

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

April 21, 2009

SUBJECT: Initiation Proceedings for General Plan Amendment No. 1073
(Foundation Amendment - Regular)

SECTION: Development Review – Riverside Office

TO: Clerk of the Board of Supervisors

FROM: Planning Department

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|---|---|
| <input type="checkbox"/> Approve | <input type="checkbox"/> Set for Hearing |
| <input type="checkbox"/> Deny | <input type="checkbox"/> Publish in Newspaper: Press Enterprise |
| <input type="checkbox"/> Place on Policy Calendar | <input type="checkbox"/> Adopt Mitigated Negative Declaration |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Administrative Action | <input type="checkbox"/> Certify Environmental Impact Report |
| <input checked="" type="checkbox"/> Place on Section of Initiation Proceeding | <input type="checkbox"/> Notify Property Owners |
| <input type="checkbox"/> File: NOD and Mit. Neg. Declaration | <input type="checkbox"/> Labels provided |
| <input type="checkbox"/> Labels provided: | Controversial: <input type="checkbox"/> YES <input type="checkbox"/> NO |
| <input type="checkbox"/> If Set For Hearing: | |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | |

Designate Newspaper used by Planning Department for Notice of Hearing: Press Enterprise

Please include this item on the 04/28/09 agenda.

Clerk Of The Board

Please charge your time to case number(s): GPA01073



Y:\Advanced Planning\2008 FOUNDATION COMPONENT REVIEW\GPA Cases\GPA 1073-Non-Foundation\GPA 1073 BOS Package\GPA 1073 11p coversheet

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



FROM: TLMA – Planning Department

SUBMITTAL DATE:
April 21, 2009

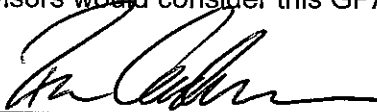
SUBJECT: GENERAL PLAN AMENDMENT No. 1073 – Entitlement/Policy – Applicant: County of Riverside – Engineer/Representative: N/A- All Supervisorial Districts - Various Zoning Districts/Areas – All Area Plans- Various Land Use Designations– Location: Countywide – N/A Gross Acres - Zoning: Various Zones- **REQUEST:** This County-Initiated General Plan Amendment proposes to amend the language found in Land Use Policy 6.2 of the Land Use Element in order to allow public facilities in any land use designation except for the Open Space- Conservation and the Open Space- Habitat land use designations.

RECOMMENDED MOTION:

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

BACKGROUND:

The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on every GPA application and submit it to the Board of Supervisors. Prior to the submittal to the Board, comments on the application are requested from the Planning Commission, and the Planning Commission comments are included in the report to the Board. The Board will either approve or disapprove the initiation of proceedings for the GPA requested in the application. The consideration of the initiation of proceedings by the Planning Commission and the Board of Supervisors pursuant to this application does not require a noticed public hearing. However, the applicant was notified by mail of the time, date and place when the Planning Commission and the Board of Supervisors would consider this GPA initiation request.



 Ron Goldman
 Planning Director

RG:TH

REVIEWED BY EXECUTIVE OFFICE

DATE

Tina Gnanje
Departmental Concurrence

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

Prev. Agn. Ref. | **District: ALL** | **Agenda Number:**

The Honorable Board of Supervisors
RE: General Plan Amendment No. 1073
Page 2 of 2

If the Board of Supervisors adopts an order initiating proceedings pursuant to this application, the proposed amendment will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings on this application will occur.

The Board of Supervisors established the procedures for initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of that ordinance.

Y:\AdvancedPlanning\2008FOUNDATIONCOMPONENTREVIEW\GPACases\GPA1073-Non-Foundation\GPA1073BOS
Package\GPA 1073 Form 11a.doc

Agenda Item No.: 6.5
Area Plan: County-wide
Zoning District: County-wide
Supervisory District: County-wide
Project Planner: Tamara Harrison
Planning Commission: April 15, 2009

General Plan Amendment No. 1073
Applicant: County Initiated Change
Engineer/Representative: N/A

COUNTY OF RIVERSIDE PLANNING DIRECTOR'S REPORT AND RECOMMENDATIONS

RECOMMENDATIONS:

The Planning Director recommended the adoption of an order initiating proceedings for General Plan Amendment No. 1073 to amend the language found in Land Use Policy 6.2 of the Land Use Element in order to allow public facilities in any land use designation except for the Open Space- Conservation and the Open Space- Habitat land use designations and the Planning Commission made the comments below. The Planning Director continues to recommend initiation of this General Plan Amendment as shown in Exhibit #1, a copy of which is attached hereto. For additional information regarding this case, see the attached Planning Department Staff Report(s).

PLANNING COMMISSION COMMENTS TO THE PLANNING DIRECTOR:

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

Commissioner John Roth: No Comments

Commissioner John Snell: Commissioner Snell commented that the last section of the revised LU- 6.2 which reads "all facilities operated by any combination of these agencies and all facilities operated by a private person for the benefit of any of these agencies" should be more specific. He commented that when a private person operates a public facility for a local, state or federal agency then there should be "exclusive" public benefits. He also commented that the way Exhibit #1 is currently worded leaves too much open for interpretation.

Commissioner John Petty: No Comments

Commissioner Jim Porras: No Comments

Commissioner Jan Zuppardo: No Comments

Exhibit #1

General Plan Amendment to Land Use Element Policy 6.2 (LU 6.2)

(All added text is marked with *italic* font style and all deleted text is marked with ~~strikethrough~~ font effect)

~~LU 6.2 Direct public, educational, religious, and utility uses established to serve the surrounding community toward those areas designated for Community Development and Rural Community uses on the applicable Area Plan land use maps. These uses may be found consistent with any of the Community Development, Rural Community, or Rural foundation designations, including the Rural Village Overlay, as well as the Open Space Rural and Agriculture designations, under the following conditions: (AI 1,3)~~

~~a. The facility is compatible in scale and design with surrounding land uses, and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods.~~

~~b. The location of the proposed use will not jeopardize public health, safety, and welfare, or the facility is necessary to ensure the continual public safety and welfare.~~

LU 6.2 Notwithstanding the Public Facilities designation, public facilities shall also be allowed in any other land use designation except for the Open Space- Conservation and Open Space- Habitat land use designations. For purposes of this policy, a public facility shall include all facilities operated by the federal government, the State of California, the County of Riverside, any special district governed by the County of Riverside or any city, all facilities operated by any combination of these agencies and all facilities operated by a private person for the benefit of any of these agencies.

Agenda Item No.: 6.5
Area Plan: County-wide
Zoning District: County-wide
Supervisory District: County-wide
Project Planner: Tamara Harrison
Planning Commission: April 15, 2009

General Plan Amendment No. 1073
Applicant: County Initiated Change
Engineer/Representative: N/A

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The proposed project is a County-initiated amendment to General Plan Policy LU-6.2. The amendment would clarify that although a Public Facilities land use designation exists, public facilities may be allowed in any land use designation except the Open Space - Conservation and the Open Space - Habitat land use designations. The proposed project would apply County-wide. The original wording of Policy LU-6.2, as well as the proposed wording, is reflected in attached Exhibit #1.

BACKGROUND:

When the County updated its General Plan in 2003, it created a Public Facilities land use designation that was applied to those areas occupied by then existing public facilities and to those areas where the County believed future public facilities may be appropriate. The intent of this designation was not to require that future public facilities be located exclusively on land designated "Public Facilities." The proposed project would clarify this intent by expressly providing that public facilities may be allowed in any location except on land located within the Open Space - Conservation and Open Space - Habitat land use designations. This clarification is consistent with the County's Zoning Ordinance which currently provides that federal, state, county and city projects may be located in any zone (see section 18.2.a) and the proposed project would, therefore, harmonize these important planning documents. As currently written, LU-6.2 may be interpreted to unduly restrict the location of needed public facilities and does not expressly prohibit such facilities in the Open Space - Conservation and the Open Space - Habitat land use designations. Such a prohibition is critical due to the sensitive nature of these areas. The proposed project corrects these deficiencies.

A proposed General Plan Amendment (GPA) shall not be processed unless the Board of Supervisors (Board) adopts an order initiating proceedings for the proposed GPA. The Planning Director is required to prepare and submit to the Board a report and recommendation concerning initiation.

Before submitting his report and recommendation to the Board, the Planning Director must request comments on the proposed GPA from the Planning Commission (Commission) and must include the Commission's comments, if any, in his report. The Commission may make its comments in any form it deems appropriate. For example, the Commission may recommend that the Board adopt or decline to adopt an order initiating proceedings for the proposed GPA. A recommendation is not, however, required and the Commission may choose instead to simply identify its concerns regarding the proposed GPA. In addition to any comments the Commission may make as a group, the Planning Director will include the comments of individual Commission members in his report to the Board.

A noticed public hearing is not required for the Commission to comment on the initiation of a proposed GPA. Nor is such a hearing required for the Board to actually initiate or decline to initiate proceedings for the proposed GPA.

GENERAL PLAN AMENDMENT NO. 1073

PC Staff Report: April 15, 2009

Page 2 of 2

After reviewing the Planning Director's report and recommendation, which as noted above, must include the Commission's comments, the Board may either adopt or decline to adopt an order initiating proceedings for the proposed GPA.

If the Board adopts an order initiating proceedings, the proposed GPA will thereafter be processed, reviewed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Commission and the Board. The adoption of an order initiating proceedings does not imply that the proposed GPA will be approved.

If the Board declines to adopt an order initiating proceedings, the proposed GPA shall not be processed.

The Board established the initiation procedures for proposed GPAs in Ordinance No. 348.4573 which was effective May 8, 2008.

RECOMMENDATIONS:

The Planning Director recommends the adoption of an order initiating proceedings for General Plan Amendment No. 1073 to change the text of General Plan Policy LU-6.2 as shown in Exhibit #1. The adoption of such an order does not imply that the GPA will be approved.

INFORMATIONAL ITEMS:

1. As of this writing, no letters in support or opposition have been received.
2. The proposed project is County-wide and affects all properties located in the unincorporated areas of Riverside County.

Exhibit #1

General Plan Amendment to Land Use Element Policy 6.2 (LU 6.2)

(All added text is marked with *italic* font style and all deleted text is marked with ~~strikethrough~~ font effect)

~~LU 6.2 Direct public, educational, religious, and utility uses established to serve the surrounding community toward those areas designated for Community Development and Rural Community uses on the applicable Area Plan land use maps. These uses may be found consistent with any of the Community Development, Rural Community, or Rural foundation designations, including the Rural Village Overlay, as well as the Open Space – Rural and Agriculture designations, under the following conditions: (AI 1,3)~~

~~a. The facility is compatible in scale and design with surrounding land uses, and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods.~~

~~b. The location of the proposed use will not jeopardize public health, safety, and welfare, or the facility is necessary to ensure the continual public safety and welfare.~~

LU 6.2 Notwithstanding the Public Facilities designation, public facilities shall also be allowed in any other land use designation except for the Open Space- Conservation and Open Space- Habitat land use designations. For purposes of this policy, a public facility shall include all facilities operated by the federal government, the State of California, the County of Riverside, any special district governed by the County of Riverside or any city, all facilities operated by any combination of these agencies and all facilities operated by a private person for the benefit of any of these agencies.