

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

801



FROM: County Counsel

SUBMITTAL DATE:
August 5, 2010

SUBJECT: Ordinance No. 449.240, An Ordinance of the County of Riverside Extending Urgency Interim Ordinance No. 449.239 Prohibiting Parolee-Probationer Homes

RECOMMENDED MOTION: That the Board of Supervisors adopt Ordinance No. 449.240 following the public hearing, thereby extending Urgency Interim Ordinance No. 449.239 for ten (10) months and fifteen (15) days (4/5ths vote required).

BACKGROUND: On July 27, 2010, the Board adopted Urgency Interim Ordinance No. 449.239 prohibiting parolee-probationer homes for the reasons set forth therein. Ordinance No. 449.239 is valid for a period of forty-five (45) days and shall be of no further force or effect on September 10, 2010 unless extended.

State law requires a legislative body to issue a written report ten (10) days before the expiration of an interim ordinance describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

(Continued on next page)

Katherine A. Lind
Kath A. Lind for
PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE
BY: *Tina Grande*
Tina Grande
County Executive Office Signature

- Policy
- Consent
- Policy
- Consent

Dept's Recomm.:
Per Exec. Ofc.:

9.19

Departmental Concurrence

BACKGROUND: (continued)

Because the Board is not meeting again until August 31, 2010, the report and extension must be made at this time. The report is set forth in Section 4. of Ordinance No. 449.240 which extends Ordinance No. 449.239 for ten (10) months and fifteen (15) days as noted above.

It is unlikely that Ordinance No. 449.240 will have the effect of denying approvals needed for the development of projects with a significant component of multi-family housing because such projects are not typically constructed exclusively for parolee-probationers. Multi-family housing projects may, in most cases, be occupied by anyone. The appropriate findings, however, have been made in Section 3. of Ordinance No. 449.240 in the event the ordinance has such an effect. The continued approval of the development of multi-family housing occupied by parolee-probationers would have the specific adverse public health and safety impacts described in Section 2. of Ordinance No. 449.240. The prohibition of parolee-probationer homes in Ordinance No. 449.240 is necessary to mitigate or avoid these adverse impacts because there is no feasible alternative that would ensure such mitigation or avoidance. The placement of parolee-probationers could be restricted or parolee-probationers could be required to wear monitoring devices, but the County has no jurisdiction to impose such requirements.

1 the supervision of the California Department of Corrections and Rehabilitation, Division of Adult Parole
2 Operations; or an adult or juvenile sentenced to a term in the California Department of Corrections and
3 Rehabilitation, Division of Juvenile Facilities (formerly known as the "California Youth Authority")
4 who has received conditional and revocable release in the community under the supervision of the
5 California Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations.

6 c. Probationer. A person convicted of a felony who has received a
7 suspension of the imposition or execution of a sentence and an order of conditional and revocable
8 release in the community under the supervision of a probation officer, or a person convicted of a
9 misdemeanor who has received a suspension of the imposition or execution of a sentence and an order
10 of revocable release in the community subject to conditions established by the court without the
11 supervision of a probation officer, as provided in Penal Code section 1203.

12 d. State-Licensed Residential Care Facility. A facility licensed by the State
13 of California to provide residential care services, including those facilities described in Health & Safety
14 Code sections 1250 et seq., 1500 et seq., 1568.01 et seq., 1569 et seq., 1760 et seq., and 11834.20 et seq.
15 and those facilities described in Welfare and Institutions Code section 5116.

16 Section 2. Pursuant to section 65858 of the Government Code and section 20.4 of
17 Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect
18 upon its adoption. It shall be of no further force or effect ten (10) months and fifteen (15) days from the
19 date of expiration of Ordinance No. 449.239, unless extended pursuant to law. In adopting this
20 ordinance, the Board finds that parolee-probationer homes pose a current and immediate threat to the
21 public health, safety and welfare for the following reasons:

22 Parolee-probationer homes are proliferating in Riverside County as a result of new laws
23 mandating the early release of certain state prisoners;

24 Riverside County can expect over 5,000 inmates to be paroled in the next twelve (12)
25 months with ties to the area;

26 The California Department of Corrections and Rehabilitation is increasingly placing
27 parolees and probationers in the County even when they committed crimes in other counties and have no
28 ties to the area;

1 Based on reports generated by various public agencies throughout California, parolee-
2 probationer homes often result in increased criminal activity and generate a disproportionate number of
3 requests for law enforcement services; this adversely affects other segments of the community needing
4 such services and unduly imposes a burden on law enforcement services in general;

5 Parolee-probationer homes often result in parking and noise problems and have other
6 harmful secondary effects, such as encouraging the illegal conversion of garages and living spaces into
7 sleeping spaces;

8 The harmful secondary effects associated with parolee-probationer homes may negatively
9 affect surrounding home values and result in increased foreclosures and resident displacement;

10 Existing zoning regulations do not adequately address parolee-probationer homes and
11 absent this ordinance, parolee-probationer homes could be located near schools, day care centers, parks,
12 playgrounds and other sensitive uses.

13 Section 3. In adopting this ordinance, the Board finds each of the following:
14 continued approval of the development of multi-family housing projects that parolee-probationers may
15 occupy would have the specific, adverse impacts upon the public health or safety described in Section 2.
16 of this ordinance; this ordinance is necessary to mitigate or avoid these specific, adverse impacts; and
17 there is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impacts as well or
18 better, with a less burdensome or restrictive effect, than the adoption of this ordinance.

19 Section 4. In adopting this ordinance, the Board reports that the following measures
20 have been taken to alleviate the condition which led to its adoption and the adoption of Ordinance No.
21 449.239: the Planning Department, in consultation with the Office of County Counsel, is currently
22 engaged in a comprehensive revision of the County's zoning ordinance. As part of this comprehensive
23 revision, the Planning Department is studying and formulating regular zoning regulations, consistent
24 with State law, that adequately address parolee-probationer homes and protect the public from their
25 harmful secondary effects. Planning Commission workshops regarding the revised zoning ordinance
26 have been scheduled in October and December of this year.

27 Section 5. The Clerk shall schedule a public hearing before the Board to consider any
28 extension of this ordinance which shall normally be at its second regular meeting before expiration of

1 the ten (10) month and fifteen (15) day period. The Clerk shall publish notice ten (10) days before the
2 hearing. A public hearing need not, however, be scheduled if any of the following occurs: a regular
3 zoning ordinance addressing parolee-probationer homes is adopted and effective before such expiration,
4 this ordinance is repealed, or the Board otherwise orders.

5 Section 6. At or before the public hearing on any proposed extension, and at least ten
6 (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director,
7 shall issue a written report describing therein all measures taken to alleviate the condition which led to
8 the adoption of this ordinance and Ordinance No. 449.239.

9
10 BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

11 By: _____
12 Chairman, Board of Supervisors

13 ATTEST:
14 CLERK OF THE BOARD

15 By: _____
16 Deputy
17 (SEAL)

18
19 APPROVED AS TO FORM
20 August 5, 2010

21 By: Katherine A. Lind
KATHERINE A. LIND
22 Assistant County Counsel

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24 KAL:mdk
07/28/10
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