

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



FROM: Supervisor Buster and Supervisor Stone

SUBMITTAL DATE: January 18, 2012

SUBJECT: Ordinance No. 449.246 An Ordinance Repealing Urgency Ordinance Nos. 449.242 449.243, 449.245 Establishing and Extending the Prohibition of New Residential Subdivisions and New Residential Uses in the Northern and Southern Santa Rosa Plateau Escarpment Areas.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce and adopt on successive weeks Ordinance No. 449.246, an ordinance repealing Urgency Ordinance Nos. 449.242, 449.243, 449.245 establishing and extending the prohibition of new residential subdivisions and new residential uses in the Northern and Southern Santa Rosa Plateau Escarpment Areas; and
2. Find that the adoption of Ordinance No. 449.246 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and
3. Direct the Clerk of the Board to file a Notice of Exemption with the County Clerk for posting.

BACKGROUND:

(continued on next page)

Bob Buster, First District Supervisor

Jeff Stone, Third District Supervisor

3.37

Ordinance No. 449.242 was adopted on November 2, 2010, as an urgency ordinance and prohibited new residential subdivisions and new residential uses in the Northern and Southern Santa Rosa Plateau Escarpment Areas (“Areas”). This Ordinance was extended by Ordinance Nos. 449.243 and 449.245 and is set to expire on October 24, 2012.

During this time, staff was directed to develop a zoning ordinance that would include development standards to allow development in these Areas while at the same time decrease or eliminate the destruction of irreplaceable natural resources, the shifting of existing drainage patterns, soil erosion, and the denuding of vegetation on hillsides including the scaring of the natural landscape.

Ordinance No. 348.4299 was prepared to meet this directive. After a public hearing and deliberations, the Planning Commission denied Ordinance No. 348.4299 on November 16, 2011. The Commission's action was received and filed by the Board on January 10, 2012.

After further review, existing policies and regulations can be utilized in the planning and execution of development in these Areas that will assist in safeguarding the Areas from activities that may destroy irreplaceable natural resources, shift existing drainage patterns, increase soil erosion, denude vegetation on hillsides and scar the natural landscape of these Areas.

Therefore, in order to remove the prohibition on new residential subdivisions and new residential uses in the Areas prior to October 24, 2012, it is necessary to repeal Ordinance Nos. 449.242, 449.243 and 449.245.

The purpose of Ordinance No. 449.246 is to repeal Ordinance Nos. 449.242, 449.243 and 449.245. Repealing these ordinances will reinstate the County's permitting process in the Areas as it existed prior to the moratorium and allow property owners in the Areas to submit applications for land use entitlements. Adopting this ordinance does not commit the County to any development and there is no specific development application associated with this ordinance. To perform any environmental analysis at this stage would require the County to speculate as to what property might be involved, what type of development might be proposed and what impacts unknown development might have. Therefore, the adoption of Ordinance No. 449.246 does not create either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Furthermore, before development occurs on any particular site, all potential environmental issues will be analyzed in the appropriate site-specific environmental document. Performing an environmental analysis at this time would be premature and meaningless. As a result, Ordinance No. 449.246 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

1 ORDINANCE NO. 449.246

2
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

4 REPEALING ORDINANCE NOS. 449.242, 449.243, 449.245 ESTABLISHING AND EXTENDING

5 THE PROHIBITION OF NEW RESIDENTIAL SUBDIVISIONS AND NEW RESIDENTIAL USES IN

6 THE NORTHERN AND SOUTHERN SANTA ROSA PLATEAU ESCARPMENT AREAS

7
8 The Board of Supervisors of the County of Riverside ordains as follows:

9 Section 1. Ordinance Nos. 449.242, 449.243, 449.245 are repealed in their entirety.

10 Section 2. This ordinance shall take effect thirty (30) days after its adoption.

11
12 BOARD OF SUPERVISORS OF THE COUNTY
13 OF RIVERSIDE, STATE OF CALIFORNIA

14 By: _____
15 Chairman, Board of Supervisors

16 ATTEST:
17 CLERK OF THE BOARD

18 By: _____
19 Deputy

20 (SEAL)

21 APPROVED AS TO FORM
22 January 18, 2012

23 
24 MICHELLE P. CLACK
25 Deputy County Counsel

NOTICE OF EXEMPTION

To: _____ Office of Planning and Research From: County of Riverside
1400 Tenth Street, Room 121 4080 Lemon Street
Sacramento, CA 95814 Riverside, Ca 92501

To: X Office of the County Clerk & Recorder

Project Title: Ordinance No. 449.246 An Ordinance Repealing Ordinance Nos. 449.242, 449.243, 449.245

Project Location: The unincorporated area of Riverside County

Project Description: The purpose of Ordinance No. 449.246 is to repeal Ordinance Nos. 449.242, 449.243, 449.245.

Name of Public Agency Approving Project: County of Riverside

Project Sponsor: Riverside County Board of Supervisors

Exempt Status: (check one)

- Ministerial (Sec 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption:
- Statutory Exemption:
- Other: State CEQA Guidelines Section 15061(b)(3)

Reasons why project is exempt: The purpose of Ordinance No. 449.246 is to repeal Ordinance Nos. 449.242, 449.243 and 449.245. Repealing these ordinances will reinstate the County's permitting process in the Santa Rosa Plateau Escarpment area as it existed prior to the moratorium and allow property owners in this area to submit applications for land use entitlements. Adopting this ordinance does not commit the County to any development and there is no specific development application associated with this ordinance. To perform any environmental analysis at this stage would require the County to speculate as to what property might be involved, what type of development might be proposed and what impacts unknown development might have. Therefore, the adoption of Ordinance No. 449.246 does not create either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Furthermore, before development occurs on any particular site, all potential environmental issues will be analyzed in the appropriate site-specific environmental document. Performing an environmental analysis at this time would be premature and meaningless. As a result, Ordinance No. 449.246 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Adam Rush
County Contact Person

951-955-6646
Phone Number

Signature: _____ Title: _____ Date: _____

For County Clerk's Use Only