

ORDINANCE NO. 348.4573

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
AMENDING ORDINANCE NO. 348  
RELATING TO ZONING

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Article I of Ordinance No. 348 is amended in its entirety to read as follows:

**“ARTICLE I**

**RIVERSIDE COUNTY LAND USE ORDINANCE**

SECTION 1.1. TITLE. This ordinance shall be known as, and may be cited as, the Riverside County Land Use Ordinance.

SECTION 1.2. PLANNING AGENCY. Pursuant to Section 65100 et seq. of the Government Code, the planning agency for Riverside County shall consist of the County Board of Supervisors, the County Planning Commission, and the Planning Department. The planning agency shall perform all functions required by State law and this ordinance.

SECTION 1.3. COUNTY BOARD OF SUPERVISORS. The Board of Supervisors shall consist of five members elected in the manner provided by law. The Board shall perform the duties and functions specified by State law and this ordinance including, but not limited to, the duties related to legislative matters and the duties related to the appeal of quasi-judicial matters. The Board shall also perform those planning and zoning duties and functions which are not expressly delegated or reserved to another body or officer.

SECTION 1.4. COUNTY PLANNING COMMISSION.

a. The County Planning Commission shall consist of five members. Each member of the Board of Supervisors shall recommend that a resident of his district be appointed to the Commission; provided, however, the appointments to the Commission shall require the affirmative vote of not less than a majority of the entire membership of the Board.

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 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 an  
28 amendment to change property to or from the Agriculture

1 Foundation Component which shall be processed in accordance with  
2 Section 2.7 of this 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 an  
26 amendment to change property to or from the Agriculture  
27 Foundation Component which shall be processed in accordance with  
28 Section 2.7 of this 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.

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

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 the Agriculture Foundation

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

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

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

1 amendment will be approved.

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

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

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

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

22 h. FINDINGS. A Planning Commission resolution recommending approval  
23 of an Agricultural Foundation Component Amendment and Board of  
24 Supervisors resolution approving an Agricultural Foundation Component  
25 Amendment shall include a finding that the amendment would either  
26 contribute to the achievement of the purposes of the General Plan or, at a  
27 minimum, not be detrimental to them.  
28

1                   SECTION 2.8.   SPECIFIC PLANS.   Specific plans, and amendments thereto,  
2 shall be heard and adopted in accordance with the provisions of Section 65450 et seq. of the  
3 Government Code, as now written or hereafter amended, and in accordance with Section 2.10 of  
4 this Article. The Board of Supervisors may, by affirmative vote of not less than a majority of the  
5 entire membership of the Board, order the preparation and hearing of a new specific plan or the  
6 amendment of any existing specific plan. Any such order for preparation and hearing shall not  
7 imply that any new specific plan or amendment to an existing specific plan will be approved.

8                   SECTION 2.9.   APPLICATIONS FOR SPECIFIC PLANS.

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

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

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

26                   (2)   Whenever a proposed specific plan will substantially determine the  
27                   location of any building sites for structures, a flood protection study  
28                   shall be submitted with the specific plan along with the fee set forth

1 in County Ordinance No. 671.

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

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

16 d. A specific plan shall include a statement of the relationship of the specific  
17 plan to the General Plan.

18 SECTION 2.10. HEARINGS ON ADOPTION OR AMENDMENT OF THE  
19 GENERAL PLAN.

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

- 22 a. The Planning Commission shall hold a public hearing on the matter. Notice  
23 of the public hearing shall be given pursuant to Section 1.6 of this  
24 ordinance. If the proposed General Plan or amendment to the General Plan  
25 would affect the permitted uses or intensity of uses of real property, notice  
26 of the public hearing shall also be given pursuant to Section 1.7 of this  
27 ordinance.
- 28 b. After closing the public hearing, the Planning Commission shall make a

1 recommendation for approval or disapproval within a reasonable time, by  
2 resolution, including therein its findings, and transmit it to the Board of  
3 Supervisors with a copy mailed to the applicant, if any. A recommendation  
4 for approval shall be made by the affirmative vote of not less than a  
5 majority of the total membership of the Planning Commission. If the  
6 Commission cannot reach a decision within a reasonable time after closing  
7 the hearing, that fact shall be reported to the Board of Supervisors and shall  
8 be deemed a recommendation to deny the proposal.

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

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

28 e. A proposal to adopt or amend any part or element of the General Plan shall

1 not be approved by the Board of Supervisors until all procedures required  
2 by the Riverside County CEQA implementing procedures to approve a  
3 matter have been completed.

4 SECTION 2.11. DETERMINATION OF PROJECT CONFORMANCE WITH  
5 ADOPTED SPECIFIC PLAN.

6 a. Whenever an application for an implementing project varies from and is not  
7 in substantial conformance with an adopted specific plan, an amendment to  
8 that specific plan shall be adopted pursuant to the provisions of Section 2.8  
9 of this ordinance prior to the approval of the implementing project.

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

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

1 minimizes grading, improves drainage or improves infrastructure.

2 (2) An application for a determination of substantial conformance shall  
3 be made on forms provided by the Planning Department, shall be  
4 accompanied by the fee set forth in County Ordinance No. 671 and  
5 shall include the following:

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

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

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

1 Board of Supervisors shall determine whether the determination of  
2 substantial conformance should be made. An application for a  
3 determination of substantial conformance shall not require a noticed  
4 public hearing; however, if the Planning Director, the Commission,  
5 or the Board decides that notice of the application should be given,  
6 notice shall be given at the applicant's expense in the manner  
7 provided for by Section 1.6 and 1.7 of this ordinance. Whenever  
8 such a decision requiring notice is made, no further action shall be  
9 taken on the application until proper notice has been given. The  
10 Commission or Board of Supervisors may, at their discretion, allow  
11 testimony to be given on the proposed modification.

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

- 14 (a) That the project as modified meets the intent and purpose of  
15 the adopted specific plan; and,  
16 (b) That the project as modified is consistent with the findings  
17 and conclusions contained in the resolution adopting the  
18 specific plan.

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

#### 24 SECTION 2.12. REPORTS ON CONFORMITY WITH GENERAL PLAN.

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

1 County General Plan.

2 b. Whenever any County department or a public agency is processing a project  
3 that requires a report under the provisions of Section 65402 of the  
4 Government Code, or any similar provision of State law, application shall  
5 be made to the Planning Director on forms provided by the Planning  
6 Department and shall supply all requested information, including the  
7 following:

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

22 c. Within 40 days after receipt of a completed application, the Planning  
23 Director shall make a report to the applicant as to the conformity of the  
24 location, purpose and extent of the proposed project with the General Plan.

25 d. Within ten days after the date of mailing or delivery of the report of the  
26 Planning Director, the applicant may appeal, in writing, to the Planning  
27 Commission on the form provided by the Planning Department. Upon  
28 receipt of a completed appeal accompanied by the fee set forth in Ordinance

No. 671, the Planning Director shall set the matter for hearing before the Planning Commission, not less than five nor more than 35 days thereafter, and shall give written notice of the hearing, by mail, to the appellant. The decision of the Commission shall be made within 30 days following the close of the hearing, shall be final, and a copy shall be mailed to the appellant.

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

- (1) The disposition of the remainder of a larger parcel which was acquired and used in part for street purposes;
- (2) Acquisitions, dispositions, or abandonments for street widening or alignment projects, provided such projects are of a minor nature.

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

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