

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

911A



FROM: TLMA - Planning and County Counsel

SUBMITTAL DATE:
April 30, 2015

SUBJECT: Introduction of Ordinance No. 348.4785, an Ordinance of the County of Riverside amending Article II of Ordinance No. 348 – CEQA Exempt. All Districts [\$7,500]; General Fund 100%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the introduction and adoption of Ordinance No. 348.4785 is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment; and
2. Introduce and adopt on successive weeks Ordinance No. 348.4785, an ordinance amending Article II of Ordinance No. 348.

BACKGROUND:

Continued on next page

Departmental Concurrence

Juan C. Perez
TLMA Director

Gregory P. Priamos
County Counsel

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 7500	\$ N/A	\$ 7500	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 7500	\$ N/A	\$ 7500	\$ N/A	

SOURCE OF FUNDS: FY 14/15 Planning Departmental Budget –
General Fund

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

☐ Positions Added

☐ 4/5 Vote

☐ Change Order

Prev. Agn. Ref.: 5-20-14, 3-43

District: All

Agenda Number:

3-54

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Introduction of Ordinance No. 348.4785, an Ordinance of the County of Riverside amending Article II of Ordinance No. 348 – CEQA Exempt.

DATE: April 30, 2015

PAGE: Page 2 of 3

BACKGROUND:

Summary (continued)

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), based on a request made by the Planning Commission. The Board of Supervisors established the GPIP process in 2008 and it was intended to provide an early review of a development proposal for general suitability. However, at the very early GPIP stage, specific details of the project could not be discussed because public hearings were not held on it and the environmental review had not been conducted yet. Additionally, many times, specific proposed uses for the property were not submitted with the proposed General Plan Amendment. As a result of this limited information, the public was not able to provide meaningful feedback to staff or the decision makers on the proposal, and the Planning Commission and Board of Supervisors were only able to provide a limited level of review before making a determination to initiate a project. Although well intended, the GPIP process has proven to be premature for most types of land use applications, and eliminating it will produce a more well informed and effective land use review process for the public, the applicant, staff and the decision makers through the normal General Plan Amendment process, which involves CEQA review and noticed public hearings.

Ordinance No. 348.4785 eliminates the GPIP process for the following General Plan Amendments: Technical Amendments, Entitlement/Policy Amendments and Agricultural Foundation Component Amendments. Technical Amendments involve changes of a technical nature that do not change the intent of the General Plan. Examples include mapping errors or editorial clarifications. Entitlement/Policy Amendments involve changes in land use designations or policies that involve land located entirely within a General Plan Foundation Component. Agricultural Foundation Component Amendments change property to or from the Agricultural Foundation Component. Ordinance No. 348.4785 also updates various sections in Article II to reflect the current Eight-Year General Plan Review Cycle which is in effect in our General Plan instead of the previous Five-Year General Plan Review Cycle which was in the prior zoning ordinance and had not been amended to match the General Plan.

Staff is recommending that the GPIP process remain in effect for Regular Foundation Component Amendments and Extraordinary Foundation Component Amendments. The General Plan includes the following five land use Foundation Components: Multipurpose Open Space, Agriculture, Rural, Rural Community and Community Development. Regular Foundation Component Amendments occur during the 8 year General Plan Review Cycle and change the Foundation Components. Extraordinary Foundation Component Amendments also change Foundation Components, but are allowed outside the 8 year General Plan Review Cycle if there are extraordinary justifications for the amendment. The Foundation Components provide the land use structure for the General Plan and any changes to them are significant. Therefore, such changes warrant maintaining the additional review step provided by the GPIP process prior to the project proceeding through the normal General Plan Amendment process.

Agricultural Foundation Component Amendments occur during each 2 ½ year Agriculture Foundation Amendment Cycle that allows up to 7% of all land designated as Agriculture to change to other Foundation and land use designations. The General Plan provides for an Agricultural Task Force that reviews conversion amounts and Agricultural Foundation Component Amendments in excess of the 7%. Since Agricultural Foundation Component Amendments receive this additional review, removing the GPIP requirement will not reduce the level of consideration for these types of Foundation Amendments.

Ordinance No. 348.4785 is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that Ordinance No. 348.4785 may have a significant effect on the environment. This ordinance is only making

procedural changes to the County's initiation process for General Plan amendments. There is no development application or development proposal associated with this ordinance. Additionally, even with the removal of the GPIP process, any proposed General Plan amendment will still undergo the full Planning review process which includes an environmental analysis and a noticed public hearing.

Impact on Citizens and Businesses

Removing the GPIP process 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. The additional initiation step will still be required for projects involving a change from one Foundation Component to another, which is the highest level of change allowed to be considered to our General Plan.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

A. Ordinance No. 348.4785

B. Revised Article II of Ordinance No. 348

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ordinance); or,

(4) A proposed change to the land use designations established in the Eastern Riverside County Desert Area, not covered by an Area Plan.”

Section 5. Subsection b. of Section 2.5 of Ordinance No. 348 is deleted in its entirety and replaced with the following:

“b. LIMITATION ON FOUNDATION COMPONENT AMENDMENTS. Except as otherwise provided in Section 2.6 and Section 2.7, no Foundation Component Amendment shall be heard or approved except as part of the Eight-Year General Plan Review Cycle. The first Eight-Year General Plan Review Cycle shall commence on January 1, 2008 and continue during the 2008 calendar year, and subsequent cycles shall occur at eight calendar year intervals thereafter.”

Section 6. Subsection c. of Section 2.5 of Ordinance No. 348 is deleted in its entirety and replaced with the following:

“c. INITIATION OF AMENDMENT PROCEEDINGS. The initiation of proceedings for any amendment pursuant to this Section shall require an order of the Board of Supervisors, adopted by the affirmative vote of not less than a majority of the entire membership of the Board. The Board of Supervisors may adopt an order initiating amendment proceedings at any time during the calendar year of an Eight-Year General Plan Review Cycle. The adoption of an order by the Board initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.”

Section 7. Subsection e. of Section 2.5 of Ordinance No. 348 is deleted in its entirety and replaced with the following:

“e. PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS. The owner of real property, or a person

1 authorized by the owner, shall have the right to request that the Board of
2 Supervisors adopt an order initiating proceedings for an amendment
3 pursuant to this Section. The Planning Director shall establish an
4 application period of not less than thirty days during the calendar year of
5 each Eight-Year General Plan Review Cycle during which applications will
6 be accepted. After this application period is established, it shall not be
7 extended. Applications shall be made to the Planning Director, on the
8 forms provided by the Planning Department, shall supply all required
9 information, and shall be accompanied by the filing fee set forth in County
10 Ordinance No. 671. The Planning Director shall prepare a report and
11 recommendation on all such applications and shall submit the report and
12 recommendation to the Clerk of the Board for placement on the Board
13 agenda as a matter not requiring a public hearing. Prior to submitting the
14 report and recommendation to the Clerk of the Board, the comments of the
15 Planning Commission shall be requested and any comments shall be
16 included in the submission to the Board of Supervisors. No public hearing
17 before the Planning Commission shall be required to request such
18 comments.”

19 Section 8. Subsection a. of Section 2.6 of Ordinance No. 348 is deleted in its
20 entirety and replaced with the following:

21 “a. APPLICABILITY. This Section shall govern the processing of any
22 Foundation Component Amendment not occurring during the Eight-Year General Plan Review Cycle
23 including any General Plan amendment to change:

- 24 (1) The Riverside County Vision;
25 (2) The General Planning Principles set forth in General Plan Appendix B;
26 (3) A Foundation Component of the General Plan (except for changes to
27 property designated within the Agricultural Foundation Component
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1 which shall be processed in accordance with Section 2.7 of this
2 ordinance); or,

3 (4) A proposed change to the land use designations established in the
4 Eastern Riverside County Desert Area, not covered by an Area Plan.”

5 Section 9. Subsections c., d., and e. of Section 2.7 of Ordinance No. 348 are
6 deleted in their entirety.

7 Section 10. Subsection f. of Section 2.7 of Ordinance No. 348 is relettered
8 subsection c. and amended to read as follows:

9 “c. AMENDMENT PROCEEDINGS AND HEARINGS. An
10 amendment pursuant to this Section shall be processed, heard and decided
11 in accordance with Section 2.1 and Section 2.10 of this ordinance.”

12 Section 11. Subsections g. and h. of Section 2.7 of Ordinance No. 348 are
13 relettered subsections d. and e., respectively.

1 Section 12. This ordinance shall take effect thirty (30) days after its adoption.

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

5 By: _____
6 Chairman

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8 ATTEST:
9 CLERK OF THE BOARD
 Kecia Harper-Ihem

10 By: _____
11 Deputy

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14 (SEAL)

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19 APPROVED AS TO FORM
20 May 4, 2015

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22 By: 
 MICHELLE CLACK
23 Deputy County Counsel

ARTICLE II OF ORDINANCE NO. 348
(Insertions and deletions made by Ordinance No. 348.4785)

SECTION 2.1. ADOPTION OR AMENDMENT OF THE GENERAL PLAN.

a. The Riverside County General Plan or any part or element thereof, and any amendment to the plan or any part or element thereof, shall be adopted in accordance with the provisions of Section 65300 et seq. of the Government Code, as now written or hereafter amended, and this Article. No mandatory element of the General Plan shall be amended more frequently than four times during any calendar year, unless otherwise allowed by Section 65358 of the Government Code. Subject to that limitation, an amendment may be adopted at any time, as determined by the Board of Supervisors. Each amendment may include more than one change to the General Plan.

b. The initiation of proceedings for the amendment of the General Plan, or any part or element thereof, shall be conducted in accordance with the provisions of this Article. The initiation of proceedings for the amendment of the General Plan, or any part or element thereof, shall require an order of the Board of Supervisors, adopted by the affirmative vote of not less than a majority of the entire membership of the Board. Either the Planning Director or the Planning Commission may recommend, in the manner provided by this Article, that the Board of Supervisors initiate proceedings for the amendment of the General Plan or any part or element thereof. The owner of real property, or a person authorized by the owner, shall have the right to apply for the initiation of proceedings, in the manner provided by this Article, to amend the General Plan with respect to provisions of the General Plan affecting the use of his property. The initiation of proceedings by the Board of Supervisors for the amendment of the General Plan, or any part or element thereof, shall not imply any such amendment will be approved.

SECTION 2.2. GENERAL PLAN CONSISTENCY. No discretionary permit shall be approved pursuant to this ordinance unless it is determined that the permit is consistent with the General Plan.

SECTION 2.3. DEFINITIONS FOR GENERAL PLAN AMENDMENT PROCEDURES. Capitalized terms in Section 2.4, Section 2.5, Section 2.6 and Section 2.7 shall have the same meanings as set forth in the Riverside County General Plan.

Section 2.4. GENERAL PLAN TECHNICAL AMENDMENTS AND ENTITLEMENT/POLICY AMENDMENTS.

a. **APPLICABILITY.** This Section shall govern the processing of any General Plan amendment which is defined as a Technical Amendment or an Entitlement/Policy Amendment. Technical Amendments involve changes of a technical nature including, without limitation: statistical corrections; mapping error corrections; changes in spheres of influence and city boundaries; changes in Unincorporated Communities or Communities of Interest; editorial clarifications that do not change the intent of the General Plan; or appendix information useful in interpreting the General Plan but which does not change the General Plan intent. Entitlement/Policy Amendments involve changes in land use designations or policies that involve land located entirely within a General Plan Foundation Component but that do not change the boundaries of that component. Notwithstanding the preceding sentence, a proposed change of land use designation to properties located in Eastern Riverside County Desert Area not covered by an Area Plan shall be considered a Foundation Component Amendment and shall be subject to the provisions of Section 2.5 and Section 2.6 of this

ordinance. An Entitlement/Policy Amendment may also involve a change in General Plan Policy provided it does not change the Riverside County Vision, a Foundation Component, or a General Planning Principle set forth in General Plan Appendix B.

~~b. INITIATION OF AMENDMENT PROCEEDINGS. The initiation of proceedings for any amendment pursuant to this Section shall require an order of the Board of Supervisors, adopted by the affirmative vote of not less than a majority of the entire membership of the Board. The Board of Supervisors may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Board initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.~~

~~c. RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS. Either the Planning Director or the Planning Commission may recommend that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. All such recommendations shall be in writing and shall be submitted to the Clerk of the Board for placement on the agenda of the Board as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.~~

~~d. PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS. The owner of real property, or a person authorized by the owner, shall have the right to request that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in County Ordinance No. 671. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the Clerk of the Board for placement on the Board agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the Clerk of the Board, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.~~

~~eb. AMENDMENT PROCEEDINGS AND HEARINGS. After adoption of an order of the Board of Supervisors initiating proceedings for a~~An ~~amendment pursuant to this Section, the amendment shall be processed, heard and decided in accordance with Section 2.1 and Section 2.10 of this ordinance. If the Board adopts orders initiating proceedings for several amendments pursuant to this Section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.~~

fc. FINDINGS.

(1) Technical Amendments. A Planning Commission resolution recommending approval of a Technical Amendment and a Board of Supervisors resolution approving a Technical Amendment shall include the first finding listed below and any one or more of the subsequent findings listed below:

(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.
- (2) Entitlement/Policy Amendments. A Planning Commission resolution recommending approval of an Entitlement/Policy Amendment and a Board of Supervisors resolution approving an Entitlement/Policy Amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:
- (a) The proposed change does not involve a change in or conflict with: the Riverside County Vision; any General Planning Principle set forth in General Plan Appendix B; or any Foundation Component designation in the General Plan.
 - (b) The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them.
 - (c) Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.
 - (d) A change in policy is required to conform to changes in state or federal law or applicable findings of a court of law.
 - (e) An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.
 - (f) An amendment is required to expand basic employment job opportunities (jobs that contribute directly to the County's economic base) and that would improve the ratio of jobs-to-workers in the County.
 - (g) An amendment is required to address changes in ownership of land or land not under the land use authority of the Board of Supervisors.

SECTION 2.5. GENERAL PLAN FOUNDATION COMPONENT AMENDMENTS-REGULAR

a. **APPLICABILITY.** This Section shall govern the processing of regular Foundation Component Amendments occurring during the ~~Five~~Eight-Year General Plan Review Cycle including any General Plan amendment to change:

- (1) The Riverside County Vision;
- (2) The General Planning Principles set forth in General Plan Appendix B;
- (3) A Foundation Component of the General Plan (except for changes to property designated within the Agriculture Foundation Component which shall be processed in

accordance with Section 2.7 of this ordinance); or,

(4) A proposed change to the land use designations established in the Eastern Riverside County Desert Area, not covered by an Area Plan.

b. **LIMITATION ON FOUNDATION COMPONENT AMENDMENTS.** Except as otherwise provided in Section 2.6 and Section 2.7, no Foundation Component Amendment shall be heard or approved except as part of the FiveEight-Year General Plan Review Cycle. The first FiveEight-Year General Plan Review Cycle shall commence on January 1, 2008 and continue during the 2008 calendar year, and subsequent cycles shall occur at five-eight calendar year intervals thereafter.

c. **INITIATION OF AMENDMENT PROCEEDINGS.** The initiation of proceedings for any amendment pursuant to this Section shall require an order of the Board of Supervisors, adopted by the affirmative vote of not less than a majority of the entire membership of the Board. The Board of Supervisors may adopt an order initiating amendment proceedings at any time during the calendar year of a FiveEight-Year General Plan Review Cycle. The adoption of an order by the Board initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.

d. **RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS.** Either the Planning Director or the Planning Commission may recommend that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. All such recommendations shall be in writing and shall be submitted to the Clerk of the Board for placement on the agenda of the Board as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

e. **PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS.** The owner of real property, or a person authorized by the owner, shall have the right to request that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. The Planning Director shall establish an application period of not less than thirty days during the calendar year of each FiveEight-Year General Plan Review Cycle during which applications will be accepted. After this application period is established, it shall not be extended. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in County Ordinance No. 671. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the Clerk of the Board for placement on the Board agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to Clerk of the Board, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

f. **AMENDMENT PROCEEDINGS AND HEARINGS.** After adoption of an order of the Board of Supervisors initiating proceedings for an amendment pursuant to this Section the amendment shall be processed, heard and decided in accordance with Section 2.1 and Section 2.10 of this ordinance. If the Board adopts orders initiating proceedings for several amendments pursuant to this Section, each such amendment may be processed, heard and

decided separately or together with other such amendments as determined by the Planning Director. Hearings and the final decision on any amendment pursuant to this Section may occur after the calendar year during which proceedings for the amendment were initiated.

g. **FINDINGS.** A Planning Commission resolution recommending approval of a regular Foundation Component Amendment and a Board of Supervisors resolution approving a regular Foundation Component Amendment shall include findings, based on substantial evidence, that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan. The foregoing requirement for findings shall not apply to any amendment to the Riverside County Vision.

SECTION 2.6. GENERAL PLAN FOUNDATION COMPONENT AMENDMENTS - EXTRAORDINARY.

a. **APPLICABILITY.** This Section shall govern the processing of any Foundation Component Amendment not occurring during the Eight Five-Year General Plan Review Cycle including any General Plan amendment to change:

- (1) The Riverside County Vision;
- (2) The General Planning Principles set forth in General Plan Appendix B;
- (3) A Foundation Component of the General Plan (except for changes to property designated within the Agricultural Foundation Component which shall be processed in accordance with Section 2.7 of this ordinance); or,
- (4) A proposed change to the land use designations established in the Eastern Riverside County Desert Area, not covered by an Area Plan.

b. **INITIATION OF AMENDMENT PROCEEDINGS.** The initiation of proceedings for any amendment pursuant to this Section shall require an order of the Board of Supervisors, adopted by the affirmative vote of not less than a majority of the entire membership of the Board. The Board of Supervisors may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Board initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.

c. **RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS.** Either the Planning Director or the Planning Commission may recommend that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. All such recommendations shall be in writing and shall be submitted to the Clerk of the Board for placement on the agenda of the Board as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

d. **PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS.** The owner of real property, or a person authorized by the owner, shall have the right to request that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant

to this Section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in County Ordinance No. 671. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the Clerk of the Board for placement on the Board agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the Clerk of the Board, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

e. **AMENDMENT PROCEEDINGS AND HEARINGS.** After adoption of an order of the Board of Supervisors initiating proceedings for an amendment pursuant to this Section, the amendment shall be processed, heard and decided in accordance with Section 2.1 and Section 2.10 of this ordinance. If the Board adopts orders initiating proceedings for several amendments pursuant to this Section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.

f. **FINDINGS.** A Planning Commission resolution recommending approval of an Extraordinary General Plan Foundation Component Amendment and a Board of Supervisors resolution approving an Extraordinary General Plan Foundation Component Amendment shall include the first two findings listed below and any one or more of the subsequent findings listed below:

(1) The foundation change is based on substantial evidence that new conditions or circumstances disclosed during the review process justify modifying the General Plan, that the modifications do not conflict with the overall Riverside County Vision, and that they would not create an internal inconsistency among the elements of the General Plan. The foregoing requirement for findings shall not apply to any amendment to the Riverside County Vision.

(2) A condition exists or an event has occurred that is unusually compelling and can only be rectified by making changes in the current Riverside County Vision, General Planning Principles set forth in General Plan Appendix B, or Foundation Component.

(3) An unconstitutional taking of property might occur without the amendment, and the amendment alters the General Plan Foundation Component only to the extent necessary to avoid the potential taking.

(4) A natural or man-made disaster or public emergency has occurred that warrants a change in General Plan Foundation Component designations in order to protect the public health, safety or welfare.

(5) A Foundation Component Amendment is required to conform to changes in State or Federal law, or applicable findings of a court of law.

(6) An amendment is required to comply with an update of the Housing Element or change in State Housing Element law.

(7) A Foundation Component Amendment is required to significantly expand basic structural employment (such as industrial, agricultural processing, and research and development), excluding retail, service commercial, warehousing, and residential uses not ancillary to the

primary employment use.

(8) A Foundation Component change is necessary to facilitate implementation of open space or transportation corridor designations arising from the adopted MSHCP or Community Environmental Transportation Acceptability Program (CETAP) programs that could not be accomplished by a lesser change in the General Plan.

SECTION 2.7. AGRICULTURAL FOUNDATION COMPONENT GENERAL PLAN AMENDMENTS.

a. **APPLICABILITY.** This Section shall govern the processing of any General Plan amendment to change property to or from the Agriculture Foundation Component.

b. **GENERAL AUTHORIZATION FOR AGRICULTURAL FOUNDATION COMPONENT AMENDMENTS.**

(1) All amendments pursuant to this Section shall be assigned to a 2 ½ Year Agricultural Foundation Amendment Cycle based on the date of amendment adoption. The first 2 ½ Year Cycle commenced January 1, 2004 and ended on June 30, 2006; the second 2 ½ Year Cycle extends from July 1, 2006 to December 31, 2008; and subsequent 2 ½ Year Cycles shall continue in the same manner for 2 ½ year periods thereafter.

(2) The Planning Director shall determine the total acreage of land within the Agricultural Foundation Component as of January 1, 2004 (the "Agricultural Foundation Base Acreage"), for each of the following three areas:

(a) The area covered by the Palo Verde Valley Area Plan, the Desert Center Area Plan and the Eastern Desert Land Use Plan;

(b) The area covered by the Eastern Coachella Valley Area Plan and the Western Coachella Valley Area Plan; and,

(c) The area covered by all other Area Plans.

(3) During the first 2 ½ Year Agricultural Foundation Amendment Cycle, seven percent (7%) of the Agricultural Foundation Base Acreage for each of the areas listed in paragraph (2) above shall be generally authorized for conversion from Agriculture to any other Foundation Component (the "Agricultural Amendment General Authorization Acreage"). During each subsequent 2 ½ Year Agricultural Foundation Amendment Cycle, the Agricultural Amendment General Authorization Acreage for each area listed in paragraph (2) above shall consist of an acreage equal to the Agricultural Amendment General Authorization Acreage for the first 2 ½ Year Agricultural Foundation Amendment Cycle plus the Agricultural Amendment General Authorization Acreage for all subsequent 2 ½ Year Agricultural Foundation Amendment Cycles reduced by the acreage of all General Plan amendments (adopted after January 1, 2004) converting land from Agriculture to any other Foundation Component for each such area.

(4) Unless otherwise allowed as provided in subsection g. below, no amendment pursuant to this Section shall be approved by the Board of Supervisors if such approval would result in a conversion from Agriculture to any other Foundation Component in excess of the Agricultural Amendment General Authorization Acreage, as determined under paragraph (3) above, during any 2 ½ Year Agricultural Foundation Amendment Cycle.

~~c.- INITIATION OF AMENDMENT PROCEEDINGS. The initiation of proceedings for any amendment pursuant to this Section shall require an order of the Board of Supervisors, adopted by the affirmative vote of not less than a majority of the entire membership of the Board. The Board of Supervisors may adopt an order initiating amendment proceedings at any time. The adoption of an order by the Board initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.~~

~~d.- RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS. Either the Planning Director or the Planning Commission may recommend that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. All such recommendations shall be in writing and shall be submitted to the Clerk of the Board for placement on the agenda of the Board as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.~~

~~e.- PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS. The owner of real property, or a person authorized by the owner, shall have the right to request that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in County Ordinance No. 671. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the Clerk of the Board for placement on the Board agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the Clerk of the Board, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.~~

~~c.f. AMENDMENT PROCEEDINGS AND HEARINGS. After adoption of an order of the Board of Supervisors initiating proceedings for an amendment pursuant to this Section, the amendment shall be processed, heard and decided in accordance with Section 2.1 and Section 2.10 of this ordinance. If the Board adopts orders initiating proceedings for several amendments pursuant to this Section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.~~

~~Gd.- ADDITIONAL AUTHORIZATION FOR AGRICULTURAL FOUNDATION COMPONENT AMENDMENTS. Notwithstanding the provisions of subsection b. above, the Board of Supervisors may approve an amendment which exceeds the Agricultural Amendment General Authorization Acreage for any 2 ½ Year Agricultural Foundation Amendment Cycle provided the Board first determines that any condition or circumstance including, without limitation, any business consideration or undue hardship, justifies the amendment and also determines that adequate infrastructure to serve the land use designations will be available. Prior to approving an amendment as provided in this subsection, the Board of Supervisors shall first submit the amendment to the Agricultural Task Force for the area where the property subject to the amendment is located for its review and recommendation.~~

~~He.- FINDINGS. A Planning Commission resolution recommending approval of an Agricultural Foundation Component Amendment and Board of Supervisors resolution approving~~

an Agricultural Foundation Component Amendment shall include a finding that the amendment would either contribute to the achievement of the purposes of the General Plan or, at a minimum, not be detrimental to them.

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



FROM: Supervisor Stone

SUBMITTAL DATE:
May 15, 2014

SUBJECT: General Plan Initiation Proceeding ("GPIP")

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt an order initiating an amendment to Article II of Ordinance No. 348 to modify the initiation of General Plan Amendment Proceedings in light of the attached Planning Commission letter dated May 15, 2014; and
2. Direct the Planning Department and County Counsel to prepare and process this amendment.

(page 1 of 2)

Departmental Concurrence

Jeff Stone, Chairman
Third District Supervisor

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 5,000.	\$.	\$ 5,000.	\$	Consent <input type="checkbox"/> Policy X <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	
SOURCE OF FUNDS: Planning Department Budget				Budget Adjustment:	
				For Fiscal Year:	

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone and Benoit
Nays: None
Absent: Ashley
Date: May 20, 2014
xc: Supvr. Stone, Co.Co. Auditor, Planning

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

Prev. Agn. Ref.:

District: all

Agenda Number:

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

3-43

BACKGROUND:

The General Plan Initiation Proceeding (GPIP) process has served the purpose of giving the applicant a sense of the level of support based on minimal information for the requested general plan amendment application without granting an approval or biasing the ultimate land use decision; however, the process for the GPIP has become convoluted and very costly for applicants as well as time consuming for staff.

During workshops the Planning Commission reviewed the process and developed specific recommendations for streamlining for the purpose of effectiveness and efficiency in the process. The need to make changes to streamline the process has been evidenced in the many inconsistencies and time delays in the process which have resulted in frustrations and a less than customer friendly process. For this reason it is also necessary to initiate an ordinance amendment to Ordinance 348 to effectuate the needed changes. In order to provide relief from the fees and the loss of time, it is imperative that the amendment be brought back for Board action within 90 days.

Impact on Citizens and Businesses

Cost savings to an applicant of a general plan amendment.

Additional Fiscal Information

Estimated cost for processing ordinance amendment \$5,000.

ATTACHMENTS

Riverside County Planning Commission Letter dated May 15, 2014.

Contract History and Price Reasonableness

n/a



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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P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 • Fax (951) 955-3157

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Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7040

- 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 refiling 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