

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

317A



**SUBMITTAL DATE:**  
September 22, 2011

**FROM:** County Counsel

**SUBJECT:** Ordinance No. 449.245, 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. 449.245 following the public hearing, thereby extending Urgency Interim Ordinance No. 449.242 which was previously extended by Ordinance No. 449.243, for one (1) year (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:	YES
Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	NO
Annual Net County Cost:	\$ N/A	For Fiscal Year:	11/12

**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

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

Prev. Agn. Ref.: 3.65 11/2/10, 9.1 12/7/10 | District: 1 | Agenda Number:

9.10

**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, valid for a period of forty-five (45) days was subsequently extended for ten (10) months and fifteen (15) days on December 7, 2010 by Ordinance No. 449.243. Ordinance No. 449.242 shall be of no further force and effect on November 1, 2011 unless further extended by this ordinance.

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. 449.245 which extends Ordinance No. 449.242, previously extended by Ordinance No. 449.243, for one (1) year as noted above.

It is unlikely that Ordinance No. 449.245 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. 449.245 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. 449.245. 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. 449.245 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.



1 owner of which did not have a vested right to develop prior to the  
2 effective date of Ordinance No. 449.242.

3 Section 2. Pursuant to Section 65858 of the Government Code and Section  
4 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall  
5 take effect upon its adoption. It shall be of no further force or effect one (1) year from the date  
6 of expiration of Ordinance No. 449.243. In adopting this ordinance, the Board finds that new  
7 residential subdivisions and new residential uses in the Escarpment Areas pose a current and  
8 immediate threat to the public health, safety and welfare. New residential subdivisions may  
9 conflict with the above-referenced zoning proposal which may increase the existing minimum lot  
10 size in the Escarpment Areas to ten (10) acres and impose hillside development standards. The  
11 development associated with new residential uses may destroy irreplaceable natural resources,  
12 shift existing drainage patterns, increase soil erosion, denude hillsides and scar the natural  
13 landscape in a visually obtrusive manner. This may result in landslides, subsidence and  
14 flooding.

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

22 Section 4. In adopting this ordinance, the Board reports that the following  
23 measures have been taken to alleviate the condition which led to its adoption, the adoption of  
24 Ordinance No. 449.243, and the adoption of Ordinance No. 449.242: the Planning Department,  
25 in consultation with the Office of County Counsel, is currently studying and formulating regular  
26 zoning regulations that adequately address development within the Escarpment Areas. These  
27

1 regulations will protect the public health, safety and welfare by ensuring that development is  
2 compatible with the natural characteristics and topography of the Escarpment Areas.

3 Section 5. At least ten (10) days prior to the expiration of this ordinance, the  
4 Board, in consultation with the Planning Director, shall issue a written report describing therein  
5 all measures taken to alleviate the condition which led to the adoption of this ordinance, the  
6 adoption of Ordinance No. 449.243, and the adoption of Ordinance No. 449.242.

7  
8 BOARD OF SUPERVISORS OF THE COUNTY  
9 OF RIVERSIDE, STATE OF CALIFORNIA

10  
11 BY \_\_\_\_\_  
12 Chairman, Board of Supervisors

13  
14 ATTEST:

15 KECIA HARPER-IHEM  
16 Clerk of the Board

17 By \_\_\_\_\_  
18 (Deputy)

19 (SEAL)

20  
21 APPROVED AS TO FORM  
22 September 21, 2011

23  
24 By   
25 MICHELLE P. CLACK  
26 Deputy County Counsel

27 G:\PROPERTY\MDUSEK\ORDINANCES\REVISED FINAL ORDINANCE NO 449 245 .DOC




# NORTHERN SANTA ROSA PLATEAU ESCARPMENT AREA

ORDINANCE NO. 449.245 EXHIBIT "A"

 Land Within Ordinance

 Streets  
 Parcel Lines  
 Lakes, rivers

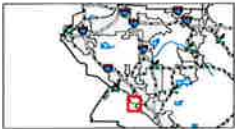
**CITIES**

 Interstate Highway  
 California State Highway  
 US Highway

10-04-11



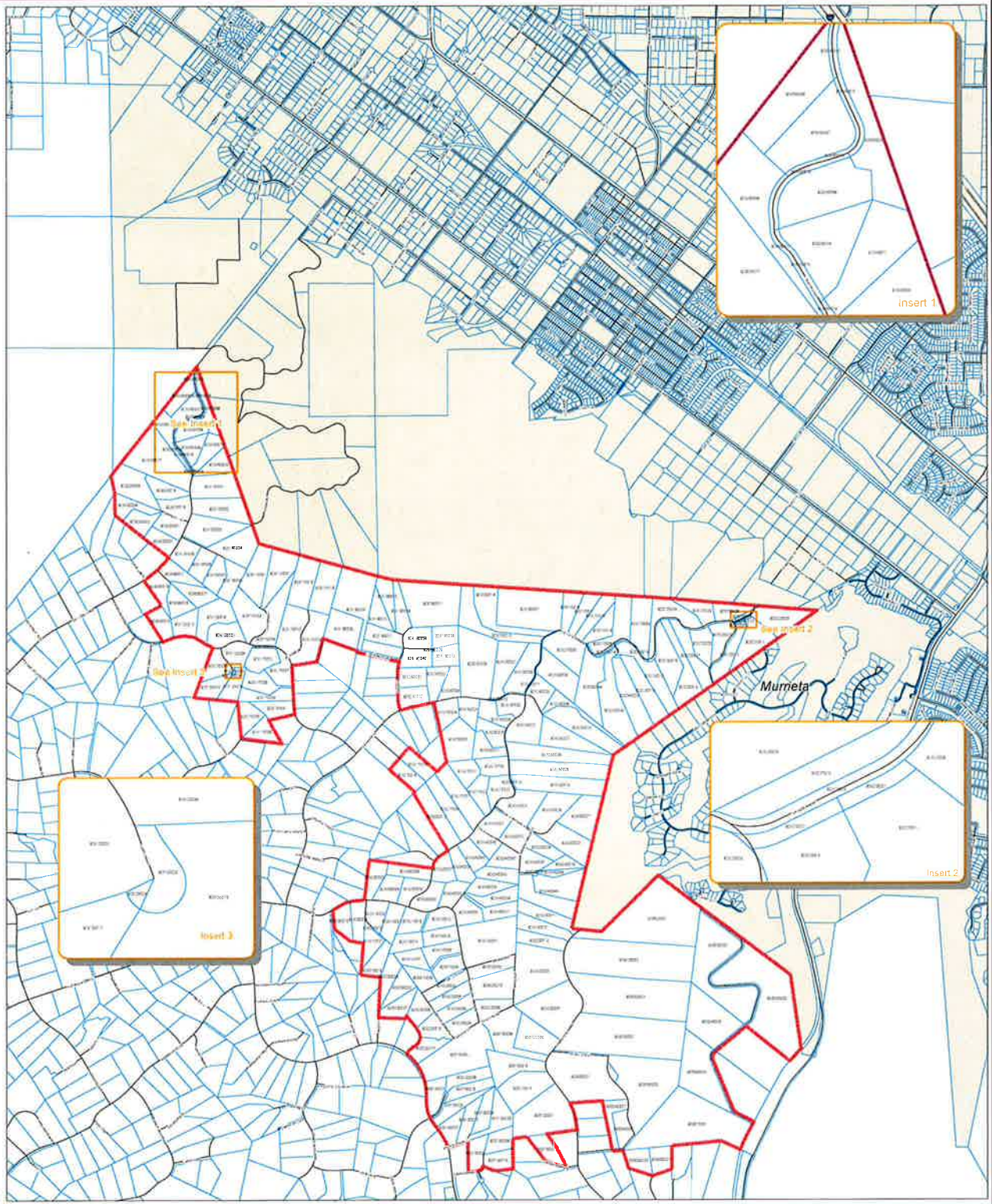
0 1,000 2,000 Feet



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Coordinate System  
 Projected: North American 1983 StatePlane California Zone 6 - FIPS 5002 feet  
 Geographic: Geographic Coordinate System North American 1983

Scale: 1:10,000  
 Prepared by: Public Works, GIS Analyst  
 Date: November 23rd, 2010



# SOUTHERN SANTA ROSA PLATEAU ESCARPMENT AREA

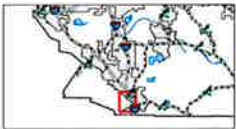
ORDINANCE NO. 449.245 EXHIBIT "B"

-  Land Within Ordinance
  -  Streets
  -  Parcel Lines
  -  Lakes, rivers
  -  Cities
- HIGHWAYS**
-  Interstate Highway
  -  California State Highway
  -  US Highway

10-04-11



0 1,000 2,000 Feet



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Coordinate System  
Project: North American 1983 StatePlane California Zone 5, FIPS 5402 feet  
Geographic: Geographic Coordinate System North American 1983

Scale: 1:10,000  
Prepared by: Philip King, GIS Analyst  
Date: September 25, 2010  
Location: I:\Projects\GIS\2010\449.245\449.245\_092510.mxd

