

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

834 A



**FROM:** County Counsel

**SUBMITTAL DATE:**  
May 10, 2012

**SUBJECT:** Set aside the adoption of Ordinance No. 348.4713

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Set aside its approval and adoption of Ordinance No. 348.4713, attached hereto as Attachment A, an ordinance of the County of Riverside amending Ordinance No. 348 adding language allowing proposed uses to be found the same in character and intensity as permitted uses and revising the definition of educational institutions; and
2. Set aside its determination that Ordinance No. 348.4713 was exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

**BACKGROUND:** On March 6, 2012, judgment was entered against the County in Protect Wine Country v. County of Riverside RIC 1108020. The judgment directs the Board of Supervisors to take the above actions. The County and Board have decided not to appeal this judgment.

*Michelle Clack*  
Michelle P. Clack  
Deputy County Counsel

|                           |                               |      |                         |     |
|---------------------------|-------------------------------|------|-------------------------|-----|
| <b>FINANCIAL<br/>DATA</b> | Current F.Y. Total Cost:      | \$ 0 | In Current Year Budget: | N/A |
|                           | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment:      | N/A |
|                           | Annual Net County Cost:       | \$ 0 | For Fiscal Year:        | N/A |

|                         |                                  |                          |
|-------------------------|----------------------------------|--------------------------|
| <b>SOURCE OF FUNDS:</b> | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
|                         | Requires 4/5 Vote                | <input type="checkbox"/> |

**C.E.O. RECOMMENDATION:** APPROVE

BY: *Denise C. Haddon*  
County Executive Office Signature Denise C. Haddon

- Policy
- Policy
- Consent
- Consent

Department Recommendation: \_\_\_\_\_  
Per Executive Office: \_\_\_\_\_

# ATTACHMENT A

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ORDINANCE NO. 348.4713

AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING  
ORDINANCE NO. 348 REGULATING LAND USE

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

Section 1. A new subsection (f) is added to Section 6.1 of Ordinance No. 348 to read as follows:

“ Any use that is not specifically listed in Subsections b., c. and e. may be considered a permitted or conditionally permitted use provided that the Planning Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.”

Section 2. A new subsection (e) is added to Section 6.25 of Ordinance No. 348 to read as follows:

“ Any use that is not specifically listed in Subsections b., c. and d. may be considered a permitted or conditionally permitted use provided that the Planning Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.”

Section 3. A new subsection (f) is added to Section 6.50 of Ordinance No. 348 to read as follows:

“ Any use that is not specifically listed in Subsections b., c. and d. may be considered a permitted or conditionally permitted use provided that the Planning Director finds that the proposed use is substantially the same in character and intensity as those listed in the designated subsections. Such a use is subject to the permit process which governs the category in which it falls.”

ORIGINAL

1           Section 4.     A new subsection (d) is added to Section 7.1 of Ordinance No. 348 to read as  
2 follows:

3                   “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
4 permitted or conditionally permitted use provided that the Planning Director finds that the  
5 proposed use is substantially the same in character and intensity as those listed in the  
6 designated subsections. Such a use is subject to the permit process which governs the  
7 category in which it falls.”

8           Section 5.     A new subsection (d) is added to Section 7.25 of Ordinance No. 348 to read as  
9 follows:

10                   “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
11 permitted or conditionally permitted use provided that the Planning Director finds that the  
12 proposed use is substantially the same in character and intensity as those listed in the  
13 designated subsections. Such a use is subject to the permit process which governs the  
14 category in which it falls.”

15           Section 6.     A new subsection (d) is added to Section 8.1 of Ordinance No. 348 to read as  
16 follows:

17                   “ Any use that is not specifically listed in Subsections a. and b. may be considered a  
18 permitted or conditionally permitted use provided that the Planning Director finds that the  
19 proposed use is substantially the same in character and intensity as those listed in the  
20 designated subsections. Such a use is subject to the permit process which governs the  
21 category in which it falls.”

22           Section 7.     A new subsection (d) is added to Section 8.50 of Ordinance No. 348 to read as  
23 follows:

24                   “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
25 permitted or conditionally permitted use provided that the Planning Director finds that the  
26 proposed use is substantially the same in character and intensity as those listed in the  
27 designated subsections. Such a use is subject to the permit process which governs the

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1 category in which it falls.”

2 Section 8. A new subsection (f) is added to Section 8.60 of Ordinance No. 348 to read as  
3 follows:

4 “ Any use that is not specifically listed in Subsection b. may be considered a permitted or  
5 conditionally permitted use provided that the Planning Director finds that the proposed  
6 use is substantially the same in character and intensity as those listed in the designated  
7 subsection. Such a use is subject to the permit process which governs the category in  
8 which it falls.”

9 Section 9. A new subsection (i) is added to Section 8.91 of Ordinance No. 348 to read as  
10 follows:

11 “ Any use that is not specifically listed in Subsections f., g. and h. may be considered a  
12 permitted or conditionally permitted use provided that the Planning Director finds that the  
13 proposed use is substantially the same in character and intensity as those listed in the  
14 designated subsections. Such a use is subject to the permit process which governs the  
15 category in which it falls.”

16 Section 10. A new subsection (d) is added to Section 8.100 of Ordinance No. 348 to read as  
17 follows:

18 “ Any use that is not specifically listed in Subsections a., b. and c. may be considered a  
19 permitted or conditionally permitted use provided that the Planning Director finds that the  
20 proposed use is substantially the same in character and intensity as those listed in the  
21 designated subsections. Such a use is subject to the permit process which governs the  
22 category in which it falls.”

23 Section 11. A new subsection (k) is added to Section 8.202 of Ordinance No. 348 to read as  
24 follows:

25 “Any use that is not specifically listed in Section 8.202 may be considered a permitted or  
26 conditionally permitted use provided that the Planning Director finds that the proposed  
27 use is substantially the same in character and intensity as those listed in the designated  
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1 subsections. Such a use is subject to the permit process which governs the category in  
2 which it falls.”

3 Section 12. A new subsection (d) is added to Section 9.25 of Ordinance No. 348 to read as  
4 follows:

5 “ Any use that is not specifically listed in Subsection a. may be considered a permitted or  
6 conditionally permitted use provided that the Planning Director finds that the proposed  
7 use is substantially the same in character and intensity as those listed in the designated  
8 subsection. Such a use is subject to the permit process which governs the category in  
9 which it falls.”

10 Section 13. A new subsection (f) is added to Section 12.50 of Ordinance No. 348 to read as  
11 follows:

12 “Any use that is not specifically listed in Subsection e. may be considered a permitted or  
13 conditionally permitted use provided that the Planning Director finds that the proposed  
14 use is substantially the same in character and intensity as those listed in the designated  
15 subsection. Such a use is subject to the permit process which governs the category in  
16 which it falls.”

17 Section 14. A new subsection (f) is added to Section 12.60 of Ordinance No. 348 to read as  
18 follows:

19 “ Any use that is not specifically listed in Subsection e. may be considered a permitted or  
20 conditionally permitted use provided that the Planning Director finds that the proposed  
21 use is substantially the same in character and intensity as those listed in the designated  
22 subsection. Such a use is subject to the permit process which governs the category in  
23 which it falls.”

24 Section 15. A new subsection (k) is added to Section 13.51 of Ordinance No. 348 to read as  
25 follows:

26 “ Any use that is not specifically listed in Subsections g. and h. may be considered a  
27 permitted or conditionally permitted use provided that the Planning Director finds that the  
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1 proposed use is substantially the same in character and intensity as those listed in the  
2 designated subsections. Such a use is subject to the permit process which governs the  
3 category in which it falls.”

4 Section 16. A new subsection (f) is added to Section 14.52 of Ordinance No. 348 to read as  
5 follows:

6 “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
7 permitted or conditionally permitted use provided that the Planning Director finds that the  
8 proposed use is substantially the same in character and intensity as those listed in the  
9 designated subsections. Such a use is subject to the permit process which governs the  
10 category in which it falls.”

11 Section 17. A new subsection (d) is added to Section 14.73 of Ordinance No. 348 to read as  
12 follows:

13 “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
14 permitted or conditionally permitted use provided that the Planning Director finds that the  
15 proposed use is substantially the same in character and intensity as those listed in the  
16 designated subsections. Such a use is subject to the permit process which governs the  
17 category in which it falls.”

18 Section 18. A new subsection (b) is added to Section 14.82 of Ordinance No. 348 to read as  
19 follows:

20 “ Any use that is not specifically listed in Subsection a. may be considered a permitted or  
21 conditionally permitted use provided that the Planning Director finds that the proposed  
22 use is substantially the same in character and intensity as those listed in the designated  
23 subsection. Such a use is subject to the permit process which governs the category in  
24 which it falls.”

25 Section 19. A new subsection (i) is added to Section 15.1 of Ordinance No. 348 to read as  
26 follows:

27 “ Any use that is not specifically listed in Subsections c. and d. may be considered a  
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1 permitted or conditionally permitted use provided that the Planning Director finds that the  
2 proposed use is substantially the same in character and intensity as those listed in the  
3 designated subsections. Such a use is subject to the permit process which governs the  
4 category in which it falls.”

5 Section 20. A new subsection (f) is added to Section 15.101 of Ordinance No. 348 to read as

6 follows:

7 “ Any use that is not specifically listed in Subsections b., c. and d. may be considered a  
8 permitted or conditionally permitted use provided that the Planning Director finds that the  
9 proposed use is substantially the same in character and intensity as those listed in the  
10 designated subsections. Such a use is subject to the permit process which governs the  
11 category in which it falls.”

12 Section 21. A new subsection (f) is added to Section 15.200 of Ordinance No. 348 to read as

13 follows:

14 “ Any use that is not specifically listed in Subsections b. and c. may be considered a  
15 permitted or conditionally permitted use provided that the Planning Director finds that the  
16 proposed use is substantially the same in character and intensity as those listed in the  
17 designated subsections. Such a use is subject to the permit process which governs the  
18 category in which it falls.”

19 Section 22. A new subsection (f) is added to Section 16.2 of Ordinance No. 348 to read as

20 follows:

21 “Any use that is not specifically listed in Subsections b. and c. may be considered a  
22 permitted or conditionally permitted use provided that the Planning Director finds that the  
23 proposed use is substantially the same in character and intensity as those listed in the  
24 designated subsections. Such a use is subject to the permit process which governs the  
25 category in which it falls.”

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1            Section 23.    A new subsection (i) is added to Section 17.1 of Ordinance No. 348 to read as  
2 follows:

3                            “Any use that is not specifically listed in Subsections f. and g. may be considered a  
4 permitted or conditionally permitted use provided that the Planning Director finds that the  
5 proposed use is substantially the same in character and intensity as those listed in the  
6 designated subsections. Such a use is subject to the permit process which governs the  
7 category in which it falls.”

8            Section 24.    A new subsection (i) is added to Section 17.2 of Ordinance No. 348 to read as  
9 follows:

10                           “ Any use that is not specifically listed in Subsections f. and g. may be considered a  
11 permitted or conditionally permitted use provided that the Planning Director finds that the  
12 proposed use is substantially the same in character and intensity as those listed in the  
13 designated subsections. Such a use is subject to the permit process which governs the  
14 category in which it falls.”

15            Section 25.    Section 21.32 is amended to read as follows:

16                           “EDUCATIONAL INSTITUTIONS. Public and private schools, whether nonprofit or  
17 operated for profit, providing instruction to either minors or adults including  
18 kindergartens, elementary schools, junior high schools, senior high schools, junior  
19 colleges, colleges, universities, professional schools and vocational schools. Day care  
20 centers and family day care homes shall not constitute educational institutions.”

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Section 26. This ordinance shall take effect thirty (30) days after its adoption.

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

By: Marion Ashley  
Chairman, Board of Supervisors  
Marion Ashley

ATTEST:  
Kecia Harper-Ihem

CLERK OF THE BOARD

By: Kecia Harper-Ihem  
Deputy

EACH DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED IS CERTIFIED TO BE A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE.  
Dated: February 23, 2011  
KECIA HARPER-IHEM  
Clerk to the Board of Supervisors  
County of Riverside, California

By: Kecia Harper-Ihem, Deputy

APPROVED AS TO FORM

October 21, 2010

Michelle Clack  
MICHELLE CLACK  
Deputy County Counsel

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STATE OF CALIFORNIA        )  
  )        ss  
COUNTY OF RIVERSIDE        )

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on November 9, 2010, the foregoing ordinance consisting of 26 Sections was adopted by the following vote:

AYES:        Buster, Tavaglione, Stone, Benoit, and Ashley  
NAYS:        None  
ABSENT:     None

DATE:        November 9, 2010

KECIA HARPER-IHEM  
Clerk of the Board  
BY: *Kecia Harper-Ihem*  
Deputy

SEAL