

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



FROM: TLMA - Planning Department/County Counsel

SUBMITTAL DATE:
April 26, 2012

SUBJECT: Initiation of Amendment to Ordinance No. 348 Regarding Parolee-Probationer Homes

RECOMMENDED MOTION:

1. Adopt an order initiating an amendment to Ordinance No. 348 regarding parolee-probationer homes.
2. Invite the Probation Department, Sheriff Department, District Attorney's Office, and Public Defender's Office to work with Planning and County Counsel to prepare the ordinance amendment.

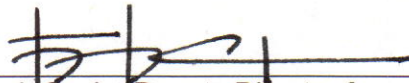
REVIEWED BY EXECUTIVE OFFICE

DATE _____ Tina Grande

Departmental Concurrence

FORM APPROVED COUNTY COUNSEL

BY: Tiffany N. North 4/26/12 DATE


Frank Coyle, Deputy Director for
Carolyn Syms Luna, Planning Director

Initials:
CSL:ar

(continued on attached page)

FINANCIAL DATA	Current F.Y. Total Cost:	\$24,300.52	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$24,300.52	Budget Adjustment:	Yes
	Annual Net County Cost:	\$24,300.52	For Fiscal Year:	11/12

SOURCE OF FUNDS: 100% of Project Costs will be reimbursed by County General Fund	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

BY: 
Elizabeth J. Olson

County Executive Office Signature

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref. 6/7/11, 9.10; 8/10/10, 9.19; 7/27/10, 3.90 | **District:** ALL | **Agenda Number:**

3.42

BACKGROUND:

On July 27, 2010, the Board of Supervisors adopted an urgency interim ordinance ("moratorium") prohibiting parolee-probationer homes in the County (RCO No. 449.239). The moratorium defined a "parolee-probationer home" as "any residential building, or portion thereof, owned or operated by any person which houses two (2) or more parolee-probationers, unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration... excluding any state-licensed residential care facility serving six (6) or fewer persons." That moratorium has been extended as authorized under state law and is now set to expire on July 25, 2012 (RCO Nos. 449.240 and 449.244). No further extensions of the moratorium are allowed under state law (Government Code section 65858).

While the moratorium was in effect, the Public Safety Realignment Act - Assembly Bill 109 ("AB 109") was signed into law on April 4, 2011. In an effort to address overcrowding in California's prisons and assist in alleviating the state's financial crisis, AB 109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation (CDCR) to counties. Implementation of AB 109 took effect on October 1, 2011. Since that time, representatives from the Probation Department, District Attorney's Office, Department of Mental Health, Sheriff's Department and other agencies have been working on establishing programs geared to re-integrating inmates released to Riverside County.

Given the numbers of parolees, probationers, and other individuals under post-release community supervision being released into the County and the shift in supervision responsibility to the County under AB 109, the County should act to adopt permanent zoning provisions and development standards to address parolee-probationer homes long-term. Currently, the existing definitions and uses identified in Ordinance No. 348 do not adequately regulate parolee-probationer homes.

Staff recommends a collaborative multi-department ordinance planning and preparation strategy. Departments such as Probation, Sheriff, Planning, District Attorney's Office, Public Defender's Office, Code Enforcement and County Counsel will likely each be required to enforce or process some provision of the ordinance amendment once effective. For this reason, it is important that each of these departments be fully involved in the ordinance amendment process.

The purposes of regulating parolee-probationer homes would be to ensure compatibility of such uses with other surrounding uses and properties and to avoid any impacts associated with parolee-probationer homes. Moreover, appropriate development standards and conditions for parolee-probationer homes are necessary in Ordinance No. 348 so as to ensure that such homes do not overwhelm law enforcement resources that are presently available to properly monitor their operations; address public health, safety and welfare concerns; and ensure that the County does not have an overconcentration of parolee-probationer homes in any particular community or area.

Based on preliminary staff discussions, it is anticipated that the proposed ordinance amendment would authorize parolee-probationer homes as a use in identified zones subject to a conditional use permit. In addition to all other development standards of the zone, the ordinance amendment would include, but not be limited to, the following development standards and conditions for parolee-probationer homes:

- The use must be compatible with neighboring uses.
- The use must not result in harm to the health, safety or general welfare of the surrounding neighborhood and substantial adverse impacts on adjoining properties or land uses will not result.
- Any parolee-probationer homes must be located near ready access to public transportation and must be accessible to necessary support services.
- To avoid over-concentration of parolee-probationer homes, a distance requirement between parolee-probationer homes.
- A parolee-probationer home must not be located within one thousand (1000) feet of any of the following: a child day care facility, a public or private school, a public or private school bus stop, a park, a public library, a public swimming or wading pool, a commercial establishment that has an on-site or adjacent children's playground, or a place where classes or group activities for children are held, any other group housing, assisted living facility, business licensed for on- or off-site sales of alcoholic beverages, emergency shelter, supportive housing or transitional housing development.
- Sufficient on-site parking must be provided.
- Both indoor and outdoor common areas must be provided on site.
- On-site staff supervision must be required during all hours of facility operation.
- Individual stays must not exceed 180 days.

Additionally, the ordinance amendment would require that all property owners within 1,000 feet of the proposed parolee-probationer home must be notified of the proposed conditional use permit.

While the above list is informative, it is not exhaustive or final. The ordinance amendment process, to be done in collaboration with Probation, Sheriff, the District Attorney, and the Public Defender, may result in a need to modify the list and create further restrictions in addition to those stated above.

Finally, the ordinance amendment would include a one (1) year amortization provision to which any non-conforming parolee-probationer home would need to comply with the ordinance amendment within one (1) year from the effective date of its adoption.

Other jurisdictions, including the cities of Riverside, Fontana, Desert Hot Springs, and Yucaipa have adopted a similar approach for parolee-probationer homes as outline above. Alternatively, if the Board desires, an ordinance amendment could be drafted to prohibit parolee-probationer homes in all zones. However, staff advises against a complete prohibition of parolee-probationer homes given the passage of AB 109.

FISCAL:

Board Policy A-67 requires the development of a fiscal analysis to determine the appropriate level and appropriation of funding required for an ordinance amendment. Planning staff has prepared the following scope of services and budget to amend Ordinance No. 348 as described herein. The proposed scope includes the completion of an amendment staff time, and review for site inspection and research; agency coordination; public outreach and public hearings; and final Board action. Planning staff estimates a timeframe of 2-3 months at a proposed cost of \$24,300.52. The scope of services, project timeline, and fee schedule is attached.

**Probation-Parolee Ordinance Amendment
Transportation and Land Management Agency
Fiscal Year 2011-2012**

PROJECT TIMELINE/BUDGET (Probation-Parolee Ordinance Amendment)

Tasks	Project Description	Budget Information			
Task Number	Services Provided	Responsible Party	Total Hours	Rate/Hour	Total Cost
I Board of Supervisors Order to Initiation					
1.1		TLMA/County Counsel			0
II Staff Review and Research					
2.1	County Counsel Research	County Counsel	10 hours	\$143.18	\$1,431.80
2.2	Planning Staff Research of Existing Probationer-Parolee Facilities	Planning	10 hours	\$186.00	\$1,860.00
III Working Group Coordination					
3.1	Phase I Meetings (Board Staff, D.A., Probation, Sheriff, Planning, & County Counsel)	Planning/Counsel	3 hours/3 hours	\$186.00/\$143.18	\$987.54
3.2	Phase II Meetings (Board Staff, D.A., Probation, Sheriff, Planning, & County Counsel)	Planning/Counsel	3 hours/3 hours	\$186.00/\$143.18	\$987.54
3.3	Phase III Meetings (Board Staff, D.A., Probation, Sheriff, Planning, & County Counsel)	Planning/Counsel	3 hours/3 hours	\$186.00/\$143.18	\$987.54
IV Public Meetings/Outreach					
4.1	Planning and County Counsel Staff will conduct public outreach meetings with developers of current and proposed facilities and advocacy groups	Planning/Counsel	3 hours/3 hours	\$186.00/\$143.18	\$987.54
V Drafting Ordinance, Regulations, Development					
5.1	Development Standards, Previous Research, and Working Group Recommendations will be organized into an Ordinance Draft	County Counsel	20 hours	\$143.18	\$2,863.60
5.2	Planning Staff will review Draft Ordinance implementation and consistency	Planning	10 hours	\$186.00	\$1,860.00
5.3	Planning Staff will coordinate the review of external agencies on Draft Ordinance	Planning	5 hours	\$186.00	\$930.00
VI Planning Commission Public Hearing Process					
6.1	Planning Commission Publications, Staff Report and Meeting Preparation, and Environmental Documentation	Planning	20 hours	\$186.00	\$3,720.00
6.2	County Counsel Review of Staff Report Documents and Final Draft or Ordinance	County Counsel	10 hours	\$143.10	\$1,431.80
6.3	Planning Staff Attendance	Planning	10 hours	\$186.00	\$1,860.00
6.4	County Counsel Attendance	County Counsel	10 hours	\$143.18	\$1,431.80
VII Board of Supervisors Public Hearing					
7.1	Board of Supervisors Staff Report and Meeting Preparation and Preparation of CEQA Documents	Planning	5 hours	\$186.00	\$930.00
7.2	County Counsel Review of Form 11 Staff Report, Final Ordinance Formatting, and Review of CEQA Documents	County Counsel	5 hours	\$143.10	\$715.90
7.3	Planning Staff Attendance	Planning	2 hours	\$186.00	\$372.00
7.4	County Counsel Attendance	County Counsel	2 hours	\$143.18	\$286.36
VIII Final Board Action					
8.1	Preparation of Final Legislative Documents	County Counsel	2 hours	\$143.18	\$372
8.2	Review of Final Legislative Documents	Planning	2 hours	\$186.00	\$286
Total					\$24,300.52