

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

411B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
October 6, 2011

SUBJECT: -Resolution No. 2011-156 Amending the Riverside County General Plan - First Cycle of General Plan Amendments for 2011 (GPA Nos. 1075, 1083, 1088, and 1096)

RECOMMENDED MOTION:

ADOPTION of Resolution No. 2011-156 amending the Riverside County General Plan in accordance with the Board's actions taken on General Plan Amendment (GPA) Nos. 1075, 1083, 1088, and 1096.

BACKGROUND: The General Plan Amendments comprising the first cycle of 2011 were considered by the Board of Supervisors in public hearings on February 1, 2011 (GPA 1075, Agenda Item No. 16.1), March 22, 2011 (GPA 1083, Agenda Item No. 16.1), April 26, 2011

Initials:
CSL:ar

Carolyn Syms Luna
Carolyn Syms Luna
Planning Director

(continued on attached page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0.00	In Current Year Budget:	0.00
	Current F.Y. Net County Cost:	\$ 0.00	Budget Adjustment:	0.00
	Annual Net County Cost:	\$ 0.00	For Fiscal Year:	0.00

SOURCE OF FUNDS: NOT APPLICABLE

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

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL

BY: *Katherine A. Lind*
KATHERINE A. LIND

Policy ☒ Policy

Consent ☐ Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: ALL

Agenda Number:

3.34

ATTACHMENTS FILED

The Honorable Board of Supervisors

RE: Resolution No. 2011-156 Amending the Riverside County General Plan - First Cycle of General Plan Amendments for 2011 (GPA Nos. 1075, 1083, 1088, and 1096)

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(GPA1088, Agenda Item No. 16.4), and April 26, 2011 (GPA 1096, Agenda Item No. 16.5). GPA Nos. 1075, 1083, 1088, and 1096 are all County-initiated amendments to the General Plan.

INDIVIDUAL AMENDMENTS:

General Plan Amendment No. 1075 (GPA 1075) proposes changes to the Administration Element set forth in Exhibit A, changes to the Land Use Element set forth in Exhibit B, the addition of a Land Use Element policy set forth in Exhibit C, and the deletion of Section VIII of Appendix B set forth in Exhibit D.

General Plan Amendment No. 1083 (GPA 1083) proposes changes to the Cultural and Paleontological Resources Section of the Multipurpose Open Space Element. GPA 1083 refines and enhances the original introductory text to highlight the County's rich cultural heritage and updates Open Space policies that guide how the County preserves its cultural and paleontological resources. GPA 1083 also eliminates a map that previously depicted sensitive archaeological resources.

General Plan Amendment No. 1088 (GPA 1088) proposes changes to the Areas Subject to Indian Jurisdiction section of the Land Use Element. When the County updated its General Plan in 2003 and created this section, no land use distinctions were made between types of Indian land within the unincorporated area. GPA 1088 now distinguishes between four types of Indian land, provides clarification of the planning assumptions for lands owned by non-tribal members ("Fee Lands"), and gives policy level guidance for land use proposals on Fee Lands.

General Plan Amendment No. 1096 (GPA 1096) adds a new optional Healthy Communities Element to the General Plan. This new element is intended to facilitate health policies and programs that will benefit the residents of Riverside County. GPA 1096 demonstrates the logical link between health and the built environment. It creates policies that encourage healthy living and provides the planning and land use framework for the implementation of such policies.

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3 **RESOLUTION NO. 2011-156**
4 **AMENDING THE RIVERSIDE COUNTY**
5 **GENERAL PLAN**
6 **(First Cycle General Plan Amendments for 2011)**
7

8 **WHEREAS**, pursuant to the provisions of Government Code Section 65350 et seq., notice was
9 given and public hearings were held before the Riverside County Board of Supervisors and before the
10 Riverside County Planning Commission to consider proposed amendments to the Introduction, the Vision
11 Statement, the Administration Element, the Land Use Element, the Multipurpose Open Space Element,
12 and Appendix B of the Riverside County General Plan; and,

13 **WHEREAS**, all provisions of the California Environmental Quality Act ("CEQA") and Riverside
14 County CEQA implementing procedures have been satisfied; and,

15 **WHEREAS**, the proposed general plan amendments were discussed fully with testimony and
16 documentation presented by the public and affected government agencies; and,

17 **WHEREAS**, the proposed general plan amendments are hereby declared to be severable and if
18 any proposed amendment is adjudged unconstitutional or otherwise invalid, the remaining proposed
19 amendments shall not be affected thereby; now, therefore,

20 **BE IT RESOLVED, FOUND, DETERMINED AND ORDERED** by the Board of Supervisors
21 of the County of Riverside in regular session assembled on October 18, 2011 that:

22 **A. General Plan Amendment No. 1075** (GPA No. 1075) is a County-initiated general plan
23 amendment (GPA) to incorporate into the Administration Element the changes set forth in "GPA No.
24 1075 Exhibit A", to incorporate into the Land Use Element the changes set forth in "GPA No. 1075
25 Exhibit B", to incorporate into the Land Use Element the new policy set forth in "GPA No. 1075 Exhibit
26 C" and to delete from Appendix B all of section VIII as set forth in "GPA No. 1075 Exhibit D", copies of
27 which are attached hereto and incorporated herein by reference. GPA No. 1075 has County-wide
28 application and affects all properties located in the unincorporated area. The Planning Commission

recommended approval of GPA No. 1075 on January 5, 2011 and the Board of Supervisors tentatively adopted GPA No. 1075 on February 1, 2011. GPA No. 1075 will more specifically do each of the following:

1. Delete from Appendix B those General Plan Certainty System provisions which are duplicative of the Administration Element.
2. Delete from the Administration Element the General Plan Certainty System provisions that have never been implemented because it would be expensive and impractical to do so.
3. Resolve the ambiguities and inconsistencies in the General Plan Certainty System provisions of the Administration Element and the Land Use Element.
4. Reconcile the Administration Element and the Land Use Element with an amendment to the County's zoning ordinance (Ordinance No. 348.4573) which the Board of Supervisors adopted in 2008 to refine and clarify the General Plan Certainty System.
5. Replace the current five-year General Plan review cycle in the Administration Element with an eight-year review cycle making it consistent with similar cycles for the Housing Element and portions of the Congestion Management Program.
6. Require a Board of Supervisors-appointed advisory committee to comprehensively review Foundation Component amendments to the Land Use Element requested during a General Plan review cycle.
7. Characterize any general plan amendment moving property to the Open Space Foundation Component as an entitlement/policy amendment.
8. Delete from the Land Use Element the El Cariso, Aguanga, Radec Junction and Twin Creek Ranch Rural Village Overlay Study Areas.
9. Add a new policy to the Land Use Element that encourages the use of any adopted density transfer program to help implement Rural Village Overlay Study Areas and the Multi-Species Habitat Conservation Program.

BE IT FURTHER RESOLVED by the Board of Supervisors, based on the evidence presented on this matter, both written and oral, including the Notice of Exemption that:

1 GPA No. 1075 does not involve a change in or conflict with the Riverside County
2 Vision, any General Planning Principle set forth in Appendix B or any Foundation
3 Component designation in the General Plan. GPA No. 1075 consists mainly of procedural
4 modifications that will make the General Plan easier to use and reaffirms the County's
5 commitment to an orderly and coordinated planning process. The change from a five-year
6 General Plan review cycle to an eight-year General Plan review cycle will, for example,
7 allow the General Plan Certainty System to coincide with State and regional housing and
8 transportation programs, resulting in better coordinated development. Treating additions to
9 the Open Space Foundation Component as entitlement/policy amendments reaffirms the
10 County's commitment to habitat conservation and the maintenance of open space.
11 Removing the specified Rural Village Overlay Study Areas reaffirms the County's
12 commitment to protect rural communities. Adding the new density transfer policy
13 reaffirms all of these commitments. No changes to General Planning Principles or
14 Foundation Component designations are proposed; no conflict with those principles or
15 designations will result.

16 GPA No. 1075 will either contribute to the purposes of the General Plan or, at a
17 minimum, would not be detrimental to them for the reasons specified above.

18 Special circumstances or conditions have emerged that were unanticipated in
19 preparing the General Plan. It would be more complicated and expensive than anticipated
20 to implement the provisions of the Administration Element that GPA No. 1075 will delete.
21 Retaining the identified Rural Village Overlay Study Areas is no longer justified because
22 the underlying rural communities have not been developing at the anticipated rate.
23 Retaining a five-year General Plan review cycle is no longer justified in light of Senate Bill
24 375 (approved by the Governor on September 30, 2008) which required a change to eight-
25 year cycles for the Regional Housing Needs Assessment (RHNA) and the Transportation
26 Improvement Plan.
27
28

1 4. GPA No. 1075 is exempt from CEQA under CEQA Guidelines section 15061(b)(3)
2 because it can be seen with certainty that there is no possibility that the proposed
3 amendment may have a significant effect on the environment. As noted above, GPA No.
4 1075 will reconcile the General Plan with an already adopted amendment to the County's
5 zoning ordinance. GPA No. 1075 will not change any land use designations or result in
6 any construction activities or other development.

7 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it finds General Plan
8 Amendment No. 1075 exempt from CEQA and **ADOPTS** General Plan Amendment No. 1075
9 (GPA01075) as described herein and as shown on the exhibits entitled "GPA No. 1075 Exhibits A, B, C
10 and D."

11 **B. General Plan Amendment No. 1083** (GPA No. 1083) is a County-initiated general plan
12 amendment (GPA) to incorporate into the "Cultural and Paleontological Resources" section of the
13 Multipurpose Open Space Element the changes set forth in the exhibit entitled "GPA No. 1083 Exhibit 1
14 and 2", a copy of which is attached hereto and incorporated herein by reference. GPA No. 1083 has
15 County-wide application and affects all properties located in the unincorporated area. The Planning
16 Commission recommended approval of GPA No. 1083 on January 26, 2011 and the Board of Supervisors
17 tentatively adopted GPA No. 1083 on March 22, 2011. GPA No. 1083 will more specifically do each of
18 the following:

- 19 1. Refine and enhance the original introductory text of the "Cultural and
20 Paleontological Resources" section to highlight the County's cultural heritage.
- 21 2. Add new and update existing policies to the Multipurpose Open Space Element that
22 guide how the County preserves its cultural and paleontological resources. Such policies
23 include value statements requiring the development of a cultural resources program, value
24 statements requiring the preservation of unique resources, and value statements guiding
25 development in areas of high, medium, and undetermined paleontological sensitivity.
- 26 3. Eliminate a General Plan map that depicted sensitive archeological resources.

27 **BE IT FURTHER RESOLVED** by the Board of Supervisors, based on the evidence presented on
28 this matter, both written and oral, including the Notice of Exemption that:

1 1. GPA No. 1083 does not involve a change in or conflict with the Riverside County
2 Vision, any General Planning Principle set forth in Appendix B or any Foundation
3 Component designation in the General Plan. One of the fundamental values of the County
4 expressed in the General Plan is the enhancement and protection of the County's rich
5 cultural heritage, including its prehistoric and historic resources. GPA No. 1083 reaffirms
6 the County's commitment to this fundamental value. No changes to General Planning
7 Principles or Foundation Component designations are proposed; no conflict with those
8 principles or designations will result.

9 2. GPA No. 1083 would either contribute to the purposes of the General Plan or, at a
10 minimum, would not be detrimental to them. The changes proposed by GPA No. 1083
11 were developed over the course of the past five years in a collaborative process that
12 included property owners, development interests, tribal representatives and archaeologists.
13 The original policy concepts evolved during meetings with County staff and the tribes in
14 2005 and later with the Traditional Tribal Resources Advisory Committee between 2006
15 and 2008. This collaborative effort and the changes it produced reaffirms, as noted above,
16 the County's commitment to enhance and protect its prehistoric and historic resources and
17 ensures that such enhancement and protection will occur.

18 3. A change in policy is required to conform to changes in state or federal law or
19 applicable findings of a court of law. Government Code section 65352 and Civil Code
20 section 815.3 were amended pursuant to Senate Bill 18 (SB18) which became effective on
21 March 1, 2005. SB 18 requires consultation with California Native American tribal
22 governments or non-federally recognized California Native American tribes. GPA No.
23 1083 acknowledges and furthers the objectives of this consultation process.

24 4. GPA No. 1083 is exempt from CEQA under CEQA Guidelines sections 15307
25 because it assures the maintenance and protection of a natural resource (cultural and
26 paleontological) by requiring that the resource be conserved through the implementation of
27 certain open space policies and practices.
28

1 5. GPA No. 1083 is exempt from CEQA under CEQA Guidelines section 15308
2 because the changes it proposes assure the maintenance, restoration, enhancement or
3 protection of the environment.

4 6. GPA No. 1083 is exempt from CEQA under CEQA Guidelines section 15061(b)(3)
5 because it can be seen with certainty that there is no possibility that the proposed
6 amendment may have a significant effect on the environment. GPA No. 1083 will not
7 change any land use designations or result in any construction activities or other
8 development.

9 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it finds General Plan
10 Amendment No. 1083 exempt from CEQA and **ADOPTS** General Plan Amendment No. 1083 as
11 described herein and as shown on the exhibit entitled "GPA No. 1083 Exhibit 1 and 2."

12 **C. General Plan Amendment No. 1088** (GPA No. 1088) is a County-initiated general plan
13 amendment (GPA) to incorporate into the "Areas Subject to Indian Jurisdiction" section of the Land Use
14 Element the changes set forth in the exhibit entitled "GPA No. 1088, Exhibit 2", a copy of which is
15 attached hereto and incorporated herein by reference. GPA No. 1088 has County-wide application and
16 affects all properties located in the unincorporated area. The Planning Commission recommended
17 approval of GPA No. 1088 on February 16, 2011 and the Board of Supervisors tentatively adopted GPA
18 No. 1088 on April 26, 2011. GPA No. 1088 will more specifically do each of the following:

19 1. Identify four distinct types of Indian Land.

20 2. Amend Land Use Policy 33.1 to read as follows: "The County of Riverside will
21 continue to work with Tribal authorities to implement existing inter-governmental
22 agreements with regard to land use regulatory authority over lands within Indian
23 reservations boundaries."

24 3. Add Land Use Policy 33.2 to read as follows: "The County of Riverside will
25 continue to work with Tribal authorities to negotiate inter-governmental agreements in
26 situations where such agreements would be mutually beneficial."

27 4. Add Land Use Policy 33.3 to read as follows: "Where no inter-governmental
28 agreements are in place or can be executed, the County and affected Indian Tribe will seek

1 to agree on minimum development standards on Fee Lands that shall be applied to any
2 application submitted to the County or the Tribe for approval of development plans. In the
3 event that an agreement is reached between the County and the affected Indian Tribe, then
4 the standards shall be designed to ensure that reservation land remains consistent with the
5 reservation's purpose and character while recognizing the rights of all reservation
6 landowners and residents.”

7 5. Add Land Use Policy 33.4 to read as follows: “The County of Riverside will
8 continue to work with Tribes to seek compatibility between County and Tribal land use
9 plans and policies.”

10 6. Add Land Use Policy 33.5 to read as follows: “All new development proposals
11 concerning Fee Lands should be consistent with the surrounding County and Tribal land
12 use plans and policies.”

13 **BE IT FURTHER RESOLVED** by the Board of Supervisors, based on the evidence presented on
14 this matter, both written and oral, including the Notice of Exemption that:

15 1. GPA No. 1088 does not involve a change in or conflict with the Riverside County
16 Vision, any General Planning Principle set forth in Appendix B or any Foundation
17 Component designation in the General Plan. When the County updated its General Plan in
18 2003 and created the Land Use Element section entitled “Areas Subject to Indian
19 Jurisdiction,” no distinction was made between types of Indian land within the County
20 unincorporated area. GPA No. 1088 identifies four distinct types of Indian land, provides
21 clarification of the planning assumptions for lands owned by non-tribal members (“Fee
22 Lands”), and gives policy level guidance for land use proposals on Fee Lands. This
23 reaffirms the County’s commitment to an orderly and coordinated planning process. No
24 changes to General Planning Principles or Foundation Component designations are
25 proposed; no conflict with those principles or designations will result.

26 2. GPA No. 1088 would either contribute to the purposes of the General Plan or, at a
27 minimum, would not be detrimental to them for the reasons specified above.
28

1 3. A change in policy is required to conform to changes in state or federal law or
2 applicable findings of a court of law. Government Code section 65352 and Civil Code
3 section 815.3 were amended pursuant to Senate Bill 18 (SB18) which became effective on
4 March 1, 2005. SB 18 requires consultation with California Native American tribal
5 governments or non-federally recognized California Native American tribes. GPA No.
6 1083 acknowledges and furthers the objectives of this consultation process

7 4. GPA No. 1088 is exempt from CEQA under CEQA Guidelines section 15061(b)(3)
8 because it can be seen with certainty that there is no possibility that the proposed
9 amendment may have a significant effect on the environment. GPA No. 1088 merely
10 defines four distinct types of Indian Land and provides more clarity concerning the land
11 use consistency requirements and permitting process for lands owned by non-Indians.
12 GPA No. 1088 will not change any land use designations or result in any construction
13 activities or other development

14 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it finds General Plan
15 Amendment No. 1088 exempt from CEQA and **ADOPTS** General Plan Amendment No. 1088 as
16 described herein and as shown on the exhibit entitled "GPA No. 1088, Exhibit 2."

17 **D. General Plan Amendment No. 1096** (GPA No. 1096) is a County-initiated general plan
18 amendment (GPA) to incorporate into the General Plan a new optional Healthy Communities Element as
19 set forth in the exhibit entitled "GPA No. 1096", a copy of which is attached hereto and incorporated
20 herein by reference. GPA No. 1096 has County-wide application and affects all properties located in the
21 unincorporated area. The Planning Commission recommended approval of GPA No. 1096 on February
22 16, 2011 and the Board of Supervisors tentatively adopted GPA No. 1096 on April 26, 2011. GPA No.
23 1088 will more specifically do each of the following:

24 1. Revise Chapter 1 of the General Plan (Introduction), Page I-ii, and pages I-1
25 through I-15.

26 2. Revise Chapter 2 of the General Plan (Vision Statement) to include the
27 fundamental values of health, equity, livable centers, multi-modal transportation,
28 recreation, and healthy food.

3. Amend Chapter 2 of the General Plan to include a Healthy Communities discussion in the “Translating Issues Into Vision” section of the Vision Statement.
4. Add a new Chapter 10 to the General Plan entitled the Healthy Communities Element and add 48 new policies to implement the Element.
5. Add a new Appendix M to the General Plan entitled “Health Indicators.”

BE IT FURTHER RESOLVED by the Board of Supervisors, based on the evidence presented on this matter, both written and oral, including Environmental Assessment No. 42403 that:

1. GPA No. 1096 does not involve a change in or conflict with the Riverside County Vision, any General Planning Principle set forth in Appendix B or any Foundation Component designation in the General Plan. Instead it adds a new fundamental value to the Vision Statement that recognizes the logical link between health and the built environment. It also adds policies that encourage healthy living and provides the planning and land use framework to ensure that the health of Riverside County residents is secured. No changes to General Planning Principles or Foundation Component designations are proposed; no conflict with those principles or designations will result.
2. GPA No. 1096 would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them for the reasons specified above.
3. Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan. Following the adoption of the 2003 General Plan, the Riverside County Community Health Agency (CHA) recognized an emerging correlation between land use and chronic community health conditions such as heart disease, asthma, cancer, stroke, and obesity. CHA approached the Planning Department with their observations and together they developed the framework for a prospective Healthy Communities Element. The Planning Department then developed appropriate policy language and technical data during a collaborative process with CHA and the multi-faceted Healthy Community Working Group. The resulting Healthy Communities Element is an innovative addition to the County General Plan.

1 4. The findings of the initial study performed pursuant to Environmental Assessment
2 No. 42403 (a copy of which is attached hereto) are incorporated herein by reference. The
3 initial study concluded that the project would not have a significant effect on the
4 environment and a Negative Declaration was prepared.

5 **BE IT FURTHER RESOLVED** by the Board of Supervisors that it **ADOPTS** the Negative
6 Declaration for Environmental Assessment No. 42403 and **ADOPTS** General Plan Amendment No. 1096
7 as described herein and as shown on the exhibit entitled "GPA No. 1096."

8 **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians of the
9 documents upon which this decision is based are the Clerk of the Board of Supervisors and the County
10 Planning Department, and that such documents are located at 4080 Lemon Street, Riverside, California.

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