

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

213B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
February 26, 2015

SUBJECT: GENERAL PLAN AMENDMENT NO. 1145 – Applicant: County of Riverside – All Supervisorial Districts – Location: Countywide - REQUEST: General Plan Amendment No. 1145 proposes to amend the Riverside County General Plan Administrative Element to remove references to the Initiation of General Plan Amendment Proceedings. Modifications are proposed to sections 1) a), 1) d), 1) g) and 3) of the Amendment Cycles section of the Administrative Element.

RECOMMENDED MOTION:

Adopt an order initiating General Plan Amendment No. 1145 based on the attached staff report.

(Continued on next page)

Departmental Concurrence

Juan C. Perez
TLMA Director

Steve Weiss, AICP
Planning Director

SW:lr

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 15,000	\$ N/A	\$ 15,000	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 15,000	\$ N/A	\$ 15,000	\$ NA/	

SOURCE OF FUNDS: FY 14/15 Departmental Budget (NCC100%)	Budget Adjustment: No
	For Fiscal Year: 14/15

C.E.O. RECOMMENDATION:

APPROVE

BY:

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.:

District: ALL

Agenda Number:

15-1

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: General Plan Amendment No. 1145

DATE: February 5, 2015

PAGE: Page 2 of 2

BACKGROUND:

Summary

The initiation of proceedings for any General Plan Amendment (GPA) requires the adoption of an order by the Board of Supervisors. The Planning Director is required to prepare a report and recommendation on every GPA application and submit it to the Board of Supervisors. The Planning Director recommends the adoption of an order initiating GPA No. 1145 based on the findings in the attached staff report. Prior to the submittal to the Board, comments are also requested from the Planning Commission. On May 15, 2014, the Riverside County Planning Commission submitted the attached letter to the Board of Supervisors with comments regarding the County's Initiation of General Plan Amendment Proceedings (GPIP). The Board will either approve or disapprove the initiation of proceedings for the proposed GPA. The consideration of the initiation of proceedings by the Board of Supervisors does not require a noticed public hearing.

If the Board of Supervisors adopts an order initiating proceedings for the proposed GPA, it will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings on this proposed GPA will occur.

The Board of Supervisors established the GPIP procedures with the adoption of Ordinance No. 348.4573, which amended Article II of Ordinance No. 348. The GPIP process was intended to provide an early review of a development proposal for general suitability. However, at this very early GPIP stage, specific details of the project could not be discussed because public hearings were not held and the environmental review had not been conducted yet on the proposal. Additionally, many times, specific proposed uses were not submitted with the GPA. As a result, the GPIP process has proven to be premature and creates confusion and inconsistencies for applicants and members of the public. Eliminating the GPIP process will produce a more effective and well informed land use review process for the applicant, members of the public and the decision makers.

Impact on Citizens and Businesses

This action will initiate an amendment to the Riverside County General Plan Administrative Element removing references to the County's GPIP process which will result in more complete and detailed land use proposals being processed by the Planning Department and considered by the Planning Commission and Board of Supervisors.

SUPPLEMENTAL:

Additional Fiscal Information

There are no additional funds being requested. The cost for this project is included in the FY 14/15 Departmental Budget approved by the Board of Supervisors.

ATTACHMENTS:

- A. **May 15, 2014 Planning Commission Letter**
- B. **Directors Report**

Agenda Item No.:
Area Plan: All
Supervisorial District: All
Project Planner: Larry Ross
Board of Supervisors: March 10, 2015

General Plan Amendment No. 1145
(Entitlement/Policy Amendment)
Applicant: County of Riverside

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 1145 proposes to amend the Riverside County General Plan Administrative Element to remove references to the General Plan Initiation Process. Modifications are proposed to sections 1) a), 1) d), 1) g) and 3) of the Amendment Cycles section of the Administrative Element. The proposed Amendment is located Countywide.

BACKGROUND:

On May 20, 2014, the Board of Supervisors initiated the order to amend Article II of Ordinance No. 348 to revise the County's Initiation of General Plan Amendment Proceedings (GPIP) and directed staff to prepare such amendment. During the preparation of the amendment, it was determined that the Administration Element of the County's General Plan also needs to be modified to remove references to the GPIP process. As a result, a General Plan Technical Amendment needs to be processed along with the amendment to Ordinance No. 348 which actually eliminates the GPIP process.

Before a General Plan Amendment (GPA) can be processed, the Board of Supervisors needs to adopt an order initiating the GPA. The Planning Director is required to prepare a report and recommendation on all GPA applications and submit them to the Board of Supervisors. Additionally, comments received from the Riverside County Planning Commission are also provided to the Board of Supervisors. On May 15, 2014, the Riverside County Planning Commission submitted the attached letter to the Board of Supervisors with comments regarding the current GPIP process. In response to the Commission's letter, the Board initiated the amendment to Ordinance No. 348 to revise the GPIP process.

The consideration of the initiation of proceedings by Board of Supervisors will not involve a noticed public hearing. If the Board of Supervisors adopts an order initiating this proposed amendment, it will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings of this application will occur.

The Board of Supervisors established the procedures for the initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of Ordinance No. 348. In 2011, language referencing Board initiation of General Plan amendments was added to the General Plan.

GENERAL PLAN ADMINISTRATIVE ELEMENT FINDINGS:

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal could possibly satisfy certain required findings subject to the development review process and final CEQA determination. The Administration Element of the General Plan and Article II of Ordinance No. 348 explains that there are four categories of amendments, Technical, Entitlement/Policy,

Foundation, and Agriculture. Each category has distinct required findings that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 1145 is a Technical Amendment because it is deleting language in the General Plan referencing Board initiation of General Plan amendments in order to eliminate confusion between the County's General Plan and Ordinance No. 348.

The General Plan's Administration Element and Article II of Ordinance No. 348 requires the first finding listed below and any one or more of the subsequent findings for a Technical Amendment:

- a. The proposed amendment would not change any policy direction or intent of the General Plan.
- b. An error or omission needs to be corrected.
- c. A land use designation was based on inaccurate or misleading information and should therefore be changed to properly reflect the policy intent of the General Plan.
- d. A point of clarification is needed to more accurately express the General Plan's meaning or eliminate a source of confusion.
- e. A minor change of boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.

Consideration Analysis:

First Required Finding: The proposed amendment would not change any policy direction or intent of the General Plan.

The Board's GPIIP process is required by Article II of Ordinance No. 348. Ordinance No. 348.4785 proposes to eliminate the GPIIP process. With the deletion of this requirement in Ordinance No. 348, GPA No. 1145 is needed to also remove language in the Administration Element referencing the Board's initiation of General Plan amendments. Removing this language from both the General Plan and Ordinance No. 348 will ensure the two documents remain consistent with each other.

The proposed amendment does not make any other changes to the Administration Element or any other section of the General Plan. GPA No. 1145 also does not change when applications for Foundation Component Amendments, Agricultural Amendments, Extraordinary Amendments, Technical Amendments or Entitlement/Policy Amendments may be submitted to the County. As a result, GPA No. 1145 is consistent with the General Plan's Certainty System and would not change any policy direction or intent of the General Plan.

Second Required Finding: A point of clarification is needed to more accurately express the General Plan's meaning or eliminate a source of confusion.

GPA No. 1145 is needed to eliminate a source of confusion between Ordinance No. 348 and the General Plan's Administration Element. Ordinance No. 348.4785 proposes to eliminate the GPIIP process from Ordinance No. 348. As a result, references to the GPIIP process also need to be removed from the Administration Element to ensure consistency between the General Plan and Ordinance No. 348. General Plan Amendment No. 1145 would delete the language referencing Board initiation of General Plan amendments.

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisors adopt an order initiating General Plan Amendment No. 1145.



RIVERSIDE COUNTY
PLANNING DEPARTMENT

RIVERSIDE COUNTY PLANNING COMMISSION

May 15, 2014

**PLANNING
COMMISSIONERS
2014**

1st District
Charissa Leach

2nd District
Edward Sloman

3rd District
John Petty

4th District
Bill Sanchez
Chairman

5th District
Mickey Valdivia
Vice Chairman

**Interim
Planning Director**
Juan C. Perez

Legal Counsel
Michelle Clack
Deputy County
Counsel

Phone
951 955-3200

Fax
951 955-1811

Supervisor Jeff Stone, Chairman
Riverside County Board of Supervisors
4080 Lemon Street, 5th Floor
Riverside, California 92501

Re: General Plan Initiation Process ("GPIP")

Dear Chairman Stone:

We believe that the idea of requiring a certain level of review prior to an applicant initiating a General Plan Amendment is a good one. Unfortunately, it is our experience that the County's GPIP has resulted in several unintended consequences and is not fulfilling the desired intent that you and the Board had envisioned when it was first adopted.

Last year, the County Planning Commission held several hearings on the effectiveness of the current GPIP, and we have made the following findings:

1. The GPIP application has often become too cumbersome and expensive for many applicants.
2. No legal notice of a GPIP hearing is provided to surrounding property owners and this has resulted in very few members of the public providing meaningful input at GPIP hearings.
3. While the GPIP application usually involves a site specific project, the Planning Commission is prevented from hearing or discussing any information having to do with the merits of the specific project that has actually generated the GPIP.
4. The level of review is so minimal that most of the GPIP applications are referred to the Board by the Commission with very few comments.

Again, we believe in the concept of meeting with a GPA applicant early in the process. All parties are better served if a particular applicant has the opportunity of receiving a preliminary read regarding the viability of a proposed General Plan Amendment. To that end, we would offer the following recommendations:

- a) Terminate the requirement to process a GPA utilizing the current GPIP.

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Palm Desert, California 92211
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- b) Institute a process where an applicant, prior to filing an application for a GPA, is required to meet with the Planning Commissioner of the applicable district as well as the respective Board Member or Member's designee, to discuss the viability of the particular application. A representative of the Planning Department would also be included. Meetings to review a proposed GPA would be held on an as needed basis.
- c) The applicant would be required to complete a basic land information application and deposit sufficient funds to enable the Planning Department to perform the level of research necessary in order to properly advise the Commission and Board representatives. For most projects, we would think that the amount would be less than \$1,000.
- d) Before an applicant could file an application for a General Plan Amendment, the Planning Director would need to receive a memorandum from the Board Member in whose District the property is located, confirming that the preliminary meeting(s) had been held, and the applicant is cleared to file the GPA application.
- e) In the event GPA application permission is granted to a particular applicant, the same type of disclaimers currently in force, e.g., that permission to file an application in no way represents any type of disposition or approval of the particular GPA, and the applicant would be required to acknowledge such disclaimers as a condition of filing.
- f) All GPIIP applicants with applications currently in process shall have the option of immediately terminating their current applications and refileing under the revised GPIIP process. Such applicants shall not be required to pay any new GPIIP fees if Planning Staff makes the determination that sufficient information has been generated to allow the required GPIIP meetings to take place. Any unused amounts on deposit shall be refunded to the applicant.

Again, the Commission believes in the concept of the GPIIP. We offer the recommendations above in an attempt to make the process faster, more efficient, and less costly.

Respectfully submitted,

RIVERSIDE COUNTY PLANNING COMMISSION



Guillermo "Bill" Sanchez
Chairman

cc: Planning Commissioners
Juan Perez
Shellie Clack



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss, AICP
Planning Director

DATE: February 26, 2015

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: GPA 1145 – Request to amend the Administrative Element to remove GPIP process.
(Charge your time to these case numbers)

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

- | | |
|---|---|
| <input type="checkbox"/> Place on Administrative Action (Receive & File; EOT) | <input type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | **SELECT Advertisement** |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> **SELECT CEQA Determination** |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC) | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input checked="" type="checkbox"/> Place on Section Initiation Proceeding (GPIP) | <input type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided) |
| | Controversial: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |

Designate Newspaper used by Planning Department for Notice of Hearing:
None - GPIP

Documents to be sent to County Clerk's Office for Posting within five days:
NONE - GPIP

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"Planning Our Future... Preserving Our Past"

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



FROM: TLMA – Planning Department

SUBMITTAL DATE:
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RECOMMENDED MOTION:

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(Continued on next page)

Departmental Concurrence

Juan C. Perez
TLMA Director

Steve Weiss, AICP
Planning Director

SW:lr

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 15,000	\$ N/A	\$ 15,000	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$ 15,000	\$ N/A	\$ 15,000	\$ NA	
SOURCE OF FUNDS: FY 14/15 Departmental Budget (NCC100%)				Budget Adjustment: No	
				For Fiscal Year: 14/15	

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.:

District: ALL

Agenda Number:

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

FORM 11: General Plan Amendment No. 1145

DATE: February 5, 2015

PAGE: Page 2 of 2

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Summary

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SUPPLEMENTAL:

Additional Fiscal Information

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ATTACHMENTS:

- A. **May 15, 2014 Planning Commission Letter**
- B. **Directors Report**



RIVERSIDE COUNTY
PLANNING DEPARTMENT

RIVERSIDE COUNTY PLANNING COMMISSION

May 15, 2014

**PLANNING
COMMISSIONERS
2014**

1st District
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2nd District
Edward Sloman

3rd District
John Petty

4th District
Bill Sanchez
Chairman

5th District
Mickey Valdivia
Vice Chairman

**Interim
Planning Director**
Juan C. Perez

Legal Counsel
Michelle Clack
Deputy County
Counsel

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Supervisor Jeff Stone, Chairman
Riverside County Board of Supervisors
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RIVERSIDE COUNTY PLANNING COMMISSION



Guillermo "Bill" Sanchez
Chairman

cc: Planning Commissioners
Juan Perez
Shellie Clack

Agenda Item No.:
Area Plan: All
Supervisorial District: All
Project Planner: Larry Ross
Board of Supervisors: March 10, 2015

General Plan Amendment No. 1145
(Entitlement/Policy Amendment)
Applicant: County of Riverside

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

General Plan Amendment No. 1145 proposes to amend the Riverside County General Plan Administrative Element to remove references to the General Plan Initiation Process. Modifications are proposed to sections 1) a), 1) d), 1) g) and 3) of the Amendment Cycles section of the Administrative Element. The proposed Amendment is located Countywide.

BACKGROUND:

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Before a General Plan Amendment (GPA) can be processed, the Board of Supervisors needs to adopt an order initiating the GPA. The Planning Director is required to prepare a report and recommendation on all GPA applications and submit them to the Board of Supervisors. Additionally, comments received from the Riverside County Planning Commission are also provided to the Board of Supervisors. On May 15, 2014, the Riverside County Planning Commission submitted the attached letter to the Board of Supervisors with comments regarding the current GPIP process. In response to the Commission's letter, the Board initiated the amendment to Ordinance No. 348 to revise the GPIP process.

The consideration of the initiation of proceedings by Board of Supervisors will not involve a noticed public hearing. If the Board of Supervisors adopts an order initiating this proposed amendment, it will thereafter be processed, heard and decided in accordance with all the procedures applicable to GPA applications, including noticed public hearings before the Planning Commission and Board of Supervisors. The adoption of an order initiating proceedings does not imply that any amendment will be approved. If the Board of Supervisors declines to adopt an order initiating proceedings, no further proceedings of this application will occur.

The Board of Supervisors established the procedures for the initiation of GPA applications with the adoption of Ordinance No. 348.4573 (effective May 8, 2008), which amended Article II of Ordinance No. 348. In 2011, language referencing Board initiation of General Plan amendments was added to the General Plan.

GENERAL PLAN ADMINISTRATIVE ELEMENT FINDINGS:

In order to support the initiation of a proposed General Plan Amendment it must be established that the proposal could possibly satisfy certain required findings subject to the development review process and final CEQA determination. The Administration Element of the General Plan and Article II of Ordinance No. 348 explains that there are four categories of amendments, Technical, Entitlement/Policy,

Foundation, and Agriculture. Each category has distinct required findings that must be made by the Board of Supervisors at a noticed public hearing.

General Plan Amendment No. 1145 is a Technical Amendment because it is deleting language in the General Plan referencing Board initiation of General Plan amendments in order to eliminate confusion between the County's General Plan and Ordinance No. 348.

The General Plan's Administration Element and Article II of Ordinance No. 348 requires the first finding listed below and any one or more of the subsequent findings for a Technical Amendment:

- a. The proposed amendment would not change any policy direction or intent of the General Plan.
- b. An error or omission needs to be corrected.
- c. A land use designation was based on inaccurate or misleading information and should therefore be changed to properly reflect the policy intent of the General Plan.
- d. A point of clarification is needed to more accurately express the General Plan's meaning or eliminate a source of confusion.
- e. A minor change of boundary will more accurately reflect geological or topographic features, or legal or jurisdictional boundaries.

Consideration Analysis:

First Required Finding: The proposed amendment would not change any policy direction or intent of the General Plan.

The Board's GPIIP process is required by Article II of Ordinance No. 348. Ordinance No. 348.4785 proposes to eliminate the GPIIP process. With the deletion of this requirement in Ordinance No. 348, GPA No. 1145 is needed to also remove language in the Administration Element referencing the Board's initiation of General Plan amendments. Removing this language from both the General Plan and Ordinance No. 348 will ensure the two documents remain consistent with each other.

The proposed amendment does not make any other changes to the Administration Element or any other section of the General Plan. GPA No. 1145 also does not change when applications for Foundation Component Amendments, Agricultural Amendments, Extraordinary Amendments, Technical Amendments or Entitlement/Policy Amendments may be submitted to the County. As a result, GPA No. 1145 is consistent with the General Plan's Certainty System and would not change any policy direction or intent of the General Plan.

Second Required Finding: A point of clarification is needed to more accurately express the General Plan's meaning or eliminate a source of confusion.

GPA No. 1145 is needed to eliminate a source of confusion between Ordinance No. 348 and the General Plan's Administration Element. Ordinance No. 348.4785 proposes to eliminate the GPIIP process from Ordinance No. 348. As a result, references to the GPIIP process also need to be removed from the Administration Element to ensure consistency between the General Plan and Ordinance No. 348. General Plan Amendment No. 1145 would delete the language referencing Board initiation of General Plan amendments.

RECOMMENDATIONS:

The Planning Director recommends that the Board of Supervisors adopt an order initiating General Plan Amendment No. 1145.