FORM APPROVED COUNTY COUNSEL
BY: GREGORY P. PRIAMOS DATE 11/20/14

Departmental Concurrence

APPROVE
BY: Tina Grande

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

410B

FROM: TLMA-Planning Department

SUBMITTAL DATE:
November 12, 2014

SUBJECT: Ordinance No. 348.4791 – CEQA Exempt - Applicant: County of Riverside – All Supervisorial Districts – Location: Countywide - **REQUEST:** The amendment proposes to revise Sections 18.17., 18.18., 18.28., 18.29., 18.30, 21.69 and eliminate Section 18.28a of Ordinance No. 348. It will modify the text in Section18.17 concerning accessory uses; modify the intent, permit requirements, development standards concerning Detached Accessory Buildings and Structures, Guest Quarters and Second Units and include the Second Unit provisions as a subsection with Section 18.18. ; modify the Application Subsection and eliminate the use of permit subsection within Section 18.28 concerning Conditional Use Permits; revoke Section 18.28a.; modify the Application subsection and eliminate the Use of Permit subsection within Section 18.29 concerning Public Use Permits; and modify the Application subsection and eliminate the Approval Period subsection within Section 18.30 concerning Plot Plans. The amendment will also revise the definition of "Structures" found in Section 21.69.

RECOMMENDED MOTION: That the Board of Supervisors:

1. **FIND** that the proposed amendment is exempt from CEQA pursuant to Government Code Section 21080.17 and CEQA Guidelines Sections 15300.2, 15301, 15303 and 15061(b)(3) based on the findings and conclusions incorporated in the attached Notice of Exemption; and

2. **ADOPT ORDINANCE NO. 348.4791**.

JCP:dm

Juan C. Perez
TLMA Director/ Interim Planning Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	$ N/A	$ N/A	$ N/A	$	Consent ☐ Policy ☐
NET COUNTY COST	$	$	$	$	

SOURCE OF FUNDS: N/A

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE
BY: Alex Gann

County Executive Office Signature
Alex Gann

MINUTES OF THE BOARD OF SUPERVISORS

☐ Positions Added ☐ Change Order
☐ A-30 ☐ 4/5 Vote

Prev. Agn. Ref.: Item 3.51, 12/17/13 | **District: ALL** | **Agenda Number:** 16-1

BACKGROUND:
Summary

Ordinance No. 348 is the primary ordinance which governs the review and approval of the land use and zoning applications in the County. On December 17, 2013, the Board of Supervisors approved the initiation of a series of "business friendly" amendments to Ordinance No. 348. This amendment is one of the amendments initiated.

Currently, the provisions of Ordinance No. 348 require the submittal and approval of a plot plan application for detached accessory buildings and structures through the Planning Department prior to issuance of a building permit. Given that process can be both costly and lengthy, this amendment eliminates this requirement in most instances. It also updates the intent, permit requirements, and development standards for detached accessory buildings and structures, guest quarters and second units, and incorporates the revised Second Unit requirements and development standards to Section 18.18.

Currently the application standards for conditional use permits, public use permits, and plot plans are described in Sections 18.28, 18.29 and 18.30. It is not necessary to set forth specific application requirements within the Ordinance itself and it will allow more flexibility for purposes of processing applications if these subsections are removed. Consequently, the amendment eliminates these requirements.

Additionally, the standards for the period in which to begin use of an entitlement are also being removed, allowing greater flexibility to begin use of approved entitlements when economic downturn occurs or if the ability to obtain construction financing is difficult. The amendment deletes these requirements thus allowing for a more "business friendly" environment. This amendment also proposes to clean up a number of minor issues in these Sections as well as to a Section 18.17 and 21.69. Attached for your review is a redlined copy of the proposed amendment which delineates the revisions that have been made.

This amendment has been reviewed and recommended for approval by the Planning Commission.

Impact on Residents and Businesses
With this ordinance amendment the processing of permits for detached accessory buildings and structures, conditional use permits, public use permits and plot plans will be streamlined and overall processing costs will be reduced, allowing the development involved in these types of permits to contribute to the local economy and serving the community sooner and add to the County's jobs base.

SUPPLEMENTAL:
Additional Fiscal Information
N/A

Contract History and Price Reasonableness
N/A

ATTACHMENTS (if needed, in this order):

A. **ORDINANCE 348.4791 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 348 RELATING TO ZONING**

B. **NOTICE OF EXEMPTION**

ORDINANCE NO. 348.4791

AN ORDINANCE OF THE COUNTY OF RIVERSIDE

AMENDING ORDINANCE NO. 348

RELATING TO ZONING

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

Section 1. Section 18.17. of Ordinance No. 348 is amended to read as follows:

"SECTION 18.17. ACCESSORY USES. The express enumeration of permitted uses in all zoning classifications ~~districts~~ shall be construed to include accessory uses. Detached accessory buildings and structures, where the principal use of a lot includes a one family dwelling, shall be subject to the requirements of Section 18.18."

Section 2. Section 18.18. of Ordinance No. 348 is amended to read as follows:

"SECTION 18.18. DETACHED ACCESSORY BUILDINGS AND STRUCTURES, GUEST QUARTERS AND SECOND UNITS.

a. INTENT. The Board of Supervisors has adopted the following provisions to establish minimum development requirements for the erection of detached accessory buildings and structures, guest quarters and second units in the unincorporated areas of Riverside County. These requirements are intended to provide for the appropriate construction of detached accessory buildings and structures, guest quarters and second units, enhance the aesthetic appearance of the community, preserve property values, provide for affordable housing and protect the public health, safety and welfare.

b. PERMIT REQUIREMENT. The Planning Director may, based on a determination of

potential environmental concerns, require the submittal of a plot plan including the preparation of an environmental assessment pursuant to Section 18.30 of this ordinance if either:

(1) a detached accessory building or structure on a lot equals or exceeds five thousand square feet in size; or,

(2) the total square footage of all detached accessory buildings or structures on a lot equal or exceed five thousand square feet. Said determination of potential environmental concerns shall be made by the Planning Director and is within his or her sole discretion. Upon completion of the review of the plot plan and the environmental assessment, a public hearing shall be held. Said plot plan shall only be approved if it complies with the requirements of this Section and the requirements of Section 18.30 of this ordinance.

c. DEVELOPMENT STANDARDS. Where the principal use of a lot includes a one family dwelling, a detached accessory building or structure shall be permitted subject to the following requirements. These requirements are in addition to the development standards of the applicable zone.

(1) Where a rear yard is required by this ordinance, a detached accessory building or structure may occupy not more than fifty percent ~~one-half~~ of the required rear yard.

~~(2) No detached accessory building shall be within five feet of the front half of an adjacent lot. For the purpose of this development standard a depth of not more than 75 feet shall be deemed to be such front half of such adjacent lot.~~

(2) In areas at altitudes below four thousand feet and where the slope of the front twenty feet of a lot is greater than one foot rise or fall in a seven foot run from the established street elevation, or where the frontage of the lot is more than four feet above or below such established street elevation, a private garage or carport may be built to the front and/or side lot lines if the placement of the building or structure or the design of the building or structure prevents

vehicles directly exiting or entering onto the adjacent roadway; however, in areas at altitudes above four thousand feet and where the slope of the front twenty feet of a lot is greater than one foot rise or fall in a seven foot run from the established street elevation, or where the frontage of the lot is more than four feet above or below such established street elevation, a private garage or carport may be built to the front and/or side lot lines.

~~(3) Where the average slope of the front half of the lot is greater than one foot rise or fall in a seven foot run from the established street elevation at the property line, or where the front half of the lot is more than four feet above or below such established street elevation, a private garage may be built to the street and side lines.~~

(3) In the case of an interior lot, no detached accessory building or structure shall be erected so as to encroach upon the front half of the lot, provided, however, such ~~detached accessory~~ building or structure need not be more than seventy-five ~~75~~ feet from the street line.

(4) In the case of a corner lot abutting upon two or more streets, no detached accessory building or structure shall be nearer any street line than twenty percent ~~one fifth~~ of the width or length of the lot; provided, however, such building or structure need not be more than seventy-five feet from the street line.

(5) In the case of through lots, no detached accessory building or structure shall be erected so as to encroach upon ~~the required front yard on either street~~ the front half of the lot; provided, however, such building or structure need not be more than seventy-five feet from the street line from which the one family dwelling takes access and maintains a minimum rear yard setback of twenty feet as measured from the rear yard street line.

(6) In ~~mountain resort~~ areas at altitudes above four thousand feet, a detached accessory building or structure may be constructed ~~to the same building setback line as is required for a~~

~~dwelling on the same premises.~~ in accordance with the same building setbacks as is required for a one family dwelling on the same lot.

(7) No detached accessory building or structure shall be nearer ~~than ten feet to the principal building~~ to the one family dwelling, or other building or structure than that permitted by Ordinance No. 457 and Ordinance No. 787.

(8) A. For lots one acre ~~two acres~~ or smaller, the minimum setback from a side property line shall be five feet and the minimum setback from a rear property line shall be ten feet; provided, however, that where the applicable zone provides for a greater side or rear yard setback, ~~such~~ the greater setback shall apply.

B. For lots greater than one acre ~~two acres~~, the minimum setback from a side property line and from a rear property line shall be ten feet; provided, however, that where the applicable zone provides for a greater side or rear yard setback, ~~such~~ the greater setback shall apply.

(9) Notwithstanding the height limitations of any zone, the height limit on any lot shall be twenty feet for lots ~~two acres~~ one acre or ~~smaller~~ less and thirty ~~five~~ feet for lots larger than ~~two acres~~ one acre.

(10) Bare metal buildings and structures (metal buildings and structures without paint or exterior architectural coatings or treatments), shall not be located on a lot one acre or smaller. ~~This prohibition shall not apply to single-story garden sheds, playhouses or similar buildings of 120 square feet or less.~~

(11) No final inspection shall be performed for the detached accessory building or structure until a final inspection has been performed for the one family dwelling on the same lot.

~~(12) No detached accessory building shall be erected unless a one family dwelling exists on the same lot or a building permit has been issued for a one family dwelling on the same lot~~

~~pursuant to Ordinance No. 457. No certificate of occupancy shall be issued or final inspection shall be done for the detached accessory building until a certificate of occupancy has been issued or final inspection has been done for the one family dwelling, whichever occurs first.~~

(12) No detached accessory building or structure shall be rented or leased, or offered for rent or lease, unless the one family dwelling on the same lot is also being rented or leased, or offered for rent or lease, to ~~by~~ the same renter or lessee.

(13) No detached accessory building or structure shall be used for overnight accommodations.

(14) No detached accessory building or structure shall contain a kitchen.

(15) Any detached accessory building or structure must have the same lot access as the one family dwelling on the same lot. No additional curb cuts, rear access or any other type of access is allowed to a detached accessory building or structure except as may be authorized by the Transportation Department through the issuance of an encroachment permit.

(16) A detached accessory building or structure shall be compatible with the architecture of the one family dwelling and consistent with the character of the surrounding neighborhood.

d. GUEST QUARTERS. Excluding Subsection c.(13) ~~b.14~~ of this Section ~~18.18~~, all development standards for detached accessory buildings and structures shall apply to guest quarters. In addition, the following development standards shall apply to guest quarters:

(1) Only one guest quarter shall be permitted ~~allowed~~ on a lot ~~regardless of lot size~~.

(2) The square footage of any guest quarter shall not exceed ~~1/50~~ ~~(2~~two ~~%)~~ percent of the lot size and shall in no case exceed six hundred ~~(600)~~ square feet.

(3) A guest quarter shall be used exclusively by occupants of the ~~premises~~ one family dwelling on the same lot and their non-paying guests.

(4) No reduction of the side and rear yard setbacks shall be allowed for any guest quarter.

(5) For lots ~~two acres~~ one half acre or smaller, a guest quarter shall not be allowed if the lot has an existing or approved second unit.

~~d. PERMIT REQUIREMENT. Where the principal use of a lot is a one family dwelling, the approval of a plot plan pursuant to Section 18.30 of this ordinance shall be required for either: (1) a detached accessory building with a floor area of 651 square feet or more; or (2) a detached accessory building with a floor area of 120 square feet or more on a lot which already has one or more existing or approved detached accessory buildings with a floor area of 120 square feet or more. Nothwithstanding the above, the approval of a plot plan shall not be required for a detached accessory building with a floor area of less than 1,201 square feet if the detached accessory building is located on a lot larger than one acre, is setback from all lot lines a minimum of 50 feet, and there are no other detached accessory buildings with a floor area of 120 square feet or more already approved or existing on the lot. All plot plans required pursuant to this subsection shall be subject to the hearing requirements of Section 18.30d.(2). In addition to all other requirements, a plot plan for a detached accessory building located less than 30 feet from the principal building may be approved only if it is found that the detached accessory building is compatible with the architecture of the principal building and consistent with the character of the surrounding neighborhood. In addition to all other requirements, a plot plan for a detached accessory building located 30 feet or more from the principal building may be approved only if it is found that the detached accessory building is consistent with the character of the surrounding neighborhood.~~

e. EXCEPTIONS. ~~(1)~~ This Section shall not be applicable in the A-P, A-2 or A-D zones.

f. SECOND UNITS. ~~a. APPLICATION. An application for a second unit permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, shall~~

~~be accompanied by the filing fee as set forth in County Ordinance No. 671 and shall include the following information:~~

~~(1) Name and address of the applicant, and evidence that the applicant is the owner of the property.~~

~~(2) Assessor's parcel number of the property.~~

~~(3) A plot and development plan drawn in sufficient detail to clearly describe the following:~~

~~(a) Physical dimensions of the property.~~

~~(b) Location and dimensions of all existing and proposed structures, walls, fences and landscaping.~~

~~(c) Location and dimensions of all existing and proposed easements, septic tanks, leach lines, seepage pits, drainage structures and utilities.~~

~~(d) Location, dimensions, and names of all adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts.~~

~~(e) Setbacks.~~

~~(f) Existing and proposed methods of circulation, including ingress and egress, driveways, parking areas and parking structures.~~

~~(g) Topography of the property, including the mapping of all areas with a slope in excess of 25 percent.~~

~~(4) Panoramic color photographs showing the property from all sides and showing adjacent properties.~~

~~(5) A description of walls, landscaping, and architectural treatments proposed for the second unit.~~

~~(6) A clearance letter from the County Health Department with respect to any proposed water or sanitary facilities.~~

~~(7) Written confirmation from any water district or sewer district providing service of the availability of service.~~

~~(8) A statement calculating the "usuable lot area" of the lot. For purposed of this section, "usuable lot area" shall mean the lot area reduced by the area of any portion of the lot used solely for access to the portion of the lot used as a building site and by the area of the lot consisting of slopes in excess of 25 percent.~~

~~(g) Such additional information as shall be required by the Planning Director.~~

~~b. REVIEW AND NOTICE OF DECISION. The Planning Director shall consider the application ministerially without discretionary review or a hearing. Notice of decision on the application shall be mailed to the applicant. The decision of the Planning Director shall be final.~~

~~c. DEVELOPMENT STANDARDS. No second unit permit shall be approved unless it complies with the following requirements:~~

Excluding Section 18.18.c. of this ordinance, all development standards for second units shall comply with the following requirements:

~~"SECTION 18.28a. SECOND UNIT PERMITS.~~

~~a. APPLICATION. An application for a second unit permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, shall be accompanied by the filing fee as set forth in County Ordinance No. 671 and shall include the following information:~~

~~(1) Name and address of the applicant, and evidence that the applicant is the owner of the property.~~

~~(2) Assessor's parcel number of the property.~~

~~(3) A plot and development plan drawn in sufficient detail to clearly describe the following:~~

~~a) Physical dimensions of the property.~~

~~b) Location and dimensions of all existing and proposed structures, walls, fences and landscaping.~~

~~c) Location and dimensions of all existing and proposed easements, septic tanks, leach lines, seepage pits, drainage structures and utilities.~~

~~d) Location, dimensions, and names of all adjacent roads, whether public or private, showing the location of the street centerline and all existing improvements such as sidewalks, curbs, gutters and curb cuts.~~

~~e) Setbacks.~~

~~f) Existing and proposed methods of circulation, including ingress and egress, driveways, parking areas and parking structures.~~

~~g) Topography of the property, including the mapping of all areas with a slope in excess of 25 percent.~~

~~(4) Panoramic color photographs showing the property from all sides and showing adjacent properties.~~

~~(5) A description of walls, landscaping, and architectural treatments proposed for the second unit.~~

~~(6) A clearance letter from the County Health Department with respect to any proposed water or sanitary facilities.~~

~~(7) Written confirmation from any water district or sewer district providing service of the availability of service.~~

~~(8) A statement calculating the "usable lot area" of the lot. For purposes of this section, "usable lot area" shall mean the lot area reduced by the area of any portion of the lot used solely for access to the portion of the lot used as a building site and by the area of the lot consisting of slopes in excess of 25 percent.~~

~~(9) Such additional information as shall be required by the Planning Director.~~

~~b. REVIEW AND NOTICE OF DECISION. The Planning Director shall consider the application ministerially without discretionary review or a hearing. Notice of decision on the application shall be mailed to the applicant. The decision of the Planning Director shall be final.~~

~~c. DEVELOPMENT STANDARDS. No second unit permit shall be approved unless it complies with the following requirements:~~

(1) The lot is zoned for a one family dwelling as a permitted use; provided, however, that the lot may not be part of a planned residential development or located in the R-6 Zone.

~~(2) No second unit shall be permitted on any lot with usable lot area less than one acre. Second units are permitted as follows:~~

~~(3) The lot contains one, and only one, existing primary detached one family dwelling unit, and the existing primary dwelling unit will be the dwelling unit of an owner-occupant.~~

~~(4) For lots two acres or smaller, a second unit shall not be allowed if the lot has an existing or approved guest quarter.~~

~~(5) Off-street parking shall be required for the second unit in addition to any off-street parking requirements for the existing dwelling unit. A minimum of one parking space shall be provided for a second unit. If a second unit contains more than one bedroom, an additional parking space shall be provided for each additional bedroom. The required off-street parking for a second unit may be located in setback areas or through tandem parking.~~

~~(6) The second unit shall be used as a dwelling unit only, and no businesses or home occupations of any kind may be conducted in the second unit.~~

~~(7) Second units shall be located at the rear or in the side portions of the lot and shall not be located in front of the existing dwelling unit.~~

~~(8)~~ (2) The second unit shall comply with all development standards of the zone in which the lot is located, including but not limited to, height, setbacks, and lot coverage.

~~(9) No second unit shall exceed the height of the existing primary dwelling unit.~~

~~(10) Any second unit located more than 150 feet from a public right-of-way shall provide all-weather access for emergency vehicles.~~

~~(11) Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the second unit or written approval from the County Health Department for use on an existing or new septic system shall be required. Written confirmation from the water district having jurisdiction of the availability of water service for the second unit or written approval from the County Health Department for use of an existing or new well shall be required.~~

~~(12) Second units shall not be permitted in those areas of the County which have significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. Prohibited areas shall include, but not be limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the County or another public agency with the authority to impose a development moratorium.~~

~~(13) Second units permitted pursuant to this Section do not exceed the allowable density for the lot upon which the second unit is located and constitute a residential use that is consistent with the general plan and zoning designation for that lot.~~

~~d. CONDITIONS. A second unit permit shall be subject to such conditions as are necessary to assure compliance with this ordinance and any other provision of law, including without limitation, the following:~~

~~(1) The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and local ordinances.~~

~~(2) A dwelling unit originally permitted as a second unit may not later be considered a primary dwelling unit for any purpose.~~

~~(3) An owner of the lot shall occupy the primary dwelling unit. Written certification of continued compliance with the occupancy restriction of this subsection shall be provided to the Planning Director on or before January 15 of each year.~~

~~(4) The second unit may be occupied by any person without rent. The second unit may also be rented; provided, however, that rental occupancy shall be limited to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code. Certification of continued compliance with the occupancy restrictions of this subsection shall be provided to the Planning Director on or before January 15 of each year.~~

~~(5) No building permit for a second unit permit shall be issued until a covenant with respect to the occupancy requirements of this ordinance, in the form~~

~~and content approved by County Counsel, is recorded by the property owner.~~

~~e. USE OF PERMIT. The life of the permit shall be unlimited provided the second unit is used in compliance with the provisions of this ordinance, all conditions of approval imposed in connection with the permit, and all other applicable provisions of law. Violation of the provisions of this ordinance or the conditions of approval of the permit shall be grounds for revocation of the permit.~~

~~f. REVOCATION OF PERMIT. A second unit permit may be revoked in accordance with the findings and procedure contained in Section 18.31 of this ordinance. The decision revoking a second unit permit may include, without limitation, an order requiring demolition of the second unit.~~

~~g. EFFECT OF AMENDMENT. The amendments to this section adopted by Ordinance No. 348.4574 (effective October 2, 2008) shall not apply to any second unit permit in effect prior to that date. A second unit permit issued prior to that date shall remain valid and a second unit constructed pursuant to such permit shall be considered in compliance with all relevant laws, ordinances, rules and regulations.~~

~~USABLE LOT AREA~~	~~ALLOWABLE LIVING AREA*~~
~~1 acre but less than 2 acres~~	~~500 square feet minimum~~ ~~800 square feet maximum~~
~~2 acres or larger~~	~~500 square feet minimum~~ ~~1200 are feet maximum~~

(3) The minimum lot sizes and allowable living areas for a second unit shall be as follows:

A. A second unit shall not be permitted on a lot less than seven thousand two hundred feet in size. For lots seven thousand two hundred feet in size to nineteen thousand nine hundred and ninety-nine square feet, the maximum allowable living area for a second unit shall be twelve hundred square feet.

B. For lots twenty thousand square feet to one and ninety-nine hundredths of an acre, the maximum allowable living area for a second unit shall be fifteen hundred square feet.

C. For lots two acres to three and ninety-nine hundredths of an acre, the

maximum allowable living area for a second unit shall be twenty-five hundred square feet.

D. For lots four acres or larger, the maximum allowable living area for a second unit shall be twenty-five hundred square feet or up to two hundred percent of the living area of the existing one family dwelling.

~~*Living area includes the interior habitable area of a second unit including basements and attics but does not include a garage or any accessory structure. Second units shall not be subject to the provisions of Section 18.11 of this ordinance.~~

* E. Living area includes the interior habitable area of a second unit or an existing one family dwelling including basements and attics but does not include a garage or any accessory building or structure.

F. Second units shall not be subject to the provisions of Section 18.11 of this ordinance.

(1) The lot contains a one family dwelling. Prior to the final inspection of a building permit for a second unit, the one family dwelling shall receive a final inspection. In the event the second unit is larger than an existing one family dwelling, the second unit shall become the primary one family dwelling and the former existing one family dwelling shall become the second unit.

(2) The one family dwelling or the second unit shall be occupied by the owner of the property.

(3) Off-street parking shall be required for the second unit in addition to any off-street parking requirements for the one family dwelling. A second unit with one bedroom shall provide a minimum of one parking space. A second unit with two or more bedrooms shall provide a minimum of two parking spaces. The required off-street parking for a second unit may be located in setback areas or through tandem parking.

(4) The second unit shall be used as a one family dwelling only, and no businesses or home occupations of any kind may be conducted in the second unit.

(5) Second units shall be located at the rear or the side of the one family dwelling unless the Planning Director determines that the second unit may be located in front of the one family dwelling due to special and extraordinary circumstances such as the existing location of the one family dwelling or physical constraints of the lot.

(6) No second unit shall exceed the height of the one family dwelling.

(7) Any second unit located more than one hundred fifty feet from a public right-of-way shall provide all weather access for emergency vehicles.

(8) Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the second unit or written approval from the Health Department for use on an existing or new septic system shall be obtained.

(9) Written confirmation from the water district having jurisdiction of the availability of water service for the second unit or written approval from the Health Department for use of an existing or new well shall be obtained.

(10) Based upon geographic location and constraints, review shall be required from the following agencies, departments, divisions, and districts:

A. Fire Department;

B. Riverside County Flood Control and Water Conservation District;

C. Coachella Valley Water District;

D. Environmental Programs Division of the Planning Department;

E. Any other entities deemed necessary as determined by the Planning Director.

(11) Second units shall not be permitted in those areas of the County which have

significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. Prohibited areas shall include, but not be limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the County or another public agency with the authority to impose a development moratorium.

(12) Any second unit which conforms to this Section shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the General Plan and zoning classification for that lot.

(13) The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and ordinances.

(14) The second unit may be occupied by any person without rent. The second unit may also be rented; provided, however, that rental occupancy shall be limited to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code."

Section 3. Section 18.28 of Ordinance No. 348 is amended to read as follows:

"SECTION 18.28 CONDITIONAL USE PERMITS. Whenever any section of this ordinance requires that a conditional use permit be granted prior to the establishment of a use, the following provisions shall apply ~~take effect~~:

a. APPLICATION. An ~~Every~~ application for a conditional use permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, and shall be accompanied by ~~the filing fee as~~ an initial payment of a deposit based fee as set forth in ~~County~~ Ordinance No. 671. ~~and shall include the following information:~~

~~(1) Name and address of the applicant.~~

~~(2) Evidence that he is the owner of the premises involved or that he has written permission of the owner to make such an application.~~

~~(3) A plot and development plan drawn in sufficient detail to clearly describe the following:~~

~~a) Physical dimensions of property and structures.~~

~~b) Location of existing and proposed structures.~~

~~c) Setbacks.~~

~~d) Methods of circulation.~~

~~e) Ingress and egress.~~

~~f) Utilization of property under the requested permit.~~

~~(4) Such additional information as shall be required by the application form.~~

~~(5) Dimensioned elevations, including details of proposed materials for elevations.~~

b. ADDITIONAL INFORMATION. When the application is for a conditional use permit to establish a mobilehome park ~~,travel trailer park~~ or recreational vehicle park, the following additional information is required as part of the application:

(1) ~~A~~ a written statement from the ~~County~~ Health Department stating that a water Company has agreed in writing to serve all spaces within the park or that the applicant has an acceptable application for a water company permit on file with the State Department of Public Health or the ~~County~~ Department of Public Health, or the applicant has agreed in writing to form a domestic water company to serve the mobilehome park~~, travel trailer park~~ or recreational vehicle park.

(2) ~~A~~ a written statement from the ~~County~~ Health Officer stating the type of sewage disposal that will be permitted. To aid in this determination, the ~~h~~Health ~~o~~Officer may require soil percolation tests or other pertinent information.

c. PUBLIC HEARING. A public hearing shall be held on the application for a conditional

use permit in accordance with the provisions of either Section 18.26 or 18.26.a. of this ~~County~~ ordinance, whichever is applicable, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing. Notwithstanding the above, or any other provision herein to the contrary, the hearing on any conditional use permit that requires approval of a ~~g~~General ~~p~~Plan ~~a~~Amendment, a ~~s~~Specific ~~p~~Plan ~~a~~Amendment or a ~~e~~Change of ~~z~~Zone shall be heard in accordance with the Provisions of Section 2.5, 2.6 or 20.3.a. of this ordinance, whichever, is applicable, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

d. CONDITIONS. A conditional use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.

~~f. USE OF PERMIT. Any conditional use permit that is granted shall be used within one year from the effective date thereof, or within such additional time as may be set in the conditions of approval, which shall not exceed a total of three years; otherwise, the permit shall be null and void. Nothwithstanding the foregoing, if a permit is required to be used within less than three years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the Board of Supervisors, on forms provided by the Planning Department and shall be filed with the Planning Director, accompanied by the fee set forth in County Ordinance No. 671. Within 30 days following the filing of a request for an extension, the Planning Director shall review the applications, make a recommendation thereon, and forward the matter to the Clerk of the Board, who shall place the matter on the regular agenda of the Board. An extension of time may be granted by the Board upon a determination that valid reason exists for permittee not using the permit within the required period~~

~~of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of three years, calculated from the effective date of the issuance of the permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use. The effective date of a permit shall be determined pursuant to either Section 18.26 or Section 18.26.a. of this ordinance.~~

e. REVOCATION OF PERMIT. Any conditional use permit granted may be revoked upon the findings and procedures ~~contained~~ set forth in Section 18.31 of this ordinance."

Section 4. Section 18.28a. of Ordinance No. 348 is hereby rescinded in its entirety.

Section 5. Section 18.29 of Ordinance No. 348 is amended to read as follows:

"Section 18.29 PUBLIC USE PERMITS.

a. Notwithstanding any other provisions of this ordinance, the following uses may be permitted in any zone classification provided that a public use permit is granted pursuant to the provisions of this section:

(1) Educational institutions.

(2) Facilities for the storage or transmission of electrical energy where the County is not preempted by law from exercising jurisdiction. This subsection shall take precedence over and supersede any conflicting provision in any zone classification. Facilities for the storage or transmission of electrical energy shall not be subject to the development standards of the zone classification in which they are located.

(3) Government uses.

(4) Any hospital or other facility that is licensed by the California Department of Public Health or by the California Department of Mental Hygiene, not including a family care, foster home or group home that serves six or fewer persons.

(5) Any home or other facility for the aged or children that is licensed by the California Department of Social Services, or by the ~~Riverside County~~ Department of Public Social Services, not including a home or facility that serves six or fewer children or aged persons, nor a large family day care home that serves seven to twelve children. Said facilities shall be developed in accordance with the standards set forth in Sections 19.102 and 19.103 of this ordinance.

(6) Half way house.

(7) Public utilities.

b. APPLICATION. ~~Every~~ An application for a public use permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, and shall be accompanied by ~~a filing fee~~ an initial payment of the deposit based fee as set forth in Ordinance No. 671. ~~and shall include the following information:~~

~~(1) Name and address of the applicant.~~

~~(2) Evidence that he is the owner of the premises involved or that he has written permission of the owner to make such application.~~

~~(3) A plot and development plan in sufficient detail to clearly describe the following:~~

~~a) Physical dimensions of property and structures.~~

~~b) Location of existing and proposed structures.~~

~~c) Setbacks.~~

~~d) Methods of circulation.~~

~~e) Ingress and egress.~~

~~f) Utilization of property under the requested permit.~~

~~(4) Such additional information as shall be required by the application form.~~

c. PUBLIC HEARING. A public hearing shall be held on the application for a public use permit in accordance with the provisions of Section 18.26 of this ordinance and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

d. CONDITIONS. A public use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.

~~e. USE OF PERMIT. Any public use permit that is granted shall be used within one year from the effective date thereof, or within such additional time as may be set into the conditions of approval, which shall not exceed a total of three years; otherwise, the permit shall be null and void. Nothwithstanding the foregoing, if a permit is required to be used within less than three years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the Board of Supervisors, on forms provided by the Planning Department and shall be filed with the Planning Director, accompanied by the fee set forth in County Ordinance No. 671. Within 30 days following the filing of a request for an extension, the Planning Director shall review the application, make a recommendation thereon, and forward the matter to the Clerk of the Board, who shall place the matter on the regular agenda of the Board. An extension of time may be granted by the Board upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of three years, calculated from the effective date of the issuance of the permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or~~

~~land under the terms of the authorized use. The effective date of a permit shall be determined pursuant to either Section 18.26 of this ordinance.~~

e. REVOCATION OF PERMIT. Any public use permit granted may be revoked upon the findings and procedures set forth in Section 18.31 of this ordinance."

Section 6. Section 18.30 of Ordinance No. 348 is amended to read as follows:

"SECTION 18.30 PLOT PLANS. The following procedures shall apply to all applications for approval of a plot plan that is required by any section of ~~the~~ this ordinance:

a. CLASSIFICATION OF PLOT PLANS. Plot plans are classified as follows:

(1) Plot plans that are not subject to the California Environmental Quality Act and are not transmitted to any governmental agency other than the ~~County~~ Planning Department for review and comment.

(2) Plot plans that are not subject to the California Environmental Quality Act and are transmitted to one or more governmental agencies other than the ~~County~~ Planning Department.

(3) Plot plans that are subject to the California Environmental Quality Act.

(4) Plot plans for outdoor advertising displays that require field checking by the Land Use Division of the ~~County Building and Safety Department~~ Department of Building and Safety.

b. APPLICATIONS.

(1) ~~Filing.~~ An applications for ~~consideration of~~ a plot plan shall be made in writing to the Planning Director on the forms provided by the Planning Department and shall be accompanied by an initial payment of the deposit based fees as set forth in Ordinance No. 671. ~~; shall be accompanied by that filing fee set forth in County Ordinance No. 671 and shall include such information and documents as may be required by the Planning Director. In addition to the following:~~

~~a) Name and address of the applicant and all persons that own any part of the subject property, including evidence that all owners agree to the application.~~

~~b) Location or address, and legal description of subject property.~~

~~c) A plot plan, drawn to scale, that shows the following:~~

~~1. Boundary and dimensions of property.~~

~~2. Topography of the property.~~

~~3. Location of adjacent streets, drainage structures, utilities, buildings, signs, and other features that may affect the use of the property.~~

~~4. Proposed development, including planned buildings and strucgtures, access, drainage, yeards, drives, parking areas, landscaping, signs and walls or fences.~~

~~d) If the application requires a public hearing, a list of the names and addresses of all owners of real property located within 300 feet of the exterior boundaries of the property to be considered, as shown on the last equalized assessment roll and any update issued by the County Assessor.~~

~~e) if the application is for the location or placement of an outdoor advertising display the requirements and standards set forth in Section 19.3 of this ordinance shall apply.~~

~~f) Dimensioned elevations, including details of proposed materials for elevations.~~

(2) Environmental Clearance. No application that requires compliance with the Riverside County Rules Implementing the California Environmental Quality Act shall be considered at a public hearing until all procedures required by the rules to hear a matter are completed.

c. REQUIREMENTS FOR APPROVAL. No plot plan shall be approved unless it complies with the following standards:

(1) The proposed use must conform to all the requirements of the Riverside County General Plan and with all applicable requirements of State law and the ordinances of Riverside County.

(2) The overall development of the land shall be designed for the protection of the public health, safety and general welfare; to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property. The plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.`1

(3) All plot plans which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with ~~County~~ Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

d. ACTION ON PLOT PLANS.

(1) Plot Plans Not Requiring Public Hearing. The Planning Director shall approve, conditionally approve or disapprove a plot plan based upon the standard in Subsection c. of this Section within thirty ~~30~~ days after accepting a completed application and give notice of the decision, including any required conditions of approval, by mail, to the applicant and any other persons requesting notice.

(2) Plot Plan Requiring Hearing. The Planning Director shall hold a public hearing on all plot plans for which a negative declaration or an EIR is prepared pursuant to the Riverside

County Rules Implementing the California Environmental Quality Act. Notice of the time, date and place of the public hearing shall be given as provided in Section 18.26.c. of this ordinance.

(3) Plot Plans for Large Commercial Developments. Notwithstanding any other provision in this Section to the contrary, a noticed public hearing shall be held on a plot plan for a commercial development of thirty acres or larger. Such plot plans shall be heard by the Planning Commission. Notice of the time, date and place of the hearing shall be given as provided in Section 18.26.c. of this ordinance. Any appeal of the Commission decision shall be to the Board of Supervisors as provided in Section 18.30.e. of this ordinance.

(4) Notwithstanding the above or any other provision herein to the contrary, a plot plan application which:

(a) Requires the approval of a general plan amendment, a specific plan amendment or a change of zone shall be heard in accordance with the provisions of ~~Article 2 or Article 20~~ this ordinance, whichever is applicable, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

(b) Requires the approval of a land division map or is being processed concurrently with a land division map, but is not included in a fast track project and does not require the approval of a general plan amendment, a specific plan amendment, or a change of zone, shall be heard in accordance with the provisions of Sections 6.5., 6.6 and 6.7 of Ordinance No. 460, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

e. APPEALS – (PLOT PLANS NOT INCLUDING WIRELESS COMMUNICATION FACILITIES). An applicant or any other interested party may appeal from the decision of the Planning Director by the following procedure:

(1) Initial Appeal. Within ten ~~(10)~~ calendar days after the date of decision by the Planning Director, an appeal in writing may be made on the form provided by the Planning Department and which shall be accompanied by a filing fee as set forth in Ordinance No. 671. Upon receipt of a completed appeal, the Planning Director shall set the matter for hearing and mail notice thereof to the applicant and the appellant if the plot plan did not require a public hearing. If the plot plan required a public hearing, notice of the appeal shall be given in the same manner that notice was given for the original hearing. Such appeals shall be heard by the Planning Commission ~~or the East Area Planning Council,whichever is appropriate given the location~~, except that any appeal concerning an application of a commercial/industrial nature given fast track status, shall be heard directly by the Board of Supervisors. For purposes of this section, an application shall be considered to have been given fast track status if it meets the definition set forth in Section 21.34.d. of this ordinance.

(2) Appeal from Planning Commission ~~or East Area Planning Council~~. Within ten ~~(10)~~ calendar days after the date of the mailing of the decision of the Commission ~~or the Council~~, the appellant may appeal that decision, in writing, to the Board of Supervisors, on the forms provided by the Planning Department, which shall be accompanied by a filing fee set forth in Ordinance No. 671.

(3) Hearings on Appeals to the Board of Supervisors. Upon receipt of a completed appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not less than five days nor more than thirty days thereafter and shall give written notice of the hearing to the appellant and the Planning Director. The Board of Supervisors shall render its decision within thirty days following the close of the hearing on the appeal.

f. APPEALS – (WIRELESS COMMUNICATION FACILITIES PLOT PLANS). An applicant or any other interested party may appeal from the decision of the Planning Director by the following procedure:

(1) Initial Appeal. The Planning Director shall file a ~~his/her~~ notice of decision with the secretary of the Planning Commission ~~or the East Area Planning Council, whichever is appropriate given the location~~ together with a report of the proceedings, not more than fifteen ~~(15)~~ days after making the decision. A copy of the notice of decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. The ~~s~~Secretary of the Planning Commission ~~or the East Area Planning Council~~ shall place the notice of decision on the next agenda of the Planning Commission ~~or the East Area Planning Council~~ held five ~~(5)~~ or more days after the ~~s~~Secretary receives the notice from the Planning Director. The decision of the Planning Director is considered final and no action by the Planning Commission ~~or East Area Planning Council~~ is required unless, within ten ~~(10)~~ days after the notice appears on the Planning Commission ~~or East Area Planning Council~~ agenda, the applicant or an interested person files an appeal, accompanied by the fee set forth in ~~County~~ Ordinance No. 671 or unless the Planning Commission ~~or the East Area Planning Council~~ assumes jurisdiction by ordering the matter set for public hearing. If a timely appeal is filed, or the Planning Commission ~~or East Area Planning Council~~ assumes jurisdiction by ordering the matter set for public hearing, the ~~s~~Secretary of the Planning Commission ~~or the East Area Planning Council~~ shall set the matter for public hearing before the Planning Commission ~~or the East Area Planning Council~~ not less than five ~~(5)~~ nor more than thirty ~~(30)~~ days thereafter and shall give notice of the hearing in the same manner as the notice was given for the original hearing.

(2) Appeal from Planning Commission ~~or the East Area Planning Council~~. Within ten ~~(10)~~ calendar days after the date of the mailing of the decision of the Planning Commission ~~or the~~

~~East Area Planning Council~~, the appellant may appeal that decision, in writing, to the Board of Supervisors, on the form provided by the Planning Department, which shall be accompanied by a filing fee set forth in Ordinance No. 671.

(3) Hearings on Appeals to the Board of Supervisors. Upon receipt of a completed appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not less than five ~~(5)~~ days nor more than thirty ~~(30)~~ days thereafter and shall give written notice of the hearing to the appellant and the Planning Director. The Board of Supervisors shall render its decision within thirty ~~(30)~~ days following the close of the hearing on the appeal.

g. ~~APPROVAL PERIOD. Any plot plan that is approved shall be used within two years from the effective date thereof, or within such additional time as may be specified in the conditions of approval, which shall not exceed a total of five years; otherwise, the plot plan shall be null and void. Nothwithstanding the foregoing, if a plot plan is required to be used within less than five years, the applicant or his/her successor in interest may, prior to its expiration, request an extension of time in which to used the plot plan. A request for extention of time shall be made on forms provided by the County Planning Depratment and shall be filed with the Planning Director, accompanied by the fee set forth in Ordinance No. 671 as the fee for extension of the time within which to use a conditional use permit. Within 30 days following the filing of a request for an extension, it shallb e considered by the hearing body or officer that originally approved the plot plan. An extension of time may be granted upon a determination that valid reason exists for the applicant or his/her successor in interest not using the plot plan within the required period of time. If an extension is granted, the total time allowed for use of the plot plan shall not exceed a period of five hears, calculated from the effective date of the issuance of the plot plan. The term "use" shall mean the beginning of substantial construction of the use that is authorized, ehich construction must thereafter be pursued diligently to completion, or the actual occupancy of~~

~~existing buildings or land under the terms of the authorized use. The effective date of a plot plan shall be determined pursuant to Section 18.30 of this ordinance. Nothwithstanding any condition of approval that may be attached to a plot plan approved before the effective date of this ordinance, the five year time period specified in Subsection f. hereof shall apply to all such plot plans that have not yet become null and void.~~ Notwithstanding the specific requirements of the zoning classification and this ~~s~~Section, no plot plan is required to establish a proposed use when the proposed use is replacing an existing use provided that:

(1) The existing and proposed use are conforming uses;

(2) The existing use was subject to a plot plan approval;

(3) The proposed use will not require the construction of a building, or the reconstruction or expansion of an existing building; ~~and~~

(4) The proposed use complies with the parking and landscaping requirements of Section 18.12 of this ordinance; and

(5) The proposed site has adequate road and other improvements required for the implementation of the proposed use available on site."

Section 7. Section 21.69 of Ordinance No. 348 is amended to read as follows:

"Section 21.69 STRUCTURE. Anything constructed or erected and the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground, such as awnings and patio covers, but not including walls and fences or wall and fences with arch entries ~~six feet or less in height~~."

Section 8. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

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

By:_____
Chairman

ATTEST: Kecia Harper-Ihem
CLERK OF THE BOARD:

By:_____
Deputy

(SEAL)

APPROVED AS TO FORM
September 16, 2014

By: _____
KARIN WATTS-BAZAN,
Principal Deputy County Counsel

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RIVERSIDE COUNTY
PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

DATE: November 22, 2014

TO: Clerk of the Board of Supervisors

FROM: Planning Department – Riverside Office

SUBJECT: Ordinance No. 348.4791 (CZ07826)
(Charge your time to these case numbers)

The attached item(s) require the following action(s) by the Board of Supervisors:

- ☐ Place on Administrative Action (Receive & File, EOT)
  - ☐ Labels provided If Set For Hearing
    - ☐ 10 Day ☐ 20 Day ☐ 30 day
- ☐ Place on Consent Calendar
- ☐ Place on Policy Calendar (Resolutions, Ordinances, PNC)
- ☐ Place on Section Initiation Proceeding (GPIP)
- ☒ Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA)
- ☒ Publish in Newspaper:
  County Wide-Press Enterprise and Desert Sun
- ☒ CEQA Exempt
  - ☒ 10 Day ☐ 20 Day ☐ 30 day
- ☐ Notify Property Owners (app/agencies/property owner labels provided)

Controversial: ☐ YES ☒ NO

Designate Newspaper used by Planning Department for Notice of Hearing:
County Wide-Press Enterprise and Desert Sun **[ALREADY PRE-SCHEDULED FOR 12/2/14]**

Documents to be sent to County Clerk's Office for Posting within five days:
Notice of Exemption
California Department of Fish & Wildlife Receipt (N/A)

Do not send these documents to the County Clerk for posting until the Board has taken final action on the subject cases.

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8271 · Fax (760) 863-7040

RIVERSIDE COUNTY
PLANNING DEPARTMENT

PLANNING COMMISSION
MINUTE ORDER
OCTOBER 15, 2014

I. AGENDA ITEM 3.2

CHANGE OF ZONE NO. 7826 – CEQA Exempt - Applicant: County of Riverside – All Supervisorial Districts - Location: Countywide. Continued from August 20, 2014 and September 17, 2014. (Legislative)

II. PROJECT DESCRIPTION:

The change of zone proposes the following amendments to Riverside County Ordinance No. 348: (1) amend Section 18.18 (Detached Accessory Buildings) to modify development standards and the review process for detached accessory buildings; (2) amend Section 18.28 (Conditional Use Permits), Section 18.28a (Second Unit Permits), Section 18.29 (Public Use Permits) and Section 18.30 (Plot Plans) to modify the time period to use an approved permit and other minor changes to the sections; and (3) amend Section 19.43 (Modifications to Approved Permits) to modify the approval process for on-site advertising structures and signs.

III. MEETING SUMMARY:

The following staff presented the subject proposal:
Project Planner: David Mares at (951) 955-9076 or email dmares@rctlma.org.

There were no other speakers.

IV. CONTROVERSIAL ISSUES:

None

V. PLANNING COMMISSION ACTION:

Motion by Commissioner Petty, 2nd by Commissioner Sloman,
A vote of 4-0 (Commissioner Valdivia was absent)

PLANNING COMMISSION RECOMMENDS TO THE BOARD OF SUPERVISORS:

FIND THE PROPOSED AMENDMENT IS EXEMPT FROM CEQA; and,

ADOPT ORDINANCE No 348.4791.

CD The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.

RIVERSIDE COUNTY
PLANNING DEPARTMENT

PLANNING COMMISSION
MINUTE ORDER
SEPTEMBER 17, 2014

I. AGENDA ITEM 3.3

CHANGE OF ZONE NO. 7826 – CEQA Exempt - Applicant: County of Riverside – All Supervisorial Districts - Location: Countywide. (Legislative)

II. PROJECT DESCRIPTION:

The change of zone proposes the following amendments to Riverside County Ordinance No. 348: (1) amend Section 18.18 (Detached Accessory Buildings) to modify development standards and the review process for detached accessory buildings; (2) amend Section 18.28 (Conditional Use Permits), Section 18.28a (Second Unit Permits), Section 18.29 (Public Use Permits) and Section 18.30 (Plot Plans) to modify the time period to use an approved permit and other minor changes to the sections; and (3) amend Section 19.43 (Modifications to Approved Permits) to modify the approval process for on-site advertising structures and signs. Item continued from August 20, 2014.

III. MEETING SUMMARY:

The following staff presented the subject proposal:
Project Planner: David Mares at (951) 955-9076 or email dmares@rctlma.org.

- Chris Davis, P.O. Box 405, Mountain Center, (951) 282-0918 spoke in opposition to the proposed project.
- No one spoke in favor or in a neutral position.

IV. CONTROVERSIAL ISSUES:

None

V. PLANNING COMMISSION ACTION:

Motion by Commissioner Petty, 2nd by Commissioner Leach
A vote of 5-0,

CONTINUED TO OCTOBER 15, 2013.

CD The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.

RIVERSIDE COUNTY
PLANNING DEPARTMENT

PLANNING COMMISSION
MINUTE ORDER
AUGUST 20, 2014

I. AGENDA ITEM 3.5

CHANGE OF ZONE NO. 7826 – CEQA Exempt- Applicant: County of Riverside – All Supervisorial Districts- Location: Countywide. (Legislative)

II. PROJECT DESCRIPTION:

The change of zone proposes the following amendments to Riverside County Ordinance No. 348: (1) amend Section 18.18 (Detached Accessory Buildings) to modify development standards and the review process for detached accessory buildings; (2) amend Section 18.28 (Conditional Use Permits), Section 18.28a (Second Unit Permits), Section 18.29 (Public Use Permits) and Section 18.30 (Plot Plans) to modify the time period to use an approved permit and other minor changes to the sections; and (3) amend Section 19.43 (Modifications to Approved Permits) to modify the approval process for on-site advertising structures and signs.

III. MEETING SUMMARY:

The following staff presented the subject proposal:
Project Planner: David Mares at (951) 955-9076 or email dmares@rctlma.org.

- Robert Ratcliffe, interested party, stated he is in favor of the proposed project.
- No one spoke in opposition or in a neutral position.

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

PUBLIC HEARING IS REMAINS **OPEN**
Motion by Commissioner Leach, 2nd by Commissioner Sloman
A vote of 5-0

CONTINUED TO SEPTEMBER 17, 2014.

CD The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.

RIVERSIDE COUNTY
PLANNING DEPARTMENT

PLANNING COMMISSION
MINUTE ORDER
JUNE 18, 2014

I. AGENDA ITEM 3.7

CHANGE OF ZONE NO. 7826 – CEQA Exempt - Applicant: County of Riverside – All Supervisorial Districts - Location: Countywide. (Legislative)

PROJECT DESCRIPTION:

The change of zone proposes the following amendments to Riverside County Ordinance No. 348: (1) amend Section 18.18 (Detached Accessory Buildings) to modify development standards and the review process for detached accessory buildings; (2) amend Section 18.28 (Conditional Use Permits), Section 18.28a (Second Unit Permits), Section 18.29 (Public Use Permits) and Section 18.30 (Plot Plans) to modify the time period to use an approved permit and other minor changes to the sections; and (3) amend Section 19.43 (Modifications to Approved Permits) to modify the approval process for on-site advertising structures and signs.

II. MEETING SUMMARY:

The following staff presented the subject proposal:
Project Planner: Dave Mares at (951) 955-9076 or email dmares@rctlma.org

- Dennis Williams, 35325 Hwy 74, Hemet, (951) 926-1581 spoke in favor of the proposed project. No one spoke in a neutral position or in opposition.

III. CONTROVERSIAL ISSUES:

None

IV. PLANNING COMMISSION ACTION:

Motion by Commissioner Leach, 2nd by Chairman Sanchez
A vote of 4-0 (Commissioner Petty absent)

THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:

FIND THE PROPOSED AMENDMENT IS EXEMPT FROM CEQA; and

ACCEPT AMENDMENTS ADOPT ORDINANCE NO. 348.XXXX

CD The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.

Agenda Item No.: 3.2
Area Plan: Countywide
Supervisorial District: All Districts
Project Planner: David Mares
Planning Commission: October 15, 2014
Previously at PC:6/18/14, 8/20/14, 9/17/14

CHANGE OF ZONE NO. 7826/ORDINANCE NO. 348.4791
CEQA Exempt
Applicant: County of Riverside

COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT

FURTHER PLANNING CONSIDERATIONS: **October 15, 2014**

At the September 17, 2014 Planning Commission hearing, Planning staff introduced redline-strikeout and "clean" (redline removed from added text/strikeout text deleted) versions of Section 18.18 (Detached Accessory Buildings and Structures) and Section 18.28a. (Second Units), because these Sections contained further changes, as compared to the Sections previously reviewed by the Commission. The staff report package also included correspondence raising concerns regarding the proposed deletion of Section 18.18. B. 2. (relating to permitting private garages to encroach into the front yard and/or side yard setbacks if the property had certain topographic constraints relative to the adjacent right-of-way, and could lead to vehicles backing out directly into a road right-of-way.) Additionally, County Counsel prepared and submitted a Zoning Ordinance Amendment document for the Commission's consideration.

At the hearing, Planning staff indicated there were a few discrepancies between the Ordinance Amendment document and the materials presented by Planning Staff. Planning staff explained that the staff-proposed modification to this Section attempted to address concerns raised regarding the proposed deletion by restoring the section but proposing modifications that would allow said garages up to the front property line, but only if the garage was designed to be side loaded, thus eliminating the potential for vehicles to back out directly into the adjacent road right-of-way. Staff did inform the Commission that this proposed language was considered an acceptable alternative. A speaker at the hearing stated that he thought the proposed language was not acceptable as well.

Because of the outstanding issues and the lack of time to adequately analyze the proposed text changes, the Commission decided to continue the project to their next meeting.

Subsequent to the last hearing, staff has received additional correspondence. Copies of that correspondence are included in this staff report package. Based on concerns raised regarding this Section, Staff has prepared further alternative language that would exclude the proposed restrictions to properties located above 4,000 feet in elevation.

Included in this staff report package is updated redline-strikeout text for Section 18.18,, as well as an updated version of the Zoning Ordinance Amendment document. It includes a number of cleanup items, as well as the latest alternative language for Section relating to private garages and carports, and proposed amended text to Section 21.26 (Structures) to address potential conflict with the proposed language within Section 18.18.

Because of the numerous previous public hearings and the number of changes that have been previously proposed to the Zoning Ordinance as part of this Ordinance Amendment and in an attempt to minimize confusion as to what is currently being proposed, the remainder of this staff report contains only the latest recommended Ordinance text changes, and excludes the prior Further Planning

DM.

Considerations sections, as well as the prior Project Description and Location section, and includes updated Recommendations, Findings and Conclusion sections:

The proposed zoning ordinance amendment is one of a series of phased amendments to the Land Use Ordinance of Riverside County (Ordinance No. 348) which were recently authorized for initiation by the Board of Supervisors and will apply Countywide. This amendment proposes to amend the following sections of Ordinance No. 348 which will be explained in more detail below:

1. Section 18.17 (Accessory Uses)
2. Section 18.18. (Detached Accessory Buildings)
3. Section 18.28. (Conditional Use Permits)
4. Section 18.28a. (Second Unit Permits)
5. Section 18.29. (Public Use Permits)
6. Section 18.30. (Plot Plans)
7. Section 18.43 (Modifications to Approved Permits) – **NO LONGER PROPOSED FOR AMENDMENT**
8. Section 21.68. (Definition of "Structure")

Section 18.17. - (Accessory Uses)

The proposed amendment to Section 18.17 of Ordinance No. 348 corrects this reference from Zoning Districts to Zoning Classifications, and clarifies that both detached accessory building and structures are included as accessory uses where the principal use of a lot includes a one family dwelling, subject to the requirements of Section 18.18.

Section 18.18. - (Detached Accessory Buildings and Structures)

The proposed amendment to Section 18.18 of Ordinance No. 348 aims to simplify, streamline, and return to the some of the approval procedures and some of the development standards previously in place for proposed detached accessory buildings and structures within the unincorporated areas of the County.

The current language in this Section requires persons who wish to construct most types of detached accessory buildings or structures to submit a Plot Plan application to the Planning Department along with the associated fees set forth in Ordinance No. 671 for review and approval of the proposal. The Plot Plan application is reviewed by various County agencies and must be scheduled for a public hearing before the Planning Director so that a decision can be made. This process can often become a lengthy and costly process for applicants. The amendment to this Section proposes to return to procedures previously in place by removing the Plot Plan requirement for detached accessory buildings and structures and replace it with a Counter Services approval process in most cases in an effort to reduce time and cost to applicants wanting to build accessory buildings or structures to improve their property.

Removal of the Plot Plan application requirement, will allow an applicant to proceed directly to Counter Services staff who will review the proposal for compliance with the Development Standards of this Section and if in compliance, on to the Department of Building and Safety for the necessary permits to construct. The amended text proposed to the development standards for this Section will allow more flexibility in the design and placement of the structure for some applicants; therefore allowing them to improve their property in an manner that is specific to their individual needs, while maintaining a level of basic standards to insure consistency.

The latest proposed amendment to Section 18.18, proposed to restore and modify the subsection which allows the construction of a private garage (and now, a carport) on properties which have significant topographic constraints to encroach into the front yard or side yard setbacks. The proposed language would allow garages or carport to be constructed up to the front or side lot line on such properties, but only if configured to prevent vehicle directly exiting or entering onto the adjacent roadway. Properties above an elevation of 4,000 feet would be excluded from this development standard.

The latest proposed amendment includes of a subsection to address second units by aiming to simplify, streamline, and return to some of the development standards previously in place for second units in the unincorporated areas of the County. This amendment proposes an administrative approval process in most cases as long as the proposal complies with the applicable development standards. The amendment will reduce time and cost for applicants wanting to build second units on their property in order to meet housing needs.

If approved as proposed, this would lead to the retirement the Second Unit Permit application and removal of this application from Ordinance No. 671 (fees).

Section 18.28. – (Conditional Use Permits)

The primary purpose of amending this Section is to change the length of time in which to "use" the permit. This is generally considered the time in which to begin "substantial construction" of the approved permit. Current language grants that the permit is to be used within one year of the approved ("effective") date, or such additional time as may be set forth in the conditions of approval, but shall not exceed a total of three years. The language goes on to state that if a permit was granted a period of time less than three years, a request for an extension of time from the Board of Supervisors (regardless of whether the Planning Commission or the Board originally approved the permit), and if the extension is granted, the total time allowed to use the permit shall not exceed a period of three years. This language is identical to that used in Section 18.29 for Public Use Permits.

It is interesting to note that current language for Section 18.30 (Plot Plan) differs slightly in that the language in that Section states that extensions request will be considered by the hearing body or officer that original approved the plot plan; and additionally, plot plans are to be used within 2 years or such additional time as may be set forth in the conditions of approval, but may not exceed a total of five years.

In all three instances, the approval of any extension of time may only be granted upon a determination that that valid reason exists for the applicant or the successor-in-interest for not using the plot plan within the required period of time. Planning staff researched historical records but was unable to identify a single instance where any extension request was not granted.

As part of this ordinance amendment all three Sections (18.28., 18.29., & 18.30.) are proposed to be streamlined and made consistent with each other and match the length of time currently available to approved tentative subdivisions. The proposed language grants all three permit types an eight year period in which to use the approved permit and removes the language regarding extensions of time.

While this proposed language differs from the concept presented to the Board as part of the request to initiate this ordinance amendment to implement "business friendly" modifications, it is staff's position that adjusting the initial length of time in which to use a permit, without involving any extension of time requests, is a simpler, more streamline, method of dealing with this issue. It also circumvents the historical difficulties of requiring applicants or their successors-in-interest to accurately track those time

periods in order to ensure timely filing of extension of time requests, as well as avoiding problems that can arise if additional conditions of approval are proposed by County Land Development Committee members deemed necessary to ensure compliance with the then current rules and regulations which may be determined onerous to the land owner.

Lastly, given the frequent interrelationship of use permits and subdivisions of land, and the length of time those approved tentative maps are granted (currently three years, with five one-year extensions possible), together with the recent State-Wide subdivision extensions that have been granted by the legislature over the last seven years, the logic of keeping use permits and subdivisions synchronized is good for the development community and provides consistency in the development process.

The proposed amendments to Section 18.28. of Ordinance No. 348 also intend to remove all application submittal requirement items. The list of items is contained within the Planning Department's applicable application form and need not be in the ordinance itself. By removing the items from the ordinance it will simplify the process of modifying the application submittal requirements in the future without having to process an ordinance amendment.

It should also be noted that the amendment proposes a slight text change to clarify the "fees" paid for this type of application is "deposit based," and the amount listed in Ordinance No. 671, is only an initial payment. The intent is to minimize applicant's confusion as well as maximize transparency in the actual cost of this type of application.

Section 18.28a. – (Second Unit Permits)

Section 18.28a. of Ordinance No. 348 is now proposed to be rescinded in its entirety, but the concept of a second unit is now being included as a subsection of Section 18.18.

Section 18.29.- (Public Use Permits)

As was discussed above in the Section 18.28. portion of the staff report, the primary changes proposed to this Section is to establish a new streamlined standard for the length of time in which to "use" the permit, and to eliminate all references application submittal requirements.

This Section also includes the slight text change to clarify the "fees" paid for this type of application is "deposit based," and the amount listed in Ordinance No. 671, is only an initial payment.

Section 18.30.- (Plot Plans)

Again, as was discussed above in the Section 18.28. portion of the staff report, the primary changes proposed to this Section is to establish a new streamlined standard for the length of time in which to "use" the permit, as well as eliminate all references application submittal requirements.

This Section also includes the slight text change to clarify the "fees" paid for this type of application is "deposit based," and the amount listed in Ordinance No. 671, is only an initial payment.

Section 18.43. – (Modifications to Approved Permits)

Section 18.43. of Ordinance No. 348 is no longer being proposed for modification by this Ordinance Amendment.

Section 21.69. – (Modifications to Approved Permits)

Section 21.69. of Ordinance No. 348 is proposed for amendment to avoid conflict with the development standards within Section 18.18.

BACKGROUND:

The Board of Supervisors and the County Executive Office have stressed the need to make changes to our business practices in order to become more "Business Friendly," encourage economic activity and expand the job base in Riverside County, while providing for quality development that enhances our quality of life.

Ordinance No. 348 is the primary regulatory code which governs the review and approval of the land use and zoning applications in the County. The Board of Supervisors has approved a phased approach to amending Ordinance No. 348 in order to implement changes in an incremental manner as soon as they are reviewed, considered and adopted. This process should provide tangible immediate benefits rather than delaying implementation of all amendments at a later date in time.

RECOMMENDATIONS:

THE PLANNING COMMISSION RECOMMENDS THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION:

FIND that the proposed amendment is exempt from CEQA pursuant to the CEQA Guidelines 15061 (b)(3), based on the findings and conclusions incorporated in the staff report;

ADOPT ORDINANCE NO. 348.4791, based on the findings and conclusions incorporated into the staff report.

FINDINGS:

1. The proposed amendment applies to all unincorporated areas of Riverside County.

2. The ordinance amendment will modify Sections of the Zoning Ordinance affecting Detached Accessory Buildings and Structures, Conditional Use Permits, Public Use Permits, Plot Plans, Second Unit Permits, and the definition of "structure."

3. The Planning Department has found that in accordance with CEQA Guidelines Section 15061(b)(3), Ordinance No. 348.4791 does not have the potential for causing a significant effect on the environment. Section 15061(b)(3) states that "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because this ordinance amendment does not create any reasonably foreseeable physical change in the environment. No new land disturbance or

development project is associated with this ordinance amendment and it does not commit the County to approve any new development.

CONCLUSIONS:

1. The proposed amendment is in conformance with the Land Use Designations established for the unincorporated areas of Riverside County and with all other elements of the Riverside County General Plan as the amendment does not eliminate or add legal nonconforming structures or uses.

2. The proposed project will not have a significant effect on the environment and is exempt from the California Environmental Quality Act.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.

2. The amendment covers all properties and parcels within the unincorporated areas of Riverside County.

Mares, David

From: David Lilieholm <lilieholmdesign@gmail.com>
Sent: Wednesday, October 01, 2014 2:34 PM
To: Jim Marsh
Cc: Mares, David; Robert Priefer; dora@lovethehill.com; chrisdavis.rea@gmail.com
Subject: Re: Ord 348 revision

Hi Jim,
Thanks for all your efforts.
I've had projects that needed to be closer than 10 feet from the driving surface, can we try for 6 feet?
Also, I think that the side line zero setback is less necessary for steep properties. Besides they then have fire requirements that start to kick in as well as getting next door neighbors feeling more encroached upon.
Thanks all,
David

On Tue, Sep 30, 2014 at 9:59 PM, Jim Marsh <jqqm@msn.com> wrote:
Happy day Dave,

I took the liberty of adding some wording (in red) to section 18.18.B.3 that might make all parties happy.

Where the average slope of the front half of the lot is greater than one foot rise or fall in a seven foot run from the established street elevation at the property line, or where the front half of the lot is more than four feet above or below such established street elevation a private garage (or carport) may be built to the street and side lines, except as follows: In no case shall the structure be closer than ten feet to the closest edge of the street driving surface.

You may have more eloquent words, but I think this is a good compromise.

It would be nice to work this out before the Oct 15 meeting, so there will be no more delays in the approval process.

thank you for your patience!

Jim Marsh Architect
951-658-4733

Mares, David

From: Kay @ Kay Realty <kayrealty@verizon.net>
Sent: Monday, September 29, 2014 1:14 PM
To: Mares, David
Cc: 'IAOR-Amber Robertson'; kayrealty@verizon.net; 'Chris Davis'
Subject: Ordinance 348, section 18 regarding Idyllwild

September 29, 2014

Mr. Mares:

Regarding ordinance 348, section 18.18. The intent of the ordinance appears to eliminate all future garages built with variances on the property line or within the normal county set back from a street. In IDYLLWILD, where many lots are on slopes, being able to build near the property line is the only way to have cars not parked in the street and often in the right of way. As Idyllwild is not a subdivision community, with standard width streets with curbs and sidewalks, parking is an issue of concern. This is especially true in the winter with ice and snow on the ground. Often the back top of a street is buffered with some dirt edging, while in other places the black top of the street is on and in a few locations encroaching into the adjacent property. This wording change and following regulation change is not helpful to our rural mountain community.

Currently, there are numerous streets that enter Hwy. 243 that are blind and present far greater dangers to people entering the highway than garages on the edge of streets. Such streets such as Alpine Way, Manzanita (Pine Cove) and Manzanita (Idyllwild), Foster Lake Road, Big Rock Rd, Marion View (west side), Jameson, plus other streets that enter Hwy. 243 with blocked or limited visibility. In town there are a number of streets that intersect, that are also blind. Interestingly, there are virtually NO accidents reported at both Hwy. and local street intersections. Highway motorcycle accidents, some dui and drug intoxication situations, are the more common accidents in our area which are generally not at intersections! The hazard that you are fearing from backing out of a garage does not seem to have much accident and death data to support more government regulation.

It is much more hazardous in winter months when residences have no off street parking and the snow plow has to go around the parked cars creating big snow blockages into the street. A street side garage is helpful in parking off street during the snow season. Even commercial establishments' customer parking on sides of road in winter months creates more danger than the few garages that back out into residential streets.

Please reconsider your additional government regulations that do not have the data to support the fears you have living in Riverside that Idyllwild residents do not have who live here. Local residents are careful and seem to have an eye out for driveways as well as garages that open to the streets. We generally safely navigate the winter snow and ice where streets intersect as well as where garages open to the street. Even inexperienced winter drivers from "off the Hill" who are unfamiliar with standard winter driving safety have few accidents in town other than occasional bumps and bruises from

driving too fast, hitting their brakes, and not being familiar with the curves or street inclines or declines ahead of them that they need to be anticipating.
Ordinance 348 Section 18.18 is not an ordinance that creates more safety in our rural mountain community. Your consideration of this unnecessary regulation is appreciated.

Sincerely,
Kay Jennison

Kay Jennison

KayRealty
54545 North Circle
PO Box 585
Idyllwild, CA 92549
DRE # 01065718

Office: **951-659-3686**
Cell: **909-754-7528**
Fax: **866-311-9262**
Email: kayrealty@verizon.net
kayrealtyidy@verizon.net

Muirs Mountain Realty
26115 Suite A Highway 243
P O Box 1107
Idyllwild, CA 92549

David Mares, Principal Planner

4080 Lemon Street, 12th Floor

Riverside, CA 92501

Dear Sir:

As a Real Estate professional in Idyllwild, I am greatly concerned with the proposed deletion of section 18.18.b.3 from Ordinance 348. Idyllwild is a unique community and our needs are not the same as the needs in other communities in Riverside County. Therefore, a one-size fits all ordinance is detrimental to many of our citizens and future homeowners.

Most of our roads are lightly traveled and backing out of a driveway with a garage on the property line is hardly a cause of concern. A garage located 20 feet from the property line may also have to back into the same traffic. What is the difference? The setback alone provides that area of safety.

I suggest that you do a study to determine if there is a history of accidents caused by cars pulling out of a driveway located on the property line in relation to any other similar accidents caused by cars pulling out of driveways with garages located behind the property lines. Personally, I find it harder to see on- coming cars around vehicles parked on the road.

Before any decision is made, I request that you consider the needs and potential problems that removing this section will cause to the greater Idyllwild community.

Respectfully submitted,

Karen Doshier

Karen Doshier
(951) 452-4599– cell
(951) 659-8335 - office
Muirsmountainrealty.com

karendoshier@gmail.com

DRE License # 01261037

Mares, David

From: David Lilieholm <lilieholmdesign@gmail.com>
Sent: Monday, July 21, 2014 2:23 PM
To: Mares, David
Subject: Re: oops

Dear Mr. Mares,

It has been brought to my attention that the allowance of detached garages in the mountain areas to be able to go to the front property line in steep conditions is being dropped from the code.
I've been a home designer in the Idyllwild area for 25 years and have many times had to rely on this provision as the only way to allow construction of a garage on certain properties.
Given how common these steep properties are and coupled with the often difficult snow conditions up here, I think (and obviously the code originally agreed) that the zero setback in certain conditions is a very reasonable allowance.
I don't know of any problem that has resulted from the use of the original code. I would greatly appreciate from you any examples of problems that have arisen.
I would urge you or whomever in positions of authority to reconsider.
Idyllwild and the mountain communities have a unique and desirable charm. Tailoring county ordinances to allow design with our natural environment is wise, attractive and preferable.

Thank you very much,
I look forward to hearing from you,
David Lilieholm
David J. Lilieholm, Design
951-659-5750

On Mon, Jul 14, 2014 at 3:44 PM, Jim Marsh <jqqm@msn.com> wrote:

I forgot Dave Mares email:
dmares@rctlma.org

Mares, David

From: David Lilieholm <lilieholmdesign@gmail.com>
Sent: Tuesday, July 22, 2014 10:07 AM
To: Mares, David
Subject: Sec. 18.18

Mr Mares,

Thank you for getting back with me.
I will track down the garages I've done, photograph them in relation to the streets and try to find the permit numbers.
I understand the transportation concerns. However with our 2 lane streets of maybe 24 feet wide, within the right-of-ways of at least 50 to 60 feet, usually there is a car length from the street to even a zero setback garage. This allows for backing out without a blind traffic issue.

I do however like your suggestion that additional scrutiny could be paid regarding particular properties and potential traffic issues.

Thank you again,
David

Jim Q Marsh Architect 27431 Dartmouth St. Hemet, Ca. 92544 ph (951)658-4733 fax (951)658-5815

8-12-2014

Happy day Planning Commission,

RE: CZ7826 (revisions to Ordinance 348)

I understand you are considering removing section 18.18.b.3 from Ordinance 348. This section reads:

> *"Where the average slope of the front half of the lot is greater than one foot rise or fall in a seven foot run from the established street elevation at the property line, or where the front half of the lot is more than four feet above or below such established street elevation a private garage may be built to the street and side lines."*

I think removal of this section from Ordinance 348, would be detrimental to the residents of Riverside County. This section has allowed many residents of Idyllwild to have a garage on their property, (who otherwise could not have had one). I have personally used this section more than 10 times and I know several of my peers have also utilized it.
I heard that Transportation is concerned about the safety of having a garage near the front property line. I think this concern is mitigated by the very nature of 1 in 7 minimum slope requirement...this condition generally only occurs on very lightly used streets, such as those found in the residential areas of Idyllwild. On the streets where I have utilized section 18.18.b.3, I would estimate the average traffic volume is one car every ten minutes (hardly enough to be safety concern). Also, the front property line is normally 12 to 20 feet behind the edge of the street, leaving a built-in buffer for a garage (see attached drawing).

On steep sloping properties, a garage located at the front property line is actually safer than not having a garage. In most of the cases I have been involved with, the owners were previously forced to park their vehicles in the street right-of-way (because of the slope issues on their property). In some cases, they had to park only a foot away from moving traffic. (see attached drawing) This is obviously more dangerous than the parking in a garage that is 12 to 20 feet from moving traffic. Parking in the right-of-way also creates a danger and a liability for the snowplows. I think the Department of Transportation would much rather see cars parked in a garage outside of the street right-of-way, especially during their snowplowing operations. It is clearly a safer situation to get the vehicles in a garage out of the street right-of-way. I have been working in Idyllwild for 30 years and I have seen over a hundred garages that are on, or close to, the front property line. I do not know of one accident or safety concern due to any of these garages.

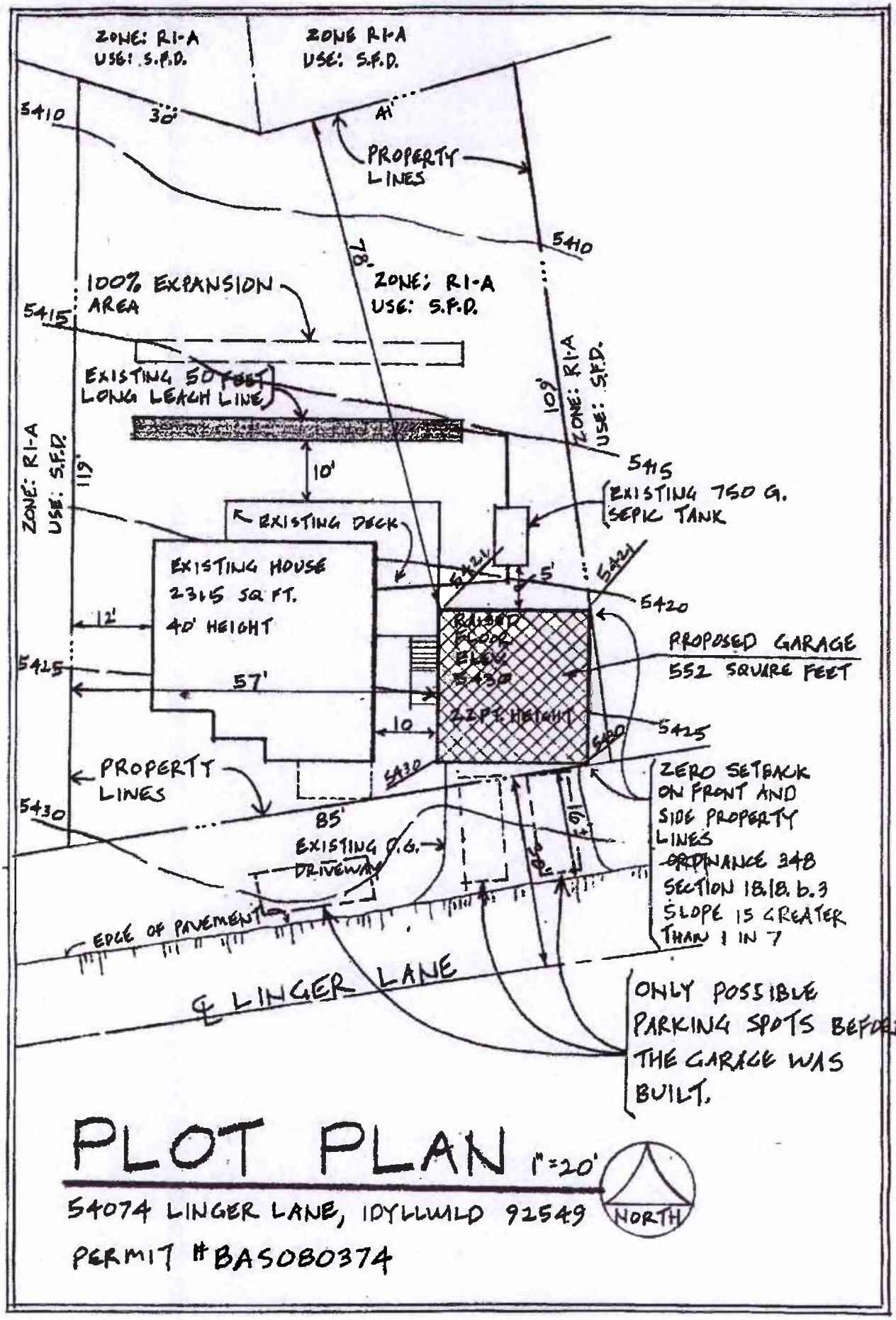
I have also attached the Plot Plan of a garage I permitted using section 18.18.b.3. Without this section in the ordinance, the owner could not have built a garage on his property. The owner is thankful he does not have to park on the street any more. Even though this garage is on the front property line, there is still 16' to the actual street.

Also, to prevent any monstrosities, it might be appropriate to include a size limit, "... ***a private garage less than 650 square feet in area may be built to the street and side lines."***

In conclusion: if section 18.18.b.3 is removed from Ordinance 348, a high percentage of the properties in Idyllwild will never be able to have a garage, and many unsafe parking conditions will remain forever.

Thank you for your consideration,

Jim Marsh Architect



PLOT PLAN 1"=20'

54074 LINGER LANE, IDYLLWILD 92549

PERMIT # BAS080374

Mares, David

From: Emily Roossien <errm@greencafe.com>
Sent: Monday, September 15, 2014 11:08 AM
To: Jim Marsh; Mares, David
Cc: David Lilieholm
Subject: RE: CZ7826 comments

FYI
This message has been forwarded to Dora Dillman (realtor) and the Board of Realtors.
-----Original Message-----
From: Jim Marsh [mailto:jqqm@msn.com]
Sent: Monday, September 15, 2014 12:17 AM
To: David Mares
Cc: Robert Priefer; David Lilieholm
Subject: CZ7826 comments

Happy Monday morning Dave,

<!-- --> Thank you for sending me the new wording for section 18.18.B.2 in Ord 348. Yes, you are correct, the new wording is unacceptable because it renders the entire section useless. Of the garages where I have utilized this section (and the hundred-plus I have seen in Idyllwild), there is not even one where it would have been allowed under the new wording.
If Transportation is so worried about "Public Heath and Safety", you should a add this sentence to Ordinance 348, "***No driveway shall exit onto a public roadway***." (only kidding)
I am sorry that I cannot be at the meeting on Wednesday. I have attached one more set of formal comments for the planning commission. If it is not too late, could you please distribute my new comments to them?

Thank you once again,

Jim Marsh Architect
951-658-4733

ATTACHMENT - A

ORDINANCE NO. 348.4791

AN ORDINANCE OF THE COUNTY OF RIVERSIDE

AMENDING ORDINANCE NO. 348

RELATING TO ZONING

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

Section 1. Section 18.17. of Ordinance No. 348 is amended to read as follows:

"SECTION 18.17. ACCESSORY USES. The express enumeration of permitted uses in all zoning classifications shall be construed to include accessory uses. Detached accessory buildings and structures, where the principal use of a lot includes a one family dwelling, shall be subject to the requirements of Section 18.18."

Section 2. Section 18.18. of Ordinance No. 348 is amended to read as follows:

"SECTION 18.18. DETACHED ACCESSORY BUILDINGS AND STRUCTURES, GUEST QUARTERS AND SECOND UNITS.

a. INTENT. The Board of Supervisors has adopted the following provisions to establish minimum development requirements for the erection of detached accessory buildings and structures, guest quarters and second units in the unincorporated areas of Riverside County. These requirements are intended to provide for the appropriate construction of detached accessory buildings and structures, guest quarters and second units, enhance the aesthetic appearance of the community, preserve property values, provide for affordable housing and protect the public health, safety and welfare.

b. PERMIT REQUIREMENT. The Planning Director may, based on a determination of potential environmental concerns, require the submittal of a plot plan including the preparation of an environmental assessment pursuant to Section 18.30 of this ordinance if either:

(1) a detached accessory building or structure on a lot equals or exceeds five thousand square feet in size; or,

(2) the total square footage of all detached accessory buildings or structures on a lot equal or exceed five thousand square feet. Said determination of potential environmental concerns shall be made by the Planning Director and is within his or her sole discretion. Upon completion of the review of the plot plan and the environmental assessment, a public hearing shall be held. Said plot plan shall only be approved if it complies with the requirements of this Section and the requirements of Section 18.30 of this ordinance.

c. DEVELOPMENT STANDARDS. Where the principal use of a lot includes a one family dwelling, a detached accessory building or structure shall be permitted subject to the following requirements. These requirements are in addition to the development standards of the applicable zone.

(1) Where a rear yard is required by this ordinance, a detached accessory building or structure may occupy not more than fifty percent of the required rear yard.

(2) In areas at altitudes below four thousand feet and where the slope of the front twenty feet of a lot is greater than one foot rise or fall in a seven foot run from the established street elevation, or where the frontage of the lot is more than four feet above or below such established street elevation, a private garage or carport may be built to the front and/or side lot lines if the placement of the building or structure or the design of the building or structure prevents vehicles directly exiting or entering onto the adjacent roadway; however, in areas at altitudes above four thousand feet and where the slope of the front twenty feet of a lot is greater than one foot rise or fall in a seven foot run from the established street elevation, or where the frontage of the lot is more than four feet above or below such established street elevation, a private garage or carport may be built to the front and/or side lot lines.

(3) In the case of an interior lot, no detached accessory building or structure shall be erected so as to encroach upon the front half of the lot, provided, however, such building or structure need not be more than seventy-five feet from the street line.

(4) In the case of a corner lot abutting upon two or more streets, no detached accessory building or structure shall be nearer any street line than twenty percent of the width or length of the lot; provided, however, such building or structure need not be more than seventy-five feet from the street line.

(5) In the case of through lots, no detached accessory building or structure shall be erected so as to encroach upon the front half of the lot; provided, however, such building or structure need not be more than seventy-five feet from the street line from which the one family dwelling takes access and maintains a minimum rear yard setback of twenty feet as measured from the rear yard street line.

(6) In areas at altitudes above four thousand feet, a detached accessory building or structure may be constructed in accordance with the same building setbacks as is required for a one family dwelling on the same lot.

(7) No detached accessory building or structure shall be nearer to the one family dwelling, or other building or structure than that permitted by Ordinance No. 457 and Ordinance No. 787.

(8) A. For lots one acre or smaller, the minimum setback from a side property line shall be five feet and the minimum setback from a rear property line shall be ten feet; provided, however, that where the applicable zone provides for a greater side or rear yard setback, the greater setback shall apply.

B. For lots greater than one acre, the minimum setback from a side property line and from a rear property line shall be ten feet; provided, however, that where

the applicable zone provides for a greater side or rear yard setback, the greater setback shall apply.

(9) Notwithstanding the height limitations of any zone, the height limit on any lot shall be twenty feet for lots one acre or less and thirty feet for lots larger than one acre.

(10) Bare metal buildings and structures (metal buildings and structures without paint or exterior architectural coatings or treatments), shall not be located on a lot one acre or smaller.

(11) No final inspection shall be performed for the detached accessory building or structure until a final inspection has been performed for the one family dwelling on the same lot.

(12) No detached accessory building or structure shall be rented or leased, or offered for rent or lease, unless the one family dwelling on the same lot is also being rented or leased; or offered for rent or lease, to the same renter or lessee.

(13) No detached accessory building or structure shall be used for overnight accommodations.

(14) No detached accessory building or structure shall contain a kitchen.

(15) Any detached accessory building or structure must have the same lot access as the one family dwelling on the same lot. No additional curb cuts, rear access or any other type of access is allowed to a detached accessory building or structure except as may be authorized by the Transportation Department through the issuance of an encroachment permit.

(16) A detached accessory building or structure shall be compatible with the architecture of the one family dwelling and consistent with the character of the surrounding neighborhood.

d. GUEST QUARTERS. Excluding Subsection c.(13) of this Section, all development standards for detached accessory buildings and structures shall apply to guest quarters. In addition, the following development standards shall apply to guest quarters:

(1) Only one guest quarter shall be permitted on a lot.

(2) The square footage of any guest quarter shall not exceed two percent of the lot size and shall in no case exceed six hundred square feet.

(3) A guest quarter shall be used exclusively by occupants of the one family dwelling on the same lot and their non-paying guests.

(4) No reduction of the side and rear yard setbacks shall be allowed for any guest quarter.

(5) For lots one half acre or smaller, a guest quarter shall not be allowed if the lot has an existing or approved second unit.

e. EXCEPTIONS. This Section shall not be applicable in the A-P, A-2 or A-D zones.

f. SECOND UNITS. Excluding Section 18.18.c. of this ordinance, all development standards for second units shall comply with the following requirements:

(1) The lot is zoned for a one family dwelling as a permitted use; provided, however, that the lot may not be part of a planned residential development or located in the R-6 Zone.

(2) The second unit shall comply with all development standards of the zone in which the lot is located, including but not limited to, height, setbacks, and lot coverage.

(3) The minimum lot sizes and allowable living areas for a second unit shall be as follows:

A. A second unit shall not be permitted on a lot less than seven thousand two hundred feet in size. For lots seven thousand two hundred feet in size to nineteen thousand nine hundred and ninety-nine square feet, the maximum allowable living area for a second unit shall be twelve hundred square feet.

B. For lots twenty thousand square feet to one and ninety-nine hundredths of

an acre, the maximum allowable living area for a second unit shall be fifteen hundred square feet.

C. For lots two acres to three and ninety-nine hundredths of an acre, the maximum allowable living area for a second unit shall be twenty-five hundred square feet.

D. For lots four acres or larger, the maximum allowable living area for a second unit shall be twenty-five hundred square feet or up to two hundred percent of the living area of the existing one family dwelling.

E. Living area includes the interior habitable area of a second unit or an existing one family dwelling including basements and attics but does not include a garage or any accessory building or structure.

F. Second units shall not be subject to the provisions of Section 18.11 of this ordinance.

(4) The lot contains a one family dwelling. Prior to the final inspection of a building permit for a second unit, the one family dwelling shall receive a final inspection. In the event the second unit is larger than an existing one family dwelling, the second unit shall become the primary one family dwelling and the former existing one family dwelling shall become the second unit.

(5) The one family dwelling or the second unit shall be occupied by the owner of the property.

(6) Off-street parking shall be required for the second unit in addition to any off-street parking requirements for the one family dwelling. A second unit with one bedroom shall provide a minimum of one parking space. A second unit with two or more bedrooms shall provide a minimum of two parking spaces. The required off-street parking for a second unit may be located in setback areas or through tandem parking.

(7) The second unit shall be used as a one family dwelling only, and no businesses or home occupations of any kind may be conducted in the second unit.

(8) Second units shall be located at the rear or the side of the one family dwelling unless the Planning Director determines that the second unit may be located in front of the one family dwelling due to special and extraordinary circumstances such as the existing location of the one family dwelling or physical constraints of the lot.

(9) No second unit shall exceed the height of the one family dwelling.

(10) Any second unit located more than one hundred fifty feet from a public right-of-way shall provide all weather access for emergency vehicles.

(11) Written confirmation from the sewer district having jurisdiction of the availability of sewer service for the second unit or written approval from the Health Department for use on an existing or new septic system shall be obtained.

(12) Written confirmation from the water district having jurisdiction of the availability of water service for the second unit or written approval from the Health Department for use of an existing or new well shall be obtained.

(13) Based upon geographic location and constraints, review shall be required from the following agencies, departments, divisions, and districts:

A. Fire Department;

B. Riverside County Flood Control and Water Conservation District;

C. Coachella Valley Water District;

D. Environmental Programs Division of the Planning Department;

E. Any other entities deemed necessary as determined by the Planning Director.

(14) Second units shall not be permitted in those areas of the County which have

significant problems with regard to water availability or quality, sewage disposal or other public health or safety concerns. Prohibited areas shall include, but not be limited to, those areas where a development moratorium has been imposed, including a moratorium for water or sewer, whether imposed by the County or another public agency with the authority to impose a development moratorium.

(15) Any second unit which conforms to this Section shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use which is consistent with the General Plan and zoning classification for that lot.

(16) The second unit may not be sold as a separate unit unless the lot is subdivided pursuant to all applicable laws and ordinances.

(17) The second unit may be occupied by any person without rent. The second unit may also be rented; provided, however, that rental occupancy shall be limited to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code."

Section 3. Section 18.28 of Ordinance No. 348 is amended to read as follows:

"SECTION 18.28 CONDITIONAL USE PERMITS. Whenever any section of this ordinance requires that a conditional use permit be granted prior to the establishment of a use, the following provisions shall apply:

a. APPLICATION. An application for a conditional use permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, and shall be accompanied by an initial payment of a deposit based fee as set forth in Ordinance No. 671.

b. ADDITIONAL INFORMATION. When the application is for a conditional use permit to

establish a mobilehome park or recreational vehicle park, the following additional information is required as part of the application:

(1) a written statement from the Health Department stating that a water company has agreed in writing to serve all spaces within the park or that the applicant has an acceptable application for a water company permit on file with the State Department of Public Health or the Department of Public Health, or the applicant has agreed in writing to form a domestic water company to serve the mobilehome park or recreational vehicle park.

(2) a written statement from the Health Officer stating the type of sewage disposal that will be permitted. To aid in this determination, the Health Officer may require soil percolation tests or other pertinent information.

c. PUBLIC HEARING. A public hearing shall be held on the application for a conditional use permit in accordance with the provisions of either Section 18.26 or 18.26.a. of this ordinance, whichever is applicable, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing. Notwithstanding the above, or any other provision herein to the contrary, the hearing on any conditional use permit that requires approval of a General Plan Amendment, a Specific Plan Amendment or a Change of Zone shall be heard in accordance with the Provisions of Section 2.5, 2.6 or 20.3.a. of this ordinance, whichever, is applicable, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

d. CONDITIONS. A conditional use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.

e. REVOCATION OF PERMIT. Any conditional use permit granted may be revoked upon the findings and procedures set forth in Section 18.31 of this ordinance."

Section 4. Section 18.28.a. of Ordinance No. 348 is hereby rescinded in its entirety.

Section 5. Section 18.29 of Ordinance No. 348 is amended to read as follows:

"Section 18.29 PUBLIC USE PERMITS.

a. Notwithstanding any other provisions of this ordinance, the following uses may be permitted in any zone classification provided that a public use permit is granted pursuant to the provisions of this section:

(1) Educational institutions.

(2) Facilities for the storage or transmission of electrical energy where the County is not preempted by law from exercising jurisdiction. This subsection shall take precedence over and supersede any conflicting provision in any zone classification. Facilities for the storage or transmission of electrical energy shall not be subject to the development standards of the zone classification in which they are located.

(3) Government uses.

(4) Any hospital or other facility that is licensed by the California Department of Public Health or by the California Department of Mental Hygiene, not including a family care, foster home or group home that serves six or fewer persons.

(5) Any home or other facility for the aged or children that is licensed by the California Department of Social Services, or by the Department of Public Social Services, not including a home or facility that serves six or fewer children or aged persons, nor a large family day care home that serves seven to twelve children. Said facilities shall be developed in accordance with the standards set forth in Sections 19.102 and 19.103 of this ordinance.

(6) Half way house.

(7) Public utilities.

b. APPLICATION. An application for a public use permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, and shall be accompanied by an initial payment of the deposit based fee as set forth in Ordinance No. 671.

c. PUBLIC HEARING. A public hearing shall be held on the application for a public use permit in accordance with the provisions of Section 18.26 of this ordinance and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

d. CONDITIONS. A public use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.

e. REVOCATION OF PERMIT. Any public use permit granted may be revoked upon the findings and procedures set forth in Section 18.31 of this ordinance."

Section 6. Section 18.30 of Ordinance No. 348 is amended to read as follows:

"SECTION 18.30 PLOT PLANS. The following procedures shall apply to all applications for approval of a plot plan that is required by any section of this ordinance:

a. CLASSIFICATION OF PLOT PLANS. Plot plans are classified as follows:

(1) Plot plans that are not subject to the California Environmental Quality Act and are not transmitted to any governmental agency other than the Planning Department for review and comment.

(2) Plot plans that are not subject to the California Environmental Quality Act and are transmitted to one or more governmental agencies other than the Planning Department.

(3) Plot plans that are subject to the California Environmental Quality Act.

(4) Plot plans for outdoor advertising displays that require field checking by the Land Use Division of the Department of Building and Safety.

b. APPLICATIONS.

(1) An application for a plot plan shall be made in writing to the Planning Director on the forms provided by the Planning Department and shall be accompanied by an initial payment of the deposit based fees as set forth in Ordinance No. 671.

(2) Environmental Clearance. No application that requires compliance with the Riverside County Rules Implementing the California Environmental Quality Act shall be considered at a public hearing until all procedures required by the rules to hear a matter are completed.

c. REQUIREMENTS FOR APPROVAL. No plot plan shall be approved unless it complies with the following standards:

(1) The proposed use must conform to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County.

(2) The overall development of the land shall be designed for the protection of the public health, safety and general welfare; to conform to the logical development of the land and to be compatible with the present and future logical development of the surrounding property. The plan shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.

(3) All plot plans which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the

parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

d. ACTION ON PLOT PLANS.

(1) Plot Plans Not Requiring Public Hearing. The Planning Director shall approve, conditionally approve or disapprove a plot plan based upon the standard in Subsection c. of this Section within thirty days after accepting a completed application and give notice of the decision, including any required conditions of approval, by mail, to the applicant and any other persons requesting notice.

(2) Plot Plan Requiring Hearing. The Planning Director shall hold a public hearing on all plot plans for which a negative declaration or an EIR is prepared pursuant to the Riverside County Rules Implementing the California Environmental Quality Act. Notice of the time, date and place of the public hearing shall be given as provided in Section 18.26.c. of this ordinance.

(3) Plot Plans for Large Commercial Developments. Notwithstanding any other provision in this Section to the contrary, a noticed public hearing shall be held on a plot plan for a commercial development of thirty acres or larger. Such plot plans shall be heard by the Planning Commission. Notice of the time, date and place of the hearing shall be given as provided in Section 18.26.c. of this ordinance. Any appeal of the Commission decision shall be to the Board of Supervisors as provided in Section 18.30.e. of this ordinance.

(4) Notwithstanding the above or any other provision herein to the contrary, a plot plan application which:

(a) Requires the approval of a general plan amendment, a specific plan amendment or a change of zone shall be heard in accordance with the provisions of this ordinance, whichever is applicable, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

(b) Requires the approval of a land division map or is being processed concurrently with a land division map, but is not included in a fast track project and does not require the approval of a general plan amendment, a specific plan amendment, or a change of zone, shall be heard in accordance with the provisions of Sections 6.5., 6.6 and 6.7 of Ordinance No. 460, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

e. APPEALS – (PLOT PLANS NOT INCLUDING WIRELESS COMMUNICATION FACILITIES). An applicant or any other interested party may appeal from the decision of the Planning Director by the following procedure:

(1) Initial Appeal. Within ten calendar days after the date of decision by the Planning Director, an appeal in writing may be made on the form provided by the Planning Department and which shall be accompanied by a filing fee as set forth in Ordinance No. 671. Upon receipt of a completed appeal, the Planning Director shall set the matter for hearing and mail notice thereof to the applicant and the appellant if the plot plan did not require a public hearing. If the plot plan required a public hearing, notice of the appeal shall be given in the same manner that notice was given for the original hearing. Such appeals shall be heard by the Planning Commission, except that any appeal concerning an application of a commercial/industrial nature given fast track status, shall be heard directly by the Board of Supervisors. For purposes of this section, an application shall be considered to have been given fast track status if it meets the definition set forth in Section 21.34.d. of this ordinance.

(2) Appeal from Planning Commission. Within ten calendar days after the date of the mailing of the decision of the Commission, the appellant may appeal that decision, in writing, to the Board of Supervisors, on the forms provided by the Planning Department, which shall be accompanied by a filing fee set forth in Ordinance No. 671.

(3) Hearings on Appeals to the Board of Supervisors. Upon receipt of a completed appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not less than five days nor more than thirty days thereafter and shall give written notice of the hearing to the appellant and the Planning Director. The Board of Supervisors shall render its decision within thirty days following the close of the hearing on the appeal.

f. APPEALS – (WIRELESS COMMUNICATION FACILITIES PLOT PLANS). An applicant or any other interested party may appeal from the decision of the Planning Director by the following procedure:

(1) Initial Appeal. The Planning Director shall file a notice of decision with the secretary of the Planning Commission together with a report of the proceedings, not more than fifteen days after making the decision. A copy of the notice of decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. The Secretary of the Planning Commission shall place the notice of decision on the next agenda of the Planning Commission held five or more days after the Secretary receives the notice from the Planning Director. The decision of the Planning Director is considered final and no action by the Planning Commission is required unless, within ten days after the notice appears on the Planning Commission agenda, the applicant or an interested person files an appeal, accompanied by the fee set forth in Ordinance No. 671 or unless the Planning Commission assumes jurisdiction by ordering the matter set for public hearing. If a timely appeal is filed, or the Planning Commission assumes jurisdiction by ordering the matter set for public hearing, the Secretary of the Planning Commission shall set the matter for public hearing before the Planning Commission not less than five nor more than thirty days thereafter and shall give notice of the hearing in the same manner as the notice was given for the original hearing.

(2) Appeal from Planning Commission. Within ten calendar days after the date of the mailing of the decision of the Planning Commission, the appellant may appeal that decision, in writing, to the Board of Supervisors, on the form provided by the Planning Department, which shall be accompanied by a filing fee set forth in Ordinance No. 671.

(3) Hearings on Appeals to the Board of Supervisors. Upon receipt of a completed appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not less than five days nor more than thirty days thereafter and shall give written notice of the hearing to the appellant and the Planning Director. The Board of Supervisors shall render its decision within thirty days following the close of the hearing on the appeal.

g. Notwithstanding the specific requirements of the zoning classification and this Section, no plot plan is required to establish a proposed use when the proposed use is replacing an existing use provided that:

(1) The existing and proposed use are conforming uses;

(2) The existing use was subject to a plot plan approval;

(3) The proposed use will not require the construction of a building, or the reconstruction or expansion of an existing building;

(4) The proposed use complies with the parking and landscaping requirements of Section 18.12 of this ordinance; and

(5) The proposed site has adequate road and other improvements required for the implementation of the proposed use available on site."

Section 7. Section 21.69 of Ordinance No. 348 is amended to read as follows:

"Section 21.69 STRUCTURE. Anything constructed or erected and the use of which requires more or less permanent location on the ground or attachment to something having a permanent location

on the ground, such as awnings and patio covers, but not including walls and fences or wall and fences with arch entries."

Section 8. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

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

By:_____
Chairman

ATTEST: Kecia Harper-Ihem
CLERK OF THE BOARD:

By:_____
Deputy

(SEAL)

APPROVED AS TO FORM
November 19, 2014

By: Karin Watts-B
KARIN WATTS-BAZAN,
Principal Deputy County Counsel

KWB/nlr
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ATTACHMENT - B

RIVERSIDE COUNTY
PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

NOTICE OF EXEMPTION

TO: ☐ Office of Planning and Research (OPR)
P.O. Box 3044
Sacramento, CA 95812-3044
☒ County of Riverside County Clerk

FROM: Riverside County Planning Department
☒ 4080 Lemon Street, 12th Floor
P. O. Box 1409
Riverside, CA 92502-1409

☐ 38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: Ordinance No. 348.4791 (CHANGE OF ZONE NO. 7826)

Project Location: All parcels within the unincorporated area of Riverside County.

Project Description: The amendment proposes to revise Sections 18.17., 18.18., 18.28., 18.29., 18.30., & 21.69. and eliminate Section 18.28a. of Ordinance No. 348. It will modify the text in Section 18.17 concerning accessory uses; modify the intent, permit requirements, development standards concerning Detached Accessory Buildings and Structures, Guest Quarters and Second Units and include the Second Unit provisions as a subsection within Section 18.18.; modify the Application Subsection and eliminate the Use of Permit subsection within Section 18.28. concerning Conditional Use Permits; revoke Section 18.28a.; modify the Application subsection and eliminate the Use of Permit subsection within Section 18.29 concerning Public Use Permits; and modify the Application subsection and eliminate the Approval Period subsection within Section 18.30. concerning Plot Plans. The amendment will also revise the definition of "Structures" found in Section 21.69.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Applicant & Address: County of Riverside, 4080 Lemon Street, 12th Floor, Riverside, CA 92501

Exempt Status:

☐ 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 (*Sections 15301 & 15303*)
☐ Statutory Exemption (_____)
☒ Other: *Section 21080.17 and 15061(b)(3)*

Reasons why project is exempt: See Attachment A – Supporting Documentation for Exemption

County Contact Person | *Phone Number*

Signature | **Title** | **Date**

Date Received for Filing and Posting at OPR: _____

-FREE POSTING per Ca. Govt. Code 6103 and 27383

FOR COUNTY CLERK'S USE ONLY

ATTACHMENT A – SUPPORTING DOCUMENTATION FOR EXEMPTION

The amendment to Ordinance No. 348 as it relates to the changes identified in the project description are exempt from CEQA specifically by the statutory exemption under Public Resources Code section 21080.17 and the categorical exemptions under State CEQA Guidelines sections 15301 and 15303. Further, the project is exempt pursuant to State CEQA Guidelines section 15061(b)(3), typically identified as the "common sense" exemption. Once a public agency properly determines that a project is exempt from CEQA or that the project will not have a significant effect on the environment, no further environmental review under CEQA is necessary. *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 74. An agency may combine several exemptions to find an entire project is exempt under CEQA. See *Surfrider Foundation v California Coastal Commission* (1994) 26 Cal.App.4th 151.

Statutory Exemption - Section 21080.17

This exemption provides for a statutory exclusion under CEQA for the adoption of any ordinances by a city or county in order to implement the provisions of Government Code section 65852.1 or 65852.2. Section 65852.2 of the Government Code authorizes the County of Riverside to provide for accessory and secondary units in residential areas. The proposed changes to the existing sections of the ordinance comply with Section 65852.2 of the Government Code, which is statutorily exempt under CEQA. The proposed project includes changes and additions to the existing Ordinance 348 as it relates to these accessory buildings, guest quarters, and second units. Therefore, the changes to the ordinance clearly fit within the scope and intent of Section 21080.17 of the Public Resources Code and the project is statutorily exempt under CEQA.

Categorical Exemption - Section 15301

The Class 1 Existing Facilities Exemption includes the operation, repair, maintenance, leasing, or minor alteration of existing public or private structures or facilities, provided the proposed project only involves a negligible expansion of the site's use. Representative examples under Section 15301 include, but are not limited to, small additions to existing structures.

The majority of the changes to Ordinance No. 348 focus on improving the existing ordinance related to permit requirements and development standards for detached accessory buildings, guest quarters, and second units. Regardless, any future structures under the amended ordinance would fit within the Class 1 exemption. The changes to the ordinance contain specific development standards for such structures and any future accessory buildings, guest quarters, or second units that would be allowed under the amended ordinance would be limited in size and scale. The limitations under the ordinance ensure the accessory structures only represent a negligible expansion of the existing residential use. Any structures

that would be allowed to be built under the amended ordinance would be of a similar size and scale as those identified under the Class 1 exemption. Therefore, the project is categorically exempt under CEQA.

Categorical Exemption Section 15303

The Class 3 New Construction or Conversion of Small Structures Exemption relates to the construction, installation, or conversion of small structures, facilities, or equipment. The examples provided under Section 15303 include one single-family residential home, second dwelling units in residential zones, or up to three single-family residences in more urbanized areas. Additional examples include, but are not limited to, accessory structures, duplexes, and commercial buildings.

The majority of the changes to Ordinance No. 348 focus on improving the existing ordinance related to permit requirements and development standards for detached accessory buildings, guest quarters, and second units. However, similar to the previous Class 1 exemption, any future structures that may be allowed under the amended ordinance would fit within the Class 3 exemption. The changes to the ordinance contain specific development standards for such structures, including restrictions on size, scale, and density and require the principal use of the lots to be single-family residential. Any structures that would be allowed to be built under the amended ordinance would be of a similar size and scale as the examples identified under the Class 3 exemption. Therefore, the project is categorically exempt under CEQA.

"Common Sense" Exemption Section 15061(b)(3)

The State CEQA Guidelines provide this exemption based upon the general rule that CEQA only applies to projects with the potential to cause a significant effect on the environment. The project is exempt from CEQA pursuant to State CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility the project may have a significant effect on the environment.

"An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR". *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d. 185, 193. Under these circumstances, environmental analysis at this time would be premature and meaningless. Additionally, this change in the ordinance does not create any reasonably foreseeable physical change in the environment. The actual change to the ordinance does not allow any specific development or project that would allow for any meaningful environmental analysis under CEQA. No new land disturbances or development projects are associated with this amendment and it does not commit the County of Riverside to approve any new development. Any future small structures that may be allowed pursuant to the amended ordinance would still require project-specific review for potential direct, indirect, or cumulative physical environmental impacts.

The evidence supporting the determination of exemption is set forth in full in the project record and the determination of exemption is consistent with State CEQA Guidelines section 15004(b) which provides: "Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment." "Determining whether a project qualifies for the common sense exemption need not necessarily be preceded by detailed or extensive fact finding. Evidence appropriate to the CEQA stage in issue is all that is required." *Muzzy Ranch Co. v. Solano County Airport Land Use Commission* (2007) 41 Cal. 4th 372, 388.

Based upon the identified exemptions above, the County of Riverside hereby concludes that no physical environmental impacts are anticipated to occur and the project as proposed is exempt under CEQA. The project will not result in any specific or general exceptions to the use of the categorical exemptions as detailed under State CEQA Guidelines section 15300.2. The project will not cause any impacts to scenic resources, historic resources, or unique sensitive biological environments. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create an environmental impact. The minor changes to Ordinance No. 348 will not result in any direct, indirect, or cumulative physical environmental impacts.