

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

834A



SUBMITTAL DATE:
November 23, 2010

FROM: County Counsel

SUBJECT: Ordinance No. 449.243, An Ordinance of the County of Riverside Extending Urgency Interim Ordinance No. 449.242 Prohibiting New Residential Subdivisions and New Residential Uses in the Northern and Southern Santa Rosa Escarpment Areas

RECOMMENDED MOTION: That the Board of Supervisors adopt Ordinance No. 449.243 following the public hearing, thereby extending Urgency Interim Ordinance No. 449.242 for ten (10) months and fifteen (15) days (4/5ths vote required).

BACKGROUND:
(Continued on next page)

Michelle P. Clack

Michelle P. Clack, Deputy County Counsel
for Pamela J. Walls, County Counsel

FINANCIAL
DATA

Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	X

C.E.O. RECOMMENDATION:

APPROVE

BY:

Denise C. Harden
Denise C. Harden

County Executive Office Signature

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

Prev. Agn. Ref.: 11/2/10 Item 3.65 | District: 1 | Agenda Number:

9.1

BACKGROUND: (continued)

On November 2, 2010, the Board adopted Urgency Interim Ordinance No. 449.242 prohibiting new residential subdivisions and new residential uses in the Northern and Southern Santa Rosa Escarpment Areas. Ordinance No. 449.242 is valid for a period of forty-five (45) days and shall be of no further force or effect on December 17, 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. This report is set forth in Section 4. of Ordinance No. 449.243 which extends Ordinance No. 449.242 for ten (10) months and fifteen (15) days.

It is unlikely that Ordinance No. 449.243 will have the effect of denying approvals needed for the development of projects with a significant component of multi-family housing because the projects typically developed in the Northern and Southern Santa Rosa Escarpment Areas are one-family dwellings. The appropriate findings, however, have been made in Section 3. of Ordinance No. 449.243 because the definition of New Residential Use in Ordinance No. 449.243 includes planned residential developments, mobilehomes or mobilehome parks.

Continued approval of the development of multi-family housing projects within the Northern and Southern Santa Rosa Escarpment Areas would have the specific, adverse impacts upon the public health or safety described in Section 2. of Ordinance No. 449.243. More particularly, shifting drainage patterns and increasing soil erosion may result in landslides, subsidence and flooding. The prohibition of new residential subdivisions and new residential uses in Ordinance No. 449.243 is necessary to mitigate or avoid these adverse impacts because construction activities directly cause the impacts and the County currently does not have sufficient authority to regulate these activities in a manner so as to ensure that the impacts are mitigated or avoided.

ORDINANCE NO. 449.243
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
EXTENDING URGENCY INTERIM ORDINANCE NO. 449.242 PROHIBITING NEW
RESIDENTIAL SUBDIVISIONS AND NEW RESIDENTIAL USES IN THE NORTHERN AND
SOUTHERN SANTA ROSA PLATEAU ESCARPMENT AREAS

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

Section 1. Pursuant to Section 65858 of the Government Code and section 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, Ordinance No. 449.242 is hereby extended for ten (10) months and fifteen (15) days from the date of its expiration, during which time new residential subdivisions and new residential uses are hereby prohibited in the Northern and Southern Santa Rosa Plateau Escarpment Areas of Riverside County ("Escarpment Areas") more particularly described in Exhibits "A" and "B", which are attached hereto and incorporated herein by this reference. Such subdivisions and uses may be in conflict with a contemplated zoning proposal that the Planning Department is studying and may subject County residents to the adverse effects described in Section 2. of this ordinance. Until this ordinance, or any extension hereof, expires or is repealed, the County shall not approve a new residential subdivision or issue a land use approval, grading permit, building permit or any other entitlement for a new residential use in the Escarpment Areas. As used in this ordinance, the following terms shall have the following meanings:

- a. New Residential Subdivision. Any Tentative Schedule A, B, C, D, F, G or H subdivision as described in Ordinance No. 460 that was not approved prior to the effective date of Ordinance No. 449.242.
- b. New Residential Use. Any one-family dwelling, planned residential development, mobilehome or mobilehome park, the owner of which did not have a vested right to develop prior to the effective date of Ordinance No. 449.242.

1 Section 2. Pursuant to Section 65858 of the Government Code and Section 20.4 of
2 Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect
3 upon its adoption. It shall be of no further force or effect ten (10) months and fifteen (15) days from the
4 date of expiration of Ordinance No. 449.242, unless extended pursuant to law. In adopting this
5 ordinance, the Board finds that new residential subdivisions and new residential uses in the Escarpment
6 Areas pose a current and immediate threat to the public health, safety and welfare. New residential
7 subdivisions may conflict with the above-referenced zoning proposal which may increase the existing
8 minimum lot size in the Escarpment Areas to ten (10) acres and impose hillside development standards.
9 The development associated with new residential uses may destroy irreplaceable natural resources, shift
10 existing drainage patterns, increase soil erosion, denude hillsides and scar the natural landscape in a
11 visually obtrusive manner. This may result in landslides, subsidence and flooding.

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

18 Section 4. In adopting this ordinance, the Board reports that the following measures
19 have been taken to alleviate the condition which led to its adoption and the adoption of Ordinance No.
20 449.242: the Planning Department, in consultation with the Office of County Counsel, is currently
21 studying and formulating regular zoning regulations that adequately address development within the
22 Escarpment Areas. These regulations will protect the public health, safety and welfare by ensuring that
23 development is compatible with the natural characteristics and topography of the Escarpment Areas.

24 Section 5. The Clerk shall schedule a public hearing before the Board to consider any
25 extension of this ordinance which shall normally be at its second regular meeting before expiration of
26 the ten (10) month and fifteen (15) day period. The Clerk shall publish notice ten (10) days before the
27 hearing. A public hearing need not, however, be scheduled if any of the following occurs: a regular
28

zoning ordinance regulating development in the Escarpment Areas is adopted and effective before such expiration, this ordinance is repealed, or the Board otherwise orders.

Section 6. At or before the public hearing on any proposed extension, and at least ten (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director, shall issue a written report describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance and Ordinance No. 449.242.

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

BY _____
Chairman, Board of Supervisors


ATTEST:

KECIA HARPER-IHEM
Clerk of the Board

By _____
(Deputy)





(SEAL)

APPROVED AS TO FORM
November 23, 2010

B. 
MICHELLE P. CLACK
Deputy County Counsel

**ORDINANCE
NO. 449.243
EXHIBIT "A"**

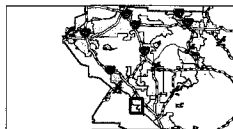
 Land Within Ordinance

 Streets
 Parcel Lines
 Lakes, rivers
 Cities
HIGHWAYS
 Interstate Highway
 California State Highway
 US Highway

12-07-10



0 1,000 2,000 Feet

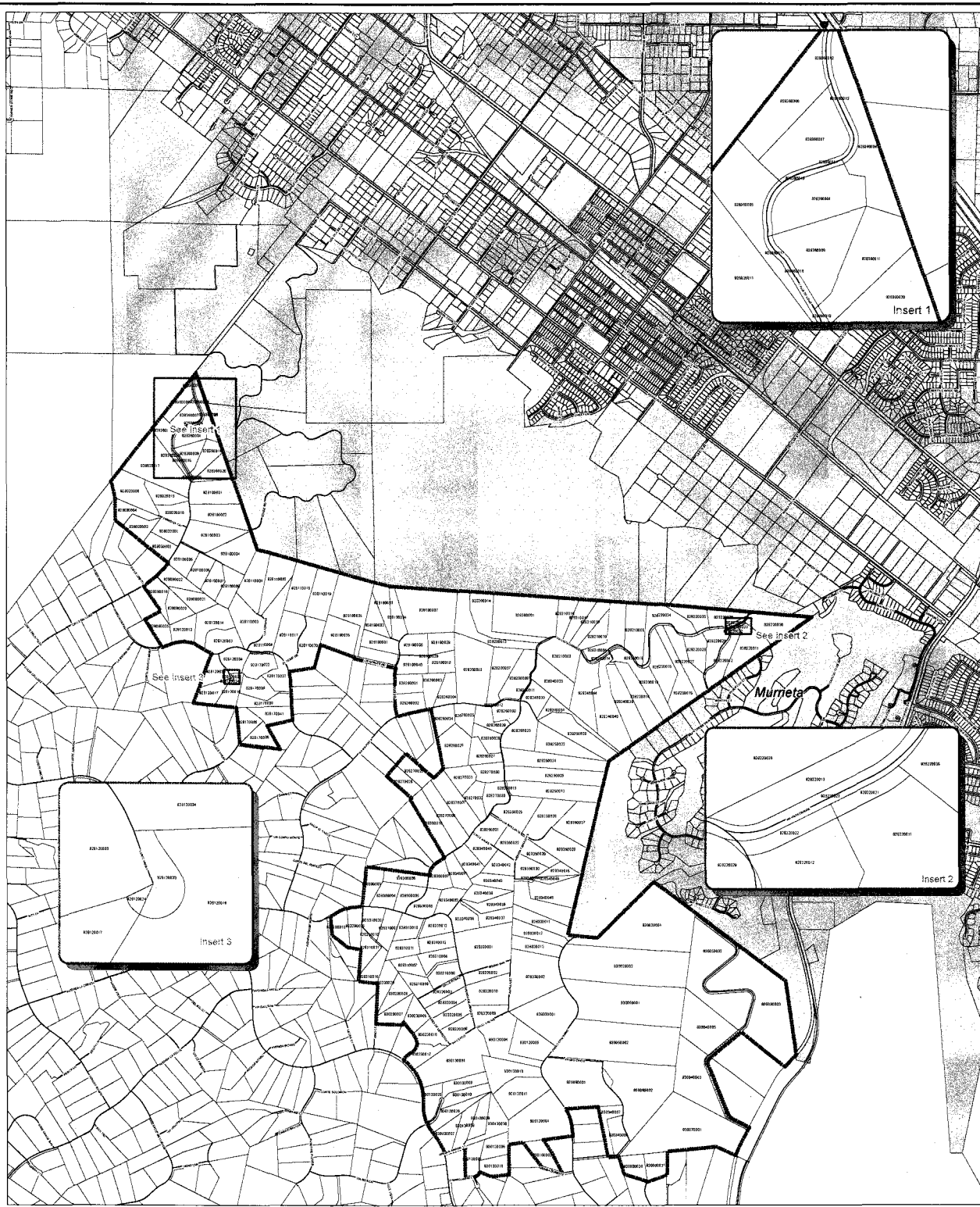


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Coordinate System
Projected: North American 1983 StatePlane California Zone 8, FIPS 3405 feet

Source: TLMA
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Location: U:\Projects\Philip Green River Coho\Bt Product\sluazbarca_north2010C73Map.mxd



SOUTHERN SANTA ROSA PLATEAU ESCARPMENT AREA

ORDINANCE
NO. 449.243
EXHIBIT "B"

Land Within
Ordinance

Streets

Parcel Lines

Lakes, rivers

Cities

HIGHWAYS

Interstate Highway

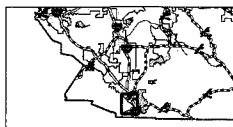
California State Highway

US Highway

12-07-10



0 1,000 2,000
Feet



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Coordinate System
Projected: North American 1983 (NAD83) California Zone 4, FIPS 5004 feet
Geographic: Geographic Coordinate System North American 1983

Source: TMSA
Prepared by: Philip King, GIS Analyst
Date: November 28, 2010
Location: C:\Projects\GIS\MapServer\CD\B\GIS\TMSA\area_south\20101122.mxd

