTIONAL ADDITIONAL NOTICE. The failure of any person or
28 entity to receive notice required to be given pursuant to this ordinance shall not constitute grounds

1 for any court to invalidate the actions of the County for which the notice was given. The failure of
2 any person or entity to be given optional additional notice pursuant to either subsection 1.6c or
3 subsection 1.7c of this ordinance, or to receive any such notice, shall not constitute grounds for the
4 invalidation of any action of the County.

5 SECTION 1.10. CONTENTS OF NOTICE OF PUBLIC HEARING. As used
6 in this ordinance, "notice of a public hearing" means a notice that includes the date, time, and
7 place of a public hearing, the identity of the hearing body or officer, a general explanation of the
8 matter to be considered, and a general description, in text or by diagram, of the location of the real
9 property, if any, that is the subject of the hearing.

10 SECTION 1.11. HEARING CONTINUANCES. Any public hearing conducted
11 under this ordinance may be continued from time to time. No additional notice of public hearing
12 shall be required for a continued public hearing."

13 Section 2. Article II of Ordinance No. 348 is amended in its entirety to read as follows:
14

15 **"ARTICLE II**
16 **RIVERSIDE COUNTY GENERAL PLAN AND SPECIFIC PLANS**

17
18 SECTION 2.1. ADOPTION OR AMENDMENT OF THE GENERAL PLAN.

- 19 a. The Riverside County General Plan or any part or element thereof, and any
20 amendment to the plan or any part or element thereof, shall be adopted in
21 accordance with the provisions of Section 65300 et seq. of the Government
22 Code, as now written or hereafter amended, and this Article. No mandatory
23 element of the General Plan shall be amended more frequently than four
24 times during any calendar year, unless otherwise allowed by Section 65358
25 of the Government Code. Subject to that limitation, an amendment may be
26 adopted at any time, as determined by the Board of Supervisors. Each
27 amendment may include more than one change to the General Plan.
28 b. The initiation of proceedings for the amendment of the General Plan, or any

1 part or element thereof, shall be conducted in accordance with the
2 provisions of this Article. The initiation of proceedings for the amendment
3 of the General Plan, or any part or element thereof, shall require an order of
4 the Board of Supervisors, adopted by the affirmative vote of not less than a
5 majority of the entire membership of the Board. Either the Planning
6 Director or the Planning Commission may recommend, in the manner
7 provided by this Article, that the Board of Supervisors initiate proceedings
8 for the amendment of the General Plan or any part or element thereof. The
9 owner of real property, or a person authorized by the owner, shall have the
10 right to apply for the initiation of proceedings, in the manner provided by
11 this Article, to amend the General Plan with respect to provisions of the
12 General Plan affecting the use of his property. The initiation of proceedings
13 by the Board of Supervisors for the amendment of the General Plan, or any
14 part or element thereof, shall not imply any such amendment will be
15 approved.

16 SECTION 2.2. GENERAL PLAN CONSISTENCY. No discretionary permit
17 shall be approved pursuant to this ordinance unless it is determined that the permit is consistent
18 with the General Plan.

19 SECTION 2.3. DEFINITIONS FOR GENERAL PLAN AMENDMENT
20 PROCEDURES. Capitalized terms in Section 2.4, Section 2.5, Section 2.6 and Section 2.7 shall
21 have the same meanings as set forth in the Riverside County General Plan.

22 SECTION 2.4. GENERAL PLAN TECHNICAL AMENDMENTS AND
23 ENTITLEMENT/POLICY AMENDMENTS.

- 24 a. APPLICABILITY. This Section shall govern the processing of any
25 General Plan amendment which is defined as a Technical Amendment or an
26 Entitlement/Policy Amendment. Technical Amendments involve changes
27 of a technical nature including, without limitation: statistical corrections;
28 mapping error corrections; changes in spheres of influence and city

1 boundaries; changes in Unincorporated Communities or Communities of
2 Interest; editorial clarifications that do not change the intent of the General
3 Plan; or appendix information useful in interpreting the General Plan but
4 which does not change the General Plan intent. Entitlement/Policy
5 Amendments involve changes in land use designations or policies that
6 involve land located entirely within a General Plan Foundation Component
7 but that do not change the boundaries of that component. Notwithstanding
8 the preceding sentence, a proposed change of land use designation to
9 properties located in Eastern Riverside County Desert Area not covered by
10 an Area Plan shall be considered a Foundation Component Amendment and
11 shall be subject to the provisions of Section 2.5 and Section 2.6 of this
12 ordinance. An Entitlement/Policy Amendment may also involve a change in
13 General Plan Policy provided it does not change the Riverside County
14 Vision, a Foundation Component, or a General Planning Principle set forth
15 in General Plan Appendix B.

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

24 c. RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT
25 PROCEEDINGS. Either the Planning Director or the Planning
26 Commission may recommend that the Board of Supervisors adopt an order
27 initiating proceedings for an amendment pursuant to this Section. All such
28 recommendations shall be in writing and shall be submitted to the Clerk of

1 the Board for placement on the agenda of the Board as a matter not
2 requiring a public hearing. Whenever the Planning Director prepares such a
3 recommendation, the comments of the Planning Commission shall be
4 requested and any comments shall be included in the submission to the
5 Board of Supervisors. No public hearing before the Planning Commission
6 shall be required to request such comments.

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

22 e. AMENDMENT PROCEEDINGS AND HEARINGS. After adoption of
23 an order of the Board of Supervisors initiating proceedings for an
24 amendment pursuant to this Section, the amendment shall be processed,
25 heard and decided in accordance with Section 2.1 and Section 2.10 of this
26 ordinance. If the Board adopts orders initiating proceedings for several
27 amendments pursuant to this Section, each such amendment may be
28 processed, heard and decided separately or together with other such

1 amendments as determined by the Planning Director.

2 f. FINDINGS.

3 (1) Technical Amendments. A Planning Commission resolution
4 recommending approval of a Technical Amendment and a Board of
5 Supervisors resolution approving a Technical Amendment shall
6 include the first finding listed below and any one or more of the
7 subsequent findings listed below:

8 (a) The proposed amendment would not change any policy
9 direction or intent of the General Plan.

10 (b) An error or omission needs to be corrected.

11 (c) A land use designation was based on inaccurate or
12 misleading information and should therefore be changed to
13 properly reflect the policy intent of the General Plan.

14 (d) A point of clarification is needed to more accurately express
15 the General Plan's meaning or eliminate a source of
16 confusion.

17 (e) A minor change of boundary will more accurately reflect
18 geological or topographic features, or legal or jurisdictional
19 boundaries.

20 (2) Entitlement/Policy Amendments. A Planning Commission
21 resolution recommending approval of an Entitlement/Policy
22 Amendment and a Board of Supervisors resolution approving an
23 Entitlement/Policy Amendment shall include the first two findings
24 listed below and any one or more of the subsequent findings listed
25 below:

26 (a) The proposed change does not involve a change in or conflict
27 with: the Riverside County Vision; any General Planning
28 Principle set forth in General Plan Appendix B; or any

1 Foundation Component designation in the General Plan.

2 (b) The proposed amendment would either contribute to the
3 purposes of the General Plan or, at a minimum, would not be
4 detrimental to them.

5 (c) Special circumstances or conditions have emerged that were
6 unanticipated in preparing the General Plan.

7 (d) A change in policy is required to conform to changes in state
8 or federal law or applicable findings of a court of law.

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

11 (f) An amendment is required to expand basic employment job
12 opportunities (jobs that contribute directly to the County's
13 economic base) and that would improve the ratio of jobs-to-
14 workers in the County.

15 (g) An amendment is required to address changes in ownership
16 of land or land not under the land use authority of the Board
17 of Supervisors.

18 SECTION 2.5. GENERAL PLAN FOUNDATION COMPONENT

19 AMENDMENTS - REGULAR.

20 a. APPLICABILITY. This Section shall govern the processing of regular
21 Foundation Component Amendments occurring during the Five-Year
22 General Plan Review Cycle including any General Plan amendment to
23 change:

24 (1) The Riverside County Vision;

25 (2) The General Planning Principles set forth in General Plan Appendix
26 B;

27 (3) A Foundation Component of the General Plan (except for changes to
28 property designated within the Agriculture Foundation Component

1 which shall be processed in accordance with Section 2.7 of this
2 ordinance); or,

3 (4) A proposed change to the land use designations established in the
4 Eastern Riverside County Desert Area, not covered by an Area Plan.

5 b. LIMITATION ON FOUNDATION COMPONENT AMENDMENTS.
6 Except as otherwise provided in Section 2.6 and Section 2.7, no Foundation
7 Component Amendment shall be heard or approved except as part of the
8 Five-Year General Plan Review Cycle. The first Five-Year General Plan
9 Review Cycle shall commence on January 1, 2008 and continue during the
10 2008 calendar year, and subsequent cycles shall occur at five calendar year
11 intervals thereafter.

12 c. INITIATION OF AMENDMENT PROCEEDINGS. The initiation of
13 proceedings for any amendment pursuant to this Section shall require an
14 order of the Board of Supervisors, adopted by the affirmative vote of not
15 less than a majority of the entire membership of the Board. The Board of
16 Supervisors may adopt an order initiating amendment proceedings at any
17 time during the calendar year of a Five-Year General Plan Review Cycle.
18 The adoption of an order by the Board initiating amendment proceedings
19 shall not require a public hearing and shall not imply any such amendment
20 will be approved.

21 d. RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT
22 PROCEEDINGS. Either the Planning Director or the Planning
23 Commission may recommend that the Board of Supervisors adopt an order
24 initiating proceedings for an amendment pursuant to this Section. All such
25 recommendations shall be in writing and shall be submitted to the Clerk of
26 the Board for placement on the agenda of the Board as a matter not
27 requiring a public hearing. Whenever the Planning Director prepares such a
28 recommendation, the comments of the Planning Commission shall be

1 requested and any comments shall be included in the submission to the
2 Board of Supervisors. No public hearing before the Planning Commission
3 shall be required to request such comments.

4 e. PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT
5 PROCEEDINGS. The owner of real property, or a person authorized by
6 the owner, shall have the right to request that the Board of Supervisors
7 adopt an order initiating proceedings for an amendment pursuant to this
8 Section. The Planning Director shall establish an application period of not
9 less than thirty days during the calendar year of each Five-Year General
10 Plan Review Cycle during which applications will be accepted. After this
11 application period is established, it shall not be extended. Applications
12 shall be made to the Planning Director, on the forms provided by the
13 Planning Department, shall supply all required information, and shall be
14 accompanied by the filing fee set forth in County Ordinance No. 671. The
15 Planning Director shall prepare a report and recommendation on all such
16 applications and shall submit the report and recommendation to the Clerk of
17 the Board for placement on the Board agenda as a matter not requiring a
18 public hearing. Prior to submitting the report and recommendation to Clerk
19 of the Board, the comments of the Planning Commission shall be requested
20 and any comments shall be included in the submission to the Board of
21 Supervisors. No public hearing before the Planning Commission shall be
22 required to request such comments.

23 f. AMENDMENT PROCEEDINGS AND HEARINGS. After adoption of
24 an order of the Board of Supervisors initiating proceedings for an
25 amendment pursuant to this Section, the amendment shall be processed,
26 heard and decided in accordance with Section 2.1 and Section 2.10 of this
27 ordinance. If the Board adopts orders initiating proceedings for several
28 amendments pursuant to this Section, each such amendment may be

1 processed, heard and decided separately or together with other such
2 amendments as determined by the Planning Director. Hearings and the
3 final decision on any amendment pursuant to this Section may occur after
4 the calendar year during which proceedings for the amendment were
5 initiated.

- 6 g. FINDINGS. A Planning Commission resolution recommending approval
7 of a regular Foundation Component Amendment and a Board of
8 Supervisors resolution approving a regular Foundation Component
9 Amendment shall include findings, based on substantial evidence, that new
10 conditions or circumstances disclosed during the review process justify
11 modifying the General Plan, that the modifications do not conflict with the
12 overall Riverside County Vision, and that they would not create an internal
13 inconsistency among the elements of the General Plan. The foregoing
14 requirement for findings shall not apply to any amendment to the Riverside
15 County Vision.

16 SECTION 2.6. GENERAL PLAN FOUNDATION COMPONENT
17 AMENDMENTS – EXTRAORDINARY.

- 18 a. APPLICABILITY. This Section shall govern the processing of any
19 Foundation Component Amendment not occurring during the Five-Year
20 General Plan Review Cycle including any General Plan amendment to
21 change:
- 22 (1) The Riverside County Vision;
 - 23 (2) The General Planning Principles set forth in General Plan Appendix
24 B;
 - 25 (3) A Foundation Component of the General Plan (except for changes to
26 property designated within the Agricultural Foundation Component
27 which shall be processed in accordance with Section 2.7 of this
28 ordinance); or,

1 (4) A proposed change to the land use designations established in the
2 Eastern Riverside County Desert Area, not covered by an Area Plan.

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

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

22 d. PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT
23 PROCEEDINGS. The owner of real property, or a person authorized by
24 the owner, shall have the right to request that the Board of Supervisors
25 adopt an order initiating proceedings for an amendment pursuant to this
26 Section. Applications shall be made to the Planning Director, on the forms
27 provided by the Planning Department, shall supply all required information,
28 and shall be accompanied by the filing fee set forth in County Ordinance

1 No. 671. The Planning Director shall prepare a report and recommendation
2 on all such applications and shall submit the report and recommendation to
3 the Clerk of the Board for placement on the Board agenda as a matter not
4 requiring a public hearing. Prior to submitting the report and
5 recommendation to the Clerk of the Board, the comments of the Planning
6 Commission shall be requested and any comments shall be included in the
7 submission to the Board of Supervisors. No public hearing before the
8 Planning Commission shall be required to request such comments.

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

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

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

- 1 (2) A condition exists or an event has occurred that is unusually
2 compelling and can only be rectified by making changes in the
3 current Riverside County Vision, General Planning Principles set
4 forth in General Plan Appendix B, or Foundation Component.
- 5 (3) An unconstitutional taking of property might occur without the
6 amendment, and the amendment alters the General Plan Foundation
7 Component only to the extent necessary to avoid the potential
8 taking.
- 9 (4) A natural or man-made disaster or public emergency has occurred
10 that warrants a change in General Plan Foundation Component
11 designations in order to protect the public health, safety or welfare.
- 12 (5) A Foundation Component Amendment is required to conform to
13 changes in State or Federal law, or applicable findings of a court of
14 law.
- 15 (6) An amendment is required to comply with an update of the Housing
16 Element or change in State Housing Element law.
- 17 (7) A Foundation Component Amendment is required to significantly
18 expand basic structural employment (such as industrial, agricultural
19 processing, and research and development), excluding retail, service
20 commercial, warehousing, and residential uses not ancillary to the
21 primary employment use.
- 22 (8) A Foundation Component change is necessary to facilitate
23 implementation of open space or transportation corridor
24 designations arising from the adopted MSHCP or Community
25 Environmental Transportation Acceptability Program (CETAP)
26 programs that could not be accomplished by a lesser change in the
27 General Plan.
28

1 SECTION 2.7. AGRICULTURAL FOUNDATION COMPONENT GENERAL
2 PLAN AMENDMENTS.

- 3 a. APPLICABILITY. This Section shall govern the processing of any
4 General Plan amendment to change property to or from the Agriculture
5 Foundation Component.
- 6 b. GENERAL AUTHORIZATION FOR AGRICULTURAL FOUNDATION
7 COMPONENT AMENDMENTS.

8 (1) All amendments pursuant to this Section shall be assigned to a 2 ½
9 Year Agricultural Foundation Amendment Cycle based on the date
10 of amendment adoption. The first 2 ½ Year Cycle commenced
11 January 1, 2004 and ended on June 30, 2006; the second 2 ½ Year
12 Cycle extends from July 1, 2006 to December 31, 2008; and
13 subsequent 2 ½ Year Cycles shall continue in the same manner for 2
14 ½ year periods thereafter.

15 (2) The Planning Director shall determine the total acreage of land
16 within the Agricultural Foundation Component as of January 1,
17 2004 (the "Agricultural Foundation Base Acreage"), for each of the
18 following three areas:

- 19 (a) The area covered by the Palo Verde Valley Area Plan, the
20 Desert Center Area Plan and the Eastern Desert Land Use
21 Plan;
- 22 (b) The area covered by the Eastern Coachella Valley Area Plan
23 and the Western Coachella Valley Area Plan; and,
- 24 (c) The area covered by all other Area Plans.

25 (3) During the first 2 ½ Year Agricultural Foundation Amendment
26 Cycle, seven percent (7%) of the Agricultural Foundation Base
27 Acreage for each of the areas listed in paragraph (2) above shall be
28 generally authorized for conversion from Agriculture to any other

1 Foundation Component (the "Agricultural Amendment General
2 Authorization Acreage"). During each subsequent 2 ½ Year
3 Agricultural Foundation Amendment Cycle, the Agricultural
4 Amendment General Authorization Acreage for each area listed in
5 paragraph (2) above shall consist of an acreage equal to the
6 Agricultural Amendment General Authorization Acreage for the
7 first 2 ½ Year Agricultural Foundation Amendment Cycle plus the
8 Agricultural Amendment General Authorization Acreage for all
9 subsequent 2 ½ Year Agricultural Foundation Amendment Cycles
10 reduced by the acreage of all General Plan amendments adopted
11 after January 1, 2004 (except General Plan amendments adopted
12 pursuant to subsection g. below) converting land from Agriculture to
13 any other Foundation Component for each such area.

14 (4) Unless otherwise allowed as provided in subsection g. below, no
15 amendment pursuant to this Section shall be approved by the Board
16 of Supervisors if such approval would result in a conversion from
17 Agriculture to any other Foundation Component in excess of the
18 Agricultural Amendment General Authorization Acreage, as
19 determined under paragraph (3) above, during any 2 ½ Year
20 Agricultural Foundation Amendment Cycle.

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

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

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

27 f. AMENDMENT PROCEEDINGS AND HEARINGS. After adoption of
28 an order of the Board of Supervisors initiating proceedings for an

1 amendment pursuant to this Section, the amendment shall be processed,
2 heard and decided in accordance with Section 2.1 and Section 2.10 of this
3 ordinance. If the Board adopts orders initiating proceedings for several
4 amendments pursuant to this Section, each such amendment may be
5 processed, heard and decided separately or together with other such
6 amendments as determined by the Planning Director.

7 g. ADDITIONAL AUTHORIZATION FOR AGRICULTURAL
8 FOUNDATION COMPONENT AMENDMENTS. Notwithstanding the
9 provisions of subsection b. above, the Board of Supervisors may approve an
10 amendment which exceeds the Agricultural Amendment General
11 Authorization Acreage for any 2 ½ Year Agricultural Foundation
12 Amendment Cycle provided the Board first determines that any condition or
13 circumstance including, without limitation, any business consideration or
14 undue hardship, justifies the amendment and also determines that adequate
15 infrastructure to serve the land use designations will be available. Prior to
16 approving an amendment as provided in this subsection, the Board of
17 Supervisors shall first submit the amendment to the Agricultural Task Force
18 for the area where the property subject to the amendment is located for its
19 review and recommendation.

20 h. FINDINGS. A Planning Commission resolution recommending approval
21 of an Agricultural Foundation Component Amendment and Board of
22 Supervisors resolution approving an Agricultural Foundation Component
23 Amendment shall include a finding that the amendment would either
24 contribute to the achievement of the purposes of the General Plan or, at a
25 minimum, not be detrimental to them.

26 SECTION 2.8. SPECIFIC PLANS. Specific plans, and amendments thereto,
27 shall be heard and adopted in accordance with the provisions of Section 65450 et seq. of the
28 Government Code, as now written or hereafter amended, and in accordance with Section 2.10 of

1 this Article. The Board of Supervisors may, by affirmative vote of not less than a majority of the
2 entire membership of the Board, order the preparation and hearing of a new specific plan or the
3 amendment of any existing specific plan. Any such order for preparation and hearing shall not
4 imply that any new specific plan or amendment to an existing specific plan will be approved.

5 SECTION 2.9. APPLICATIONS FOR SPECIFIC PLANS.

6 a. The owner of real property, or a person authorized by the owner, shall have
7 the right to request that the County consider a specific plan or an
8 amendment to an existing specific plan for the real property. The right to
9 request consideration of a specific plan or a specific plan amendment does
10 not imply that the specific plan or the specific plan amendment will be
11 approved. Whenever any State law, the Riverside County General Plan or
12 any ordinance requires the adoption of a specific plan as a condition to the
13 approval of a project, an application for a specific plan shall be made
14 pursuant to this section.

15 b. Applications shall be made in writing to the Planning Director on the forms
16 provided by the Planning Department and shall be accompanied by the fee
17 set forth in County Ordinance No. 671. The application shall supply all
18 required information and shall include the following:

19 (1) Wherever a proposed specific plan is for a project subject to the
20 Alquist-Priolo Earthquake Fault Zoning Act, Public Resources Code
21 Section 2621 et seq., a geologic report shall be submitted as required
22 by County Ordinance No. 547.

23 (2) Whenever a proposed specific plan will substantially determine the
24 location of any building sites for structures, a flood protection study
25 shall be submitted with the specific plan along with the fee set forth
26 in County Ordinance No. 671.

27 c. A specific plan shall include text and a diagram or diagrams which specify
28 all of the following in detail:

- 1 (1) The distribution, location and extent of the uses of land, including
2 open space, within the area covered by the plan.
- 3 (2) The proposed distribution, location and extent and intensity of major
4 components of public and private transportation, sewage, water,
5 drainage, solid waste disposal, energy, and other essential facilities
6 proposed to be located within the area covered by the plan.
- 7 (3) Standards and criteria by which development will proceed, and
8 standards for the conservation, development, and utilization of
9 natural resources, where applicable.
- 10 (4) A program of implementation measures including regulations,
11 programs, public works projects, and financing measures necessary
12 to carry out paragraphs (1), (2) and (3) of this subsection.

13 d. A specific plan shall include a statement of the relationship of the specific
14 plan to the General Plan.

15 SECTION 2.10. HEARINGS ON ADOPTION OR AMENDMENT OF THE
16 GENERAL PLAN.

17 Proposals to adopt or amend the Riverside County General Plan, or any part or element
18 thereof, shall be heard in the following manner:

- 19 a. The Planning Commission shall hold a public hearing on the matter. Notice
20 of the public hearing shall be given pursuant to Section 1.6 of this
21 ordinance. If the proposed General Plan or amendment to the General Plan
22 would affect the permitted uses or intensity of uses of real property, notice
23 of the public hearing shall also be given pursuant to Section 1.7 of this
24 ordinance.
- 25 b. After closing the public hearing, the Planning Commission shall make a
26 recommendation for approval or disapproval within a reasonable time, by
27 resolution, including therein its findings, and transmit it to the Board of
28 Supervisors with a copy mailed to the applicant, if any. A recommendation

1 for approval shall be made by the affirmative vote of not less than a
2 majority of the total membership of the Planning Commission. If the
3 Commission cannot reach a decision within a reasonable time after closing
4 the hearing, that fact shall be reported to the Board of Supervisors and shall
5 be deemed a recommendation to deny the proposal.

6 c. Upon receipt of a recommendation of the Planning Commission on adoption
7 or amendment of the General Plan, the Clerk of the Board shall set the
8 matter for public hearing before the Board of Supervisors at the earliest
9 convenient day and shall give notice of public hearing in the same manner
10 as notice was given of the hearing before the Planning Commission.

11 d. After closing the public hearing, the Board of Supervisors shall render its
12 decision within a reasonable time. A decision to adopt or amend the
13 General Plan, or any part or element thereof, shall be made by resolution,
14 which resolution shall be adopted by the affirmative vote of not less than
15 the majority of the total membership of the Board. The Board of
16 Supervisors may approve, modify or disapprove the recommendation of the
17 Planning Commission; provided, however, that any substantial modification
18 of the Planning Commission's recommendation not previously considered
19 by the Commission shall first be referred to the Commission for its
20 recommendation. The Planning Commission shall not be required to hold a
21 public hearing thereon, and failure of the Commission to report within 45
22 days after the reference or such longer period of time as may be specified by
23 the Board, shall be deemed to be a recommendation for approval of the
24 proposed modification.

25 e. A proposal to adopt or amend any part or element of the General Plan shall
26 not be approved by the Board of Supervisors until all procedures required
27 by the Riverside County CEQA implementing procedures to approve a
28 matter have been completed.

1 SECTION 2.11. DETERMINATION OF PROJECT CONFORMANCE WITH
2 ADOPTED SPECIFIC PLAN.

3 a. Whenever an application for an implementing project varies from and is not
4 in substantial conformance with an adopted specific plan, an amendment to
5 that specific plan shall be adopted pursuant to the provisions of Section 2.5
6 of this ordinance prior to the approval of the implementing project.

7 b. Whenever an application for an implementing project varies from but is in
8 substantial conformance with the adopted specific plan, a determination of
9 substantial conformance shall be issued as provided in this subsection prior
10 to the approval of the implementing project.

11 (1) For purposes of this subsection, the term "substantial conformance"
12 shall mean a non-substantial modification of a condition of
13 approval, diagram, or text of the specific plan that does not change
14 the basic design or improvements required and is consistent with the
15 original resolution adopting the specific plan, the conditions of
16 approval, and the specific plan text. Substantial conformance may
17 include a modification or deletion of a condition which will not
18 substantially or adversely affect the underlying purpose for which
19 the condition was initially required, construction of an implementing
20 project out of phase so long as all infrastructure and public facilities
21 required for the intervening phases are provided, a modification of
22 the approved land uses in a phase which does not increase the land
23 use density or intensity in any phase or planning area or a
24 modification of the project design which improves circulation,
25 protects topographic features, minimizes grading, improves drainage
26 or improves infrastructure.

27 (2) An application for a determination of substantial conformance shall
28 be made on forms provided by the Planning Department, shall be

1 accompanied by the fee set forth in County Ordinance No. 671 and
2 shall include the following:

3 (a) An accurate and complete description of the modification
4 and how it affects the adopted specific plan, along with any
5 necessary exhibits or diagrams.

6 (b) Any other information, exhibits or drawings the Planning
7 Director may require.

8 (3) The Planning Director shall transmit all such applications to the
9 appropriate agencies for review and comment and shall then forward
10 them, along with a recommendation, to the Planning Commission
11 for decision. A copy of the notice or decision of the Planning
12 Commission shall be mailed to the applicant and to any person who
13 has made a written request therefor. The Planning Director shall
14 also file a copy of the notice of decision of the Planning
15 Commission with the Clerk of the Board of Supervisors, together
16 with a report of the proceedings, not more than 15 days after the
17 decision. The Clerk of the Board shall place the notice of decision
18 on the next agenda of the Board of Supervisors held five or more
19 days after the Clerk receives the notice from the Planning Director.
20 The decision of the Planning Commission shall be considered final
21 unless the applicant or an interested party files an appeal with the
22 Clerk of the Board of Supervisors accompanied by the fee set forth
23 in County Ordinance No. 671 within ten days after the notice of
24 decision appear on the Board's agenda. If a timely appeal is filed, the
25 Clerk shall place the matter on the next available agenda, and the
26 Board of Supervisors shall determine whether the determination of
27 substantial conformance should be made. An application for a
28 determination of substantial conformance shall not require a noticed

1 public hearing; however, if the Planning Director, the Commission,
2 or the Board decides that notice of the application should be given,
3 notice shall be given at the applicant's expense in the manner
4 provided for by Section 1.6 and 1.7 of this ordinance. Whenever
5 such a decision requiring notice is made, no further action shall be
6 taken on the application until proper notice has been given. The
7 Commission or Board of Supervisors may, at their discretion, allow
8 testimony to be given on the proposed modification.

9 (4) An application for a determination of substantial conformance may
10 be approved only if the following findings are made:

11 (a) That the project as modified meets the intent and purpose of
12 the adopted specific plan; and,

13 (b) That the project as modified is consistent with the findings
14 and conclusions contained in the resolution adopting the
15 specific plan.

16 c. Notwithstanding any other provision in this Section to the contrary, and
17 even if the application for a determination of substantial conformance otherwise
18 could be approved under this section, an applicant may be required to process a
19 specific plan amendment pursuant to the provisions of Section 2.9 of this ordinance
20 if it is determined that an amendment to the specific plan is required.

21 SECTION 2.12. REPORTS ON CONFORMITY WITH GENERAL PLAN.

22 a. The Planning Department is designated as the planning agency, under the
23 provisions of Section 65402 of the Government Code, and any similar
24 provision of State law, to report on public acquisitions, dispositions,
25 abandonments, and construction, as to conformity with the Riverside
26 County General Plan.

27 b. Whenever any County department or a public agency is processing a project
28 that requires a report under the provisions of Section 65402 of the

1 Government Code, or any similar provision of State law, application shall
2 be made to the Planning Director on forms provided by the Planning
3 Department and shall supply all requested information, including the
4 following:

- 5 (1) The name, address and telephone number of applicant, including
6 information regarding any cooperating or involved agencies.
- 7 (2) The legal basis for the project on an estimated time schedule for
8 development or action to be taken.
- 9 (3) The location, address or legal description of the subject property or
10 area, together with a site plan and description of the proposed
11 project and uses.
- 12 (4) The location of adjacent streets, easements, utilities, and other
13 features, both natural and constructed, that may affect or be affected
14 by the proposal.
- 15 (5) Development plans of any proposed construction, including such
16 structural features as may be required to determine if the proposal is
17 in conformity with the General Plan and any specific plan in effect
18 in the area.

- 19 c. Within 40 days after receipt of a completed application, the Planning
20 Director shall make a report to the applicant as to the conformity of the
21 location, purpose and extent of the proposed project with the General Plan.
- 22 d. Within ten days after the date of mailing or delivery of the report of the
23 Planning Director, the applicant may appeal, in writing, to the Planning
24 Commission on the form provided by the Planning Department. Upon
25 receipt of a completed appeal accompanied by the fee set forth in Ordinance
26 No. 671, the Planning Director shall set the matter for hearing before the
27 Planning Commission, not less than five nor more than 35 days thereafter,
28 and shall give written notice of the hearing, by mail, to the appellant. The

1 decision of the Commission shall be made within 30 days following the
2 close of the hearing, shall be final, and a copy shall be mailed to the
3 appellant.

4 e. The provisions of subdivision (a) of Section 65402 of the Government Code
5 shall not apply to:

6 (1) The disposition of the remainder of a larger parcel which was
7 acquired and used in part for street purposes;

8 (2) Acquisitions, dispositions, or abandonments for street widening or
9 alignment projects, provided such projects are of a minor nature.

10 f. The provisions of paragraph (b) of Section 65402 of the Government Code
11 shall not apply to acquisition or abandonment for street widening or
12 alignment projects of a minor nature.”

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