

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

824



FROM: TLMA – Planning Department

SUBMITTAL DATE:
February 18, 2016

SUBJECT: 2016 Regular General Plan Foundation Component Amendment Process [All Districts] [\$150,000 total cost General Fund]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the 2016 Property Owner Initiated Regular General Plan Foundation Component Amendment Process;
2. Authorize the Planning Department to commence receiving applications from April 4, 2016 through June 2, 2016;
3. Direct the Planning Department to work with the Board district offices to identify prospective County initiated Regular General Plan Foundation Component Amendments by June 2, 2016; and
4. Direct the Planning Department to work with the Board district offices to identify three prospective General Plan Advisory Committee (GPAC) members from each district and return to the Board by May 2016 with a final GPAC roster for the Board's consideration.

Departmental Concurrence

Steve Weiss

Steve Weiss, AICP
Planning Director

(Continued on next page)

Juan C. Perez

Juan C. Perez
TLMA Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 75,000	\$ 75,000	\$ 150,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 75,000	\$ 75,000	\$ 150,000	\$ 0	

SOURCE OF FUNDS: General Fund - Department budget.
*Property Owner initiated will be funded by DBF

Budget Adjustment: N/A
For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

Tina Grande
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:

BACKGROUND:

Summary

The Administration Element of the Riverside County General Plan includes a Certainty System that provides clarity regarding the interpretation and use of the General Plan in ongoing decision making. The Certainty System also defines amendment categories and specifies the steps that must be taken to advance various General Plan amendments. One amendment category within the Certainty System is the Foundation Component Amendment.

General Plan Land Use Designations are aggregated into the following five Foundation Components: Agriculture, Rural, Rural Community, Community Development and Open Space (Attachment A). Consideration of Regular Foundation Component Amendments to change a property from one Foundation category to another may occur only once every eight years during a General Plan Review Cycle. This requirement applies to property owners as well as the County. Another General Plan Review Cycle opens this year. Therefore, the County Planning Department proposes to accept applications for property owner initiated Foundation Amendments from April 4, 2016 through June 2, 2016. The process is summarized below and explained in greater detail within Attachment B.

Property Owner Initiated Foundation Amendments

Application review for the property owner initiated Regular General Plan Foundation Component Amendment (FGPA) process is divided into a two (2) phase process. The first phase includes the General Plan Initiation Proceedings (GPIP) for the FGPA. This first phase consists of an application submittal; staff review; General Plan Advisory Committee (GPAC) review and recommendation, Planning Commission comments; and a Board decision to either adopt or decline to adopt an order initiating proceedings for the proposed FGPA. The second phase focuses on processing the FGPA in conjunction with an implementing project such as a plot plan, conditional use permit or subdivision map. The proposed 2016 Property Owner Initiated Regular General Plan Foundation Component Amendment Process (Process) is included as Attachment B of this staff report.

It is important to note that the following changes were incorporated into the 2016 Process, based on staff's experience and lessons learned during the first 2008 General Plan Review Cycle.

1. Provide a longer application window. In 2016, the Planning Department proposes to expand the application window from 45 days to 60 days.
2. Public notice. Rather than including notification in the County of Riverside tax bills, the Planning Department proposes to advertise in two newspapers prior to and during the early stages of the application window. Additionally, the Department will send out advisories through its Twitter feed and create a web page dedicated solely to the 2016 Process.
3. Implementing Projects. Project proponents are strongly encouraged to submit an implementing project with the FGPA application or upon Board initiation of their FGPA.
4. Zoning Consistency: Project proponents are required to submit an application for a change of zone (if needed) to ensure that the proposed implementing project is consistent with the prospective new General Plan Land Use Designation.
5. Technical Reports. All requisite technical reports shall be submitted in conjunction with the implementing project.
6. Indemnification Agreement. An Indemnification Agreement is required for each FGPA within 60 days of the Board initiating the FGPA. Staff is recommending that the Planning Director be granted the authority to extend this time period if the applicant is making good-faith progress towards achieving this.

For the Board of Supervisors to adopt a FGPA, certain findings must be made pursuant to the General Plan and Ordinance No. 348. The revised FGPA application will include additional clarification concerning the applicant's requirement to provide adequate information within their application that would assist the County in making the mandatory findings for the proposed FGPA.

The draft process was presented to the Planning Commission during a workshop at its January 6, 2016 meeting. The Planning Commission provided the following comments on the process:

1. The Commission noted that the recommended process strongly encourages the submittal of an implementing project with the FGPA. It was noted that an implementing project would provide more clarity concerning the proposed land use change and enable staff as well as each of the reviewing bodies, to make a more informed determination regarding the proposed FGPA.
2. Submitting the implementing project within 12 months of the Board initiating the FGPA was more reasonable than 6 months as originally recommended by staff. The revised process presented as Attachment B references a 12 month submittal timeframe.

Since an FGPA application is the property owner's application for a use on his or her own property, the County cannot require the property owner to include an implementing project with the FGPA application. The property owner also has due process rights to have his or her submitted application considered by the decision making body. However, if the Planning Department is unable to perform the appropriate review for the project because of having insufficient information to recommend an approval, the Planning Department may move a proposed project forward to the decision making body with a denial recommendation.

An initial mandatory step in the FGPA review includes presenting the FGPA applications to the GPAC. This committee is appointed by the Board of Supervisors and is tasked with reviewing the proposed amendments in a comprehensive manner as a group, and providing recommendations that will be forwarded to the Planning Commission and Board as the amendment request moves forward for formal consideration. Staff recommends that each Board member consider appointing up to three GPAC members per district with the objective of the Board taking a formal action to appoint the committee by May 2016. This way, the GPAC will be in place and prepared to commence with their review of the FGPA's during the summer.

County Initiated Foundation Amendments

The Planning Department is developing a list of prospective County initiated FGPA's for the 2016 Cycle. Similar to the property owner initiated FGPA's, the County's proposed FGPA's will be presented to the GPAC for review. To that end, the Planning Department proposes to work further with the individual Board district offices to identify prospective County initiated FGPA's by June 2, 2016.

IMPACT ON CITIZENS AND BUSINESSES:

The process provides clarity and transparency on the process that regular general fund property owners are to follow to request regular general fund foundation component amendments.

SUPPLEMENTAL:

Additional Fiscal Information

Each property-owner initiated change will be accompanied with an application and a fee deposit to process the case. The amount of the deposit may vary depending on the size and location of the project and appropriate level of necessary review. The Planning Department's FY 16/17 budget request will include an item for processing of County initiated changes using General Funds. Staff's current estimate to process County-initiated FGPA's will be \$150,000 in in-house staff and consultant costs. Approximately half of that will be spent in Planning's FY 15/16 budget and half in the FY 16/17 budget. Given the current level of interest to date from property owners and the history of FGPA's submitted in the last cycle, we estimate that we will receive 40-50 FGPA requests that will be processed as Deposit Based Fees (DBF).

Contract History and Price Reasonableness

Not applicable

ATTACHMENTS:

- A. General Plan Land Use Designation Summary**
- B. 2016 Property Owner Initiated Regular General Plan Foundation Component Amendment Process**

ATTACHMENT A

General Plan Land Use Designations Summary

Foundation Component	Area Plan Land Use Designation	Building Intensity Range (du/ac or FAR) ^{1, 2, 3, 4}	Notes
Agriculture	Agriculture (AG)	10 ac min.	<ul style="list-style-type: none"> Agricultural land including row crops, groves, nurseries, dairies, poultry farms, processing plants, and other related uses. One single-family residence allowed per 10 acres except as otherwise specified by a policy or an overlay.
	Rural Residential (RR)	5 ac min.	<ul style="list-style-type: none"> Single-family residences with a minimum lot size of 5 acres. Allows limited animal keeping and agricultural uses, recreational uses, compatible resource development (not including the commercial extraction of mineral resources) and associated uses and governmental uses.
	Rural Mountainous (RM)	10 ac min.	<ul style="list-style-type: none"> Single-family residential uses with a minimum lot size of 10 acres. Areas of at least 10 acres where a minimum of 70% of the area has slopes of 25% or greater. Allows limited animal keeping, agriculture, recreational uses, compatible resource development (which may include the commercial extraction of mineral resources with approval of a SMP) and associated uses and governmental uses.
Rural	Rural Desert (RD)	10 ac min.	<ul style="list-style-type: none"> Single-family residential uses with a minimum lot size of 10 acres. Allows limited animal keeping, agriculture, recreational, renewable energy uses including solar, geothermal and wind energy uses, as well as associated uses required to develop and operate these renewable energy sources, compatible resource development (which may include the commercial extraction of mineral resources with approval of SMP), and governmental and utility uses.
	Estate Density Residential (RC-EDR)	2 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 2 to 5 acres. Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
	Very Low Density Residential (RC-VLDR)	1 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 1 to 2 acres. Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
Rural Community	Low Density Residential (RC-LDR)	0.5 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 0.5 to 1 acre. Limited agriculture, intensive equestrian and animal keeping uses are expected and encouraged.
	Conservation (C)	N/A	<ul style="list-style-type: none"> The protection of open space for natural hazard protection, cultural preservation, and natural and scenic resource preservation. Existing agriculture is permitted.
	Conservation Habitat (CH)	N/A	<ul style="list-style-type: none"> Applies to public and private lands conserved and managed in accordance with adopted Multiple Species Habitat and other Conservation Plans.
Open Space	Water (W)	N/A	<ul style="list-style-type: none"> Includes bodies of water and natural or artificial drainage corridors. Extraction of mineral resources subject to SMP may be permissible provided that flooding hazards are addressed and long term habitat and riparian values are maintained.
	Recreation (R)	N/A	<ul style="list-style-type: none"> Recreational uses including parks, trails, athletic fields, and golf courses. Neighborhood parks are permitted within residential land uses.
	Rural (RUR)	20 ac min.	<ul style="list-style-type: none"> One single-family residence allowed per 20 acres. Extraction of mineral resources subject to SMP may be permissible provided that scenic resources and views are protected.
	Mineral Resources (Min)	N/A	<ul style="list-style-type: none"> Mineral extraction and processing facilities. Areas held in reserve for future mineral extraction and processing.

Foundation Component	Area Plan Land Use Designation	Building Intensity Range (du/ac or FAR) ^{1, 2,3,4}	Notes
Community Development	Estate Density Residential (EDR)	2 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 2 to 5 acres. Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
	Very Low Density Residential (VLDR)	1 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 1 to 2 acres. Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
	Low Density Residential (LDR)	0.5 ac min.	<ul style="list-style-type: none"> Single-family detached residences on large parcels of 0.5 to 1 acre. Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged.
	Medium Density Residential (MDR)	2 - 5 du/ac	<ul style="list-style-type: none"> Single-family detached and attached residences with a density range of 2 to 5 dwelling units per acre. Limited agriculture and animal keeping is permitted, however, intensive animal keeping is discouraged. Lot sizes range from 5,500 to 20,000 sq. ft., typical 7,200 sq. ft. lots allowed.
	Medium High Density Residential (MHDR)	5 - 8 du/ac	<ul style="list-style-type: none"> Single-family attached and detached residences with a density range of 5 to 8 dwelling units per acre. Lot sizes range from 4,000 to 6,500 sq. ft.
	High Density Residential (HDR)	8 - 14 du/ac	<ul style="list-style-type: none"> Single-family attached and detached residences, including townhouses, stacked flats, courtyard homes, patio homes, townhouses, and zero lot line homes.
	Very High Density Residential (VHDR)	14 - 20 du/ac	<ul style="list-style-type: none"> Single-family attached residences and multi-family dwellings.
	Highest Density Residential (HHDR)	20+ du/ac	<ul style="list-style-type: none"> Multi-family dwellings, includes apartments and condominium. Multi-storied (3-plus) structures are allowed.
	Commercial Retail (CR)	0.20 - 0.35 FAR	<ul style="list-style-type: none"> Local and regional serving retail and service uses. The amount of land designated for Commercial Retail exceeds that amount anticipated to be necessary to serve Riverside County's population at build out. Once build out of Commercial Retail reaches the 40% level within any Area Plan, additional studies will be required before CR development beyond the 40 % will be permitted.
	Commercial Tourist (CT)	0.20 - 0.35 FAR	<ul style="list-style-type: none"> Tourist related commercial including hotels, golf courses, and recreation/amusement activities.
	Commercial Office (CO)	0.35 - 1.0 FAR	<ul style="list-style-type: none"> Variety of office related uses including financial, legal, insurance and other office services.
	Light Industrial (LI)	0.25 - 0.60 FAR	<ul style="list-style-type: none"> Industrial and related uses including warehousing/distribution, assembly and light manufacturing, repair facilities, and supporting retail uses.
	Heavy Industrial (HI)	0.15 - 0.50 FAR	<ul style="list-style-type: none"> More intense industrial activities that generate greater effects such as excessive noise, dust, and other nuisances.
	Business Park (BP)	0.25 - 0.60 FAR	<ul style="list-style-type: none"> Employee intensive uses, including research and development, technology centers, corporate offices, clean industry and supporting retail uses.
	Public Facilities (PF)	≤ 0.60 FAR	<ul style="list-style-type: none"> Civic uses such as County of Riverside administrative buildings and schools.
	Community Center (CC)	5 - 40 du/ac 0.10 - 0.3 FAR	<ul style="list-style-type: none"> Includes combination of small-lot single family residences, multi-family residences, commercial retail, office, business park uses, civic uses, transit facilities, and recreational open space within a unified planned development area. This also includes Community Centers in adopted specific plans.
	Mixed Use Planning Area		<ul style="list-style-type: none"> This designation is applied to areas outside of Community Centers. The intent of the designation is not to identify a particular mixture or intensity of land uses, but to designate areas where a mixture of residential, commercial, office, entertainment, educational, and/or recreational uses, or other uses is planned.

NOTES:

1 FAR = Floor Area Ratio, which is the measurement of the amount of non-residential building square footage in relation to the size of the lot. Du/ac = dwelling units per acre, which is the measurement of the amount of residential units in a given acre.

2 The building intensity range noted is exclusive, that is the range noted provides a minimum and maximum building intensity.

3 Clustering is encouraged in all residential designations. The allowable density of a particular land use designation may be clustered in one portion of the site in smaller lots, as long as the ratio of dwelling units/area remains within the allowable density range associated with the designation. The rest of the site would then be preserved as open space or a use compatible with open space (e.g., agriculture, pasture or wildlife habitat). Within the Rural Foundation Component and Rural Designation of the Open Space Foundation Component, the allowable density may be clustered as long as no lot is smaller than 0.5 acres. This 0.5-acre minimum lot size also applies to the Rural Community Development Foundation Component. However, for sites adjacent to Community Development Foundation Component areas, 10,000 square foot minimum lots are allowed. The clustered areas would be a mix of 10,000-square-foot and 0.5 acre lots. In such cases, larger lots or open space would be required near the project boundary with Rural Community and Rural Foundation Component areas.

4 The minimum lot size required for each permanent structure with plumbing fixtures utilizing an onsite wastewater treatment system to handle its wastewater is 0.5 acres per structure.



RIVERSIDE COUNTY

PLANNING DEPARTMENT

Steve Weiss, AICP
Planning Director

ATTACHMENT B

2016 Property Owner Initiated Regular General Plan Foundation Component Amendment Process

- I. **Application Window**
 - a. County to accept 2016 property owner initiated Regular General Plan Foundation Component Amendment ("FGPA") applications between **April 4, 2016** and **June 2, 2016**.
- II. **Deposit**
 - a. Applicant is required to provide an initial Deposit Base Fee ("DBF") deposit for a General Plan Amendment.
 - b. This deposit applies only to processing the FGPA not the implementing project (see Item V below).
- III. **Public Outreach**
 - a. Published on Planning Department's web site.
 - b. Newspaper advertisements.
 - i. Two newspapers – Desert Sun and Press Enterprise.
 - ii. Notices to be published prior to the opening of the application window and shortly after the window opens.
 - c. Twitter Blast.
- IV. **General Plan Advisory Committee**
 - a. Convene the General Plan Advisory Committee.
- V. **FGPA Application Submittals**
 - a. 2016 FGPA applications accepted April 4, 2016 through June 2, 2016 (60-days).
 - b. Complete applications shall include an indemnification agreement.
 - c. Project proponents are strongly encouraged to submit an implementing project such as a Plot Plan, Conditional Use Permit, or Subdivision Map with their FGPA application.
 - d. FGPA applications will be reviewed by the General Plan Community Advisory Committee ("GPAC") in a comprehensive manner.
 - i. The Planning Department will conduct a review of each FGPA and present them in a comprehensive manner to the 2016 GPAC for the committee's review and comment.
 - ii. Following GPAC review, the Planning Department will provide each applicant with a letter informing them of the GPAC recommendation and the staff recommendation that will be presented to the Planning Commission.
 - e. All FGPA applications will go through the General Plan Initiation Proceedings ("GPIP") Process.
 - i. The Planning Department will prepare a preliminary assessment report and recommendation and take all FGPA to the Planning Commission for comments.

- ii. The Planning Department's report, GPAC recommendation and Planning Commission comments for each FGPA will be presented to the Board of Supervisors and the Board may, on a case-by-case basis, adopt or decline to adopt an order initiating proceedings for the FGPA.
- iii. If the Board adopts an order initiating proceedings, the FGPA will begin the land use process which includes land use review, environmental assessment, and noticed public hearings before the Planning Commission and Board of Supervisors.
- iv. If the Board does not adopt an order initiating proceedings, the FGPA application will not be processed by the Planning Department. The property owner may revise the proposed project and timely submit a new application with the Planning Department.

VI. FGPA Processing with Implementing Project

- a. Once the Board has ordered the initiation of a FGPA as indicated in item V.e.iii above, a FGPA may move forward independently of other FGPA's. An indemnification agreement will be required within 60-days of the Board initiating the FGPA, the Planning Director will retain discretion to extend this timeframe. Project proponents are strongly encouraged to submit an implementing project within 12 months of Board initiation or with their respective FGPA so the appropriate land use and environmental analysis can be performed for the FGPA.
- b. When an implementing project is submitted with an FGPA, the requisite project specific reports must also be submitted, including but not limited to: archeological, geological, biological, airport, and SB 18 and AB 52 consultations.
- c. Project proponents will be required to submit an application for a change of zone (if needed) to ensure that the proposed implementing project is consistent with the prospective new General Plan Land Use Designation.
- d. When an implementing project is submitted and assigned to a Case Planner, the implementing project and its associated FGPA will be scheduled for Land Development Committee (LDC) review within 30 days.
- e. The Planning Department will prepare or authorize the preparation of the requisite CEQA documentation.
- f. After completion of the CEQA document, the FGPA and its associated implementing project will be scheduled for a public hearing before the Planning Commission for its recommendation to the Board of Supervisors.
- g. The FGPA and its associated implementing project will then proceed to the Board of Supervisors for consideration.

VII. Good Faith Processing

- a. Upon submittal of the implementing project, the project proponent shall actively process the project in good faith toward a final action. This shall include but not be limited to keeping the case's DBF account positive and providing in a timely manner all reports and other relevant information requested by the Planning Department or other County Departments. The County cannot work on a case if the corresponding DBF account is negative. If there is no material activity on the FGPA or implementing project over the course of 12 months and appropriate notice is provided to the applicant, the Planning Director may, at his discretion, consider the case abandoned¹

¹**Abandoned Applications:** In accordance with a Board of Supervisors action on October 5, 1993, if there is no applicant activity on a major land use case for more than one year, the case application is deemed abandoned. Any unspent money remaining in the project's account may be refunded.