

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

317A



SUBMITTAL DATE:
September 22, 2011

FROM: County Counsel

SUBJECT: Ordinance No. 449.245, An Ordinance of the County of Riverside Extending Urgency Interim Ordinance No. 449.242 Prohibiting New Residential Subdivisions and New Residential Uses in the Northern and Southern Santa Rosa Escarpment Areas

RECOMMENDED MOTION: That the Board of Supervisors adopt Ordinance No. 449.245 following the public hearing, thereby extending Urgency Interim Ordinance No. 449.242 which was previously extended by Ordinance No. 449.243, for one (1) year (4/5ths vote required).

BACKGROUND:
(Continued on next page)

Michelle P. Clack

Michelle P. Clack, Deputy County Counsel
for Pamela J. Walls, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	YES
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	NO
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	11/12

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

C.E.O. RECOMMENDATION:

APPROVE

BY: *Denise C. Harden*
Denise C. Harden

County Executive Office Signature

- Policy
- Consent
- Policy
- Consent
- Dept's Recomm.:
- Per Exec. Ofc.:

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried, IT WAS ORDERED that the above matter is approved as recommended, and IT WAS FURTHER ORDERED that the Planning department expedite the hearings with the Planning Commission to get the item back to the Board by the first meeting in January.

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: October 4, 2011
xc: Co. Co., MC, COB

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Prev. Agn. Ref.: 3.65 11/2/10, 9.1 12/7/10 | **District:** 1 | **Agenda Number:**

9.10

BACKGROUND: (continued)

On November 2, 2010, the Board adopted Urgency Interim Ordinance No. 449.242 prohibiting new residential subdivisions and new residential uses in the Northern and Southern Santa Rosa Escarpment Areas. Ordinance No. 449.242, valid for a period of forty-five (45) days was subsequently extended for ten (10) months and fifteen (15) days on December 7, 2010 by Ordinance No. 449.243. Ordinance No. 449.242 shall be of no further force and effect on November 1, 2011 unless further extended by this ordinance.

State law requires a legislative body to issue a written report ten (10) days before the expiration of an interim ordinance describing the measures taken to alleviate the condition which led to the adoption of the ordinance. This report is set forth in Section 4. of Ordinance No. 449.245 which extends Ordinance No. 449.242, previously extended by Ordinance No. 449.243, for one (1) year as noted above.

It is unlikely that Ordinance No. 449.245 will have the effect of denying approvals needed for the development of projects with a significant component of multi-family housing because the projects typically developed in the Northern and Southern Santa Rosa Escarpment Areas are one-family dwellings. The appropriate findings, however, have been made in Section 3 of Ordinance No. 449.245 because the definition of New Residential Use in Ordinance No. 449.243 includes planned residential developments, mobilehomes or mobilehome parks.

Continued approval of the development of multi-family housing projects within the Northern and Southern Santa Rosa Escarpment Areas would have the specific, adverse impacts upon the public health or safety described in Section 2. of Ordinance No. 449.245. More particularly, shifting drainage patterns and increasing soil erosion may result in landslides, subsidence and flooding. The prohibition of new residential subdivisions and new residential uses in Ordinance No. 449.245 is necessary to mitigate or avoid these adverse impacts because construction activities directly cause the impacts and the County currently does not have sufficient authority to regulate these activities in a manner so as to ensure that the impacts are mitigated or avoided.

1 ORDINANCE NO. 449.245

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

3 EXTENDING URGENCY INTERIM ORDINANCE NO. 449.242 PROHIBITING NEW
4 RESIDENTIAL SUBDIVISIONS AND NEW RESIDENTIAL USES IN THE NORTHERN
5 AND SOUTHERN SANTA ROSA PLATEAU ESCARPMENT AREAS
6

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

8 Section 1. Pursuant to Section 65858 of the Government Code and Section
9 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the
10 contrary, Ordinance No. 449.242, previously extended by Ordinance No. 449.243, is hereby
11 further extended for one (1) year from the date of expiration of Ordinance No. 449.243, during
12 which time new residential subdivisions and new residential uses are hereby prohibited in the
13 Northern and Southern Santa Rosa Plateau Escarpment Areas of Riverside County (“Escarpment
14 Areas”) more particularly described in Exhibits “A” and “B”, which are attached hereto and
15 incorporated herein by this reference. Such subdivisions and uses may be in conflict with a
16 contemplated zoning proposal that the Planning Department is studying and may subject County
17 residents to the adverse effects described in Section 2. of this ordinance. Until this ordinance,
18 expires or is repealed, the County shall not approve a new residential subdivision or issue a land
19 use approval, grading permit, building permit or any other entitlement for a new residential use
20 in the Escarpment Areas. As used in this ordinance, the following terms shall have the following
21 meanings:

- 22 a. New Residential Subdivision. Any Tentative Schedule A, B, C, D,
23 F, G or H subdivision as described in Ordinance No. 460 that was
24 not approved prior to the effective date of Ordinance No. 449.242.
25 b. New Residential Use. Any one-family dwelling, planned
26 residential development, mobilehome or mobilehome park, the
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1 owner of which did not have a vested right to develop prior to the
2 effective date of Ordinance No. 449.242.

3 Section 2. Pursuant to Section 65858 of the Government Code and Section
4 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall
5 take effect upon its adoption. It shall be of no further force or effect one (1) year from the date
6 of expiration of Ordinance No. 449.243. In adopting this ordinance, the Board finds that new
7 residential subdivisions and new residential uses in the Escarpment Areas pose a current and
8 immediate threat to the public health, safety and welfare. New residential subdivisions may
9 conflict with the above-referenced zoning proposal which may increase the existing minimum lot
10 size in the Escarpment Areas to ten (10) acres and impose hillside development standards. The
11 development associated with new residential uses may destroy irreplaceable natural resources,
12 shift existing drainage patterns, increase soil erosion, denude hillsides and scar the natural
13 landscape in a visually obtrusive manner. This may result in landslides, subsidence and
14 flooding.

15 Section 3. In adopting this ordinance, the Board finds each of the following:
16 continued approval of the development of multi-family housing projects within the Escarpment
17 Areas would have the specific, adverse impacts upon the public health or safety described in
18 Section 2. of this ordinance; this ordinance is necessary to mitigate or avoid these specific,
19 adverse impacts; and there is no feasible alternative to satisfactorily mitigate or avoid the
20 specific, adverse impacts as well or better, with a less burdensome or restrictive effect, than the
21 adoption of this ordinance.

22 Section 4. In adopting this ordinance, the Board reports that the following
23 measures have been taken to alleviate the condition which led to its adoption, the adoption of
24 Ordinance No. 449.243, and the adoption of Ordinance No. 449.242: the Planning Department,
25 in consultation with the Office of County Counsel, is currently studying and formulating regular
26 zoning regulations that adequately address development within the Escarpment Areas. These
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1 regulations will protect the public health, safety and welfare by ensuring that development is
2 compatible with the natural characteristics and topography of the Escarpment Areas.

3 Section 5. At least ten (10) days prior to the expiration of this ordinance, the
4 Board, in consultation with the Planning Director, shall issue a written report describing therein
5 all measures taken to alleviate the condition which led to the adoption of this ordinance, the
6 adoption of Ordinance No. 449.243, and the adoption of Ordinance No. 449.242.

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

11 BY Bob Buster
12 Chairman, Board of Supervisors
13 Bob Buster

14 ATTEST: Kecia Harper-Ihem

15 KECIA HARPER-IHEM
16 Clerk of the Board

17 By Karen Barton
18 (Deputy)

19 (SEAL)

21 APPROVED AS TO FORM
22 September 21, 2011

23
24 By Michelle P. Clack
25 MICHELLE P. CLACK
26 Deputy County Counsel

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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on October 4, 2011, the foregoing ordinance consisting of 5 Sections was adopted by the following vote:

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

DATE: October 4, 2011









KECIA HARPER-IHEM
Clerk of the Board

BY: 
Deputy

SEAL

NORTHERN SANTA ROSA PLATEAU ESCARPMENT AREA

ORDINANCE NO. 449.245 EXHIBIT "A"

-  Land Within Ordinance
 -  Streets
 -  Parcel Lines
 -  Lakes, rivers
 -  Cities
- HIGHWAYS**
-  Interstate Highway
 -  California State Highway
 -  US Highway

10-04-11

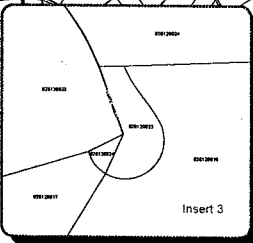
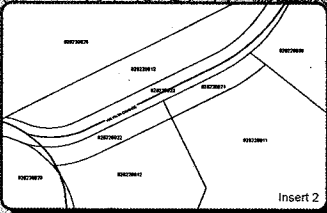
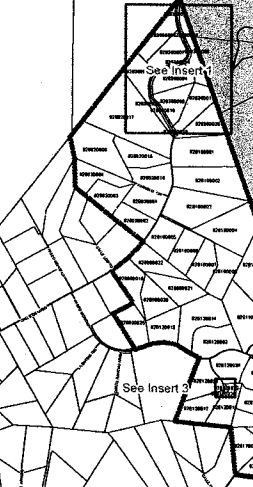
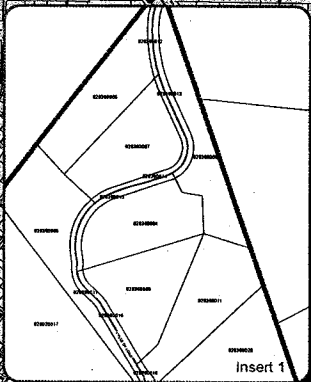
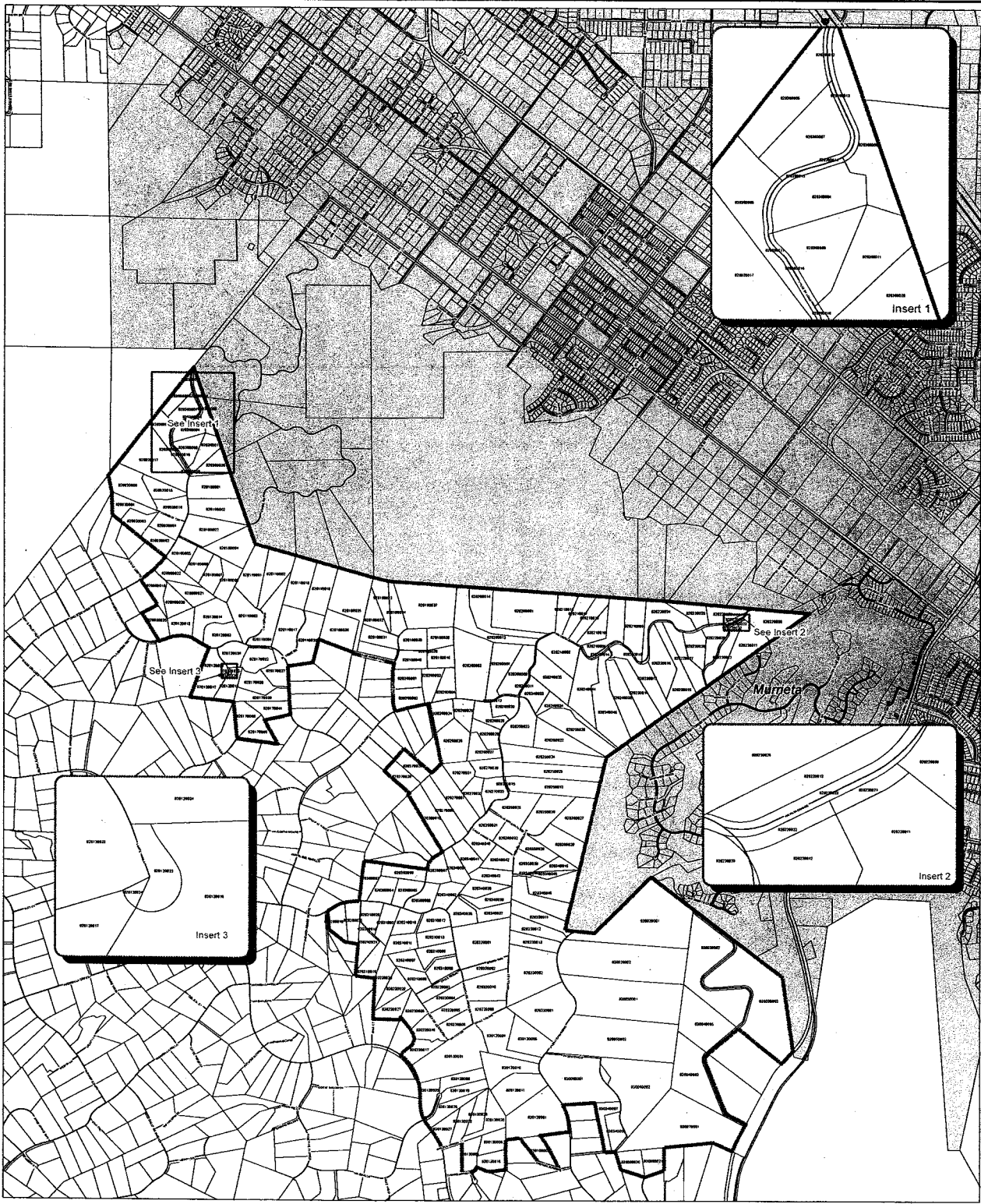


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Coordinate System
 Projected: North American 1983 Standard California Zone 4, FIPS 6000 feet
 Geographic: Geographic Coordinate System North American 1983
 Source: TEMA
 Prepared by: Philip Long, GIS Analyst
 Date: November, 2011
 Location: U:\Projects\GIS\MapServer\California\Products\stanislaus_nsrpa\0210022.jpg



SOUTHERN SANTA ROSA PLATEAU ESCARPMENT AREA

ORDINANCE
NO. 449.245
EXHIBIT "B"

-  Land Within Ordinance
-  Streets
-  Parcel Lines
-  Lakes, rivers
-  Cities
- HIGHWAYS**
-  Interstate Highway
-  California State Highway
-  US Highway

10-04-11



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Feet



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Coordinate: Geographic Coordinate System North American 1983
Source: TIGRA
Prepared by: Philip King, GIS Analyst
Date: November 2010
Location: U:\Projects\GIS\2010\New\Caltrans\Production\arc_south_20101222.mxd





OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

September 22, 2011

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: (951) 955-368-9018

RE: NOTICE OF PUBLIC HEARING: EXTENDING ORD. NO. 449.242

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Saturday, September 24, 2011.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: PE Legals <legals@pe.com>
Sent: Thursday, September 22, 2011 9:28 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: Ord. 449.245 extending Ord. No. 449.242

Received for publication on Sept. 24

Thank You!

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Please Note: Deadline is 10:30 AM two (2) business days prior to the date you would like to publish.

Additional days required for larger ad sizes

From: Gil, Cecilia [<mailto:CCGIL@rcbos.org>]
Sent: Thursday, September 22, 2011 8:26 AM
To: PE Legals
Subject: FOR PUBLICATION: Ord. 449.245 extending Ord. No. 449.242

Good Morning! Notice of Public Hearing for publication on Saturday, Sept. 24, 2011. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, October 4, 2011 at 9:30 a.m.** to consider adoption of the following ordinance:

ORDINANCE NO. 449.245
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
EXTENDING URGENCY INTERIM ORDINANCE NO. 449.242 PROHIBITING NEW RESIDENTIAL
SUBDIVISIONS AND NEW RESIDENTIAL USES IN THE NORTHERN AND SOUTHERN SANTA ROSA
PLATEAU ESCARPMENT AREAS

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

Section 1. Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, Ordinance No. 449.242, previously extended by Ordinance No. 449.243, is hereby further extended for one (1) year from the date of expiration of Ordinance No. 449.243, during which time new residential subdivisions and new residential uses are hereby prohibited in the Northern and Southern Santa Rosa Plateau Escarpment Areas of Riverside County ("Escarpment Areas") more particularly described in Exhibits "A" and "B", which are attached hereto and incorporated herein by this reference. Such subdivisions and uses may be in conflict with a contemplated zoning proposal that the Planning Department is studying and may subject County residents to the adverse effects described in Section 2. of this ordinance. Until this ordinance, expires or is repealed, the County shall not approve a new residential subdivision or issue a land use approval, grading permit, building permit or any other entitlement for a new residential use in the Escarpment Areas. As used in this ordinance, the following terms shall have the following meanings:

- a. New Residential Subdivision. Any Tentative Schedule A, B, C, D, F, G or H subdivision as described in Ordinance No. 460 that was not approved prior to the effective date of Ordinance No. 449.242.
- b. New Residential Use. Any one-family dwelling, planned residential development, mobilehome or mobilehome park, the owner of which did not have a vested right to develop prior to the effective date of Ordinance No. 449.242.

Section 2. Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect upon its adoption. It shall be of no further force or effect one (1) year from the date of expiration of Ordinance No. 449.243. In adopting this ordinance, the Board finds that new residential subdivisions and new residential uses in the Escarpment Areas pose a current and immediate threat to the public health, safety and welfare. New residential subdivisions may conflict with the above-referenced zoning proposal which may increase the existing minimum lot size in the Escarpment Areas to ten (10) acres and impose hillside development standards. The development associated with new residential uses may destroy irreplaceable natural resources, shift existing drainage patterns, increase soil erosion, denude hillsides and scar the natural landscape in a visually obtrusive manner. This may result in landslides, subsidence and flooding.

Section 3. In adopting this ordinance, the Board finds each of the following: continued approval of the development of multi-family housing projects within the Escarpment Areas would have the specific, adverse impacts upon the public health or safety described in Section 2. of this ordinance; this ordinance is necessary to mitigate or avoid these specific, adverse impacts; and there is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impacts as well or better, with a less burdensome or restrictive effect, than the adoption of this ordinance.

Section 4. In adopting this ordinance, the Board reports that the following measures have been taken to alleviate the condition which led to its adoption, the adoption of Ordinance No. 449.243, and the adoption of Ordinance No. 449.242: the Planning Department, in consultation with the Office of County Counsel, is currently studying and formulating regular zoning regulations that adequately address development within the Escarpment Areas. These regulations will protect the public health, safety and

welfare by ensuring that development is compatible with the natural characteristics and topography of the Escarpment Areas.

Section 5. At least ten (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director, shall issue a written report describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance, the adoption of Ordinance No. 449.243, and the adoption of Ordinance No. 449.242.

(INSERT EXHIBIT A & B)

Any person affected by the above matter(s) may submit written comments to the Clerk of the Board before the hearing or may appear and be heard in support or opposition to the project at the time of the hearing. If you challenge the above item(s) in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence, to the Board of Supervisors at, or prior to, the public hearing.

Please send all written correspondence to:

Clerk of the Board
4080 Lemon Street, 1st Floor
Post Office Box 1147
Riverside, CA 92502-1147

Dated: September 22, 2011

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

NORTHERN SANTA ROSA PLATEAU SCARPMENT AREA

ORDINANCE
NO. 449.245
EXHIBIT "A"

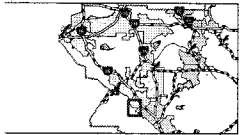
Land Within
Ordinance

- Streets
 - Parcel Lines
 - Lakes, rivers
 - Cities
- IGHWAYS
- Interstate Highway
 - California State Highway
 - US Highway

10-04-11

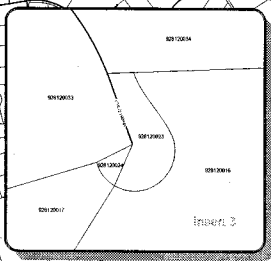
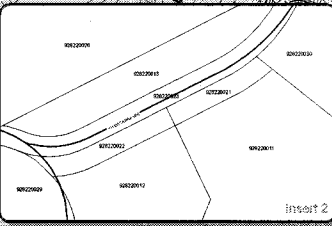
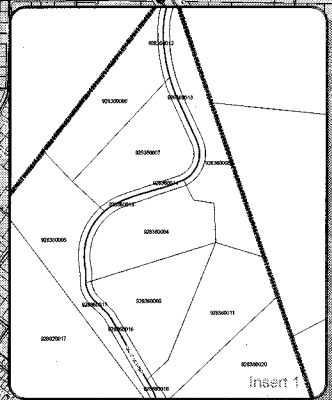
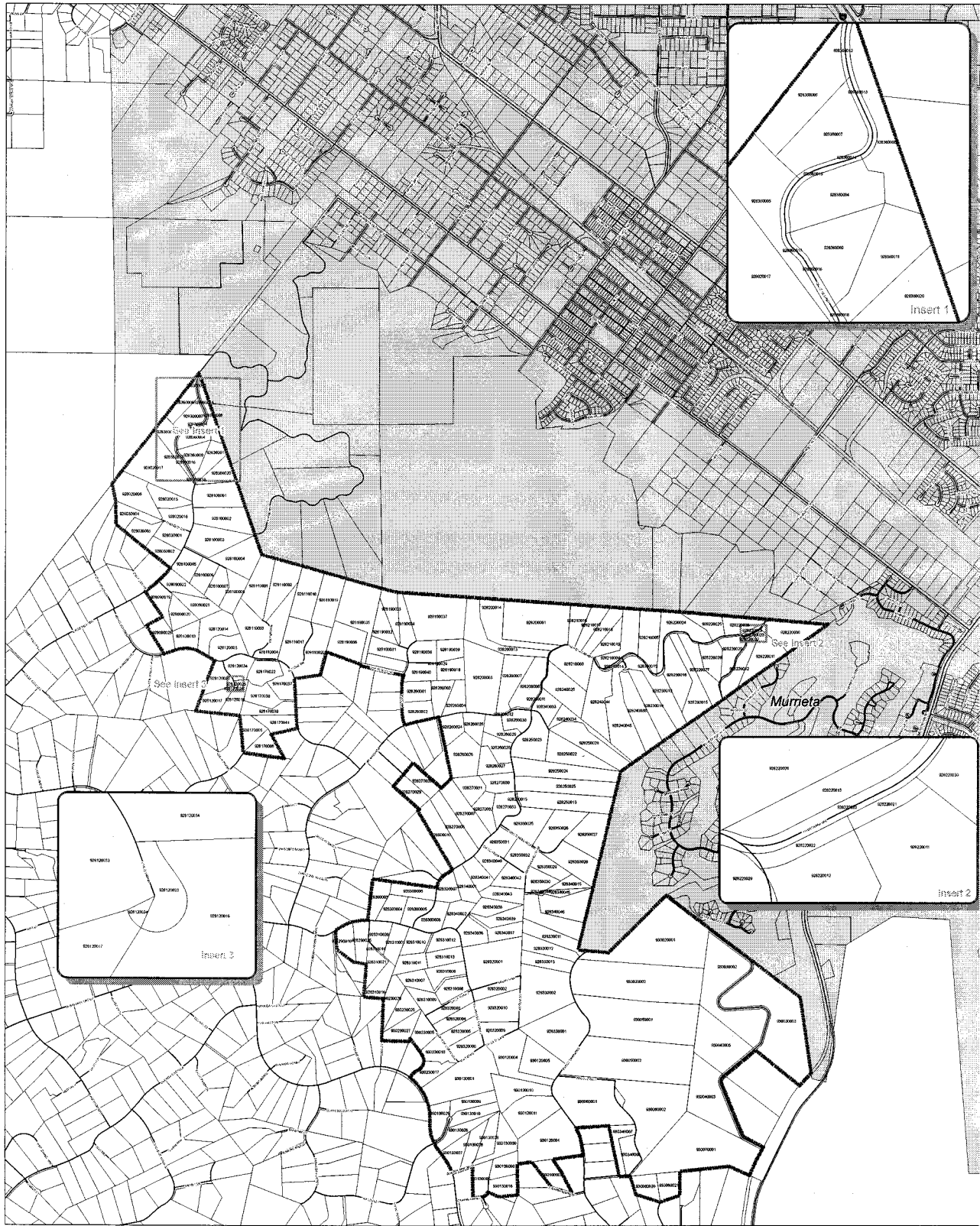


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Coordinate System
Datum: North American 1983
Spheroid: California Zone 6, FIPS 4906
Projection: Geographic Coordinate System North American 1983
Units: U.S. Feet
Map Date: 10-04-11
Map Author: Philp Kang, GIS Analyst
Map Number: 449.245
Scale: US Topographic/Coordinate Calculator/Vector/Coordinate, north 2010C2 Map.mxd



SOUTHERN SANTA ROSA PLATEAU ESCARPMENT AREA

ORDINANCE
NO. 449.245
EXHIBIT "B"

 Land Within Ordinance

-  Streets
-  Parcel Lines
-  Lakes, rivers
-  Cities
- HIGHWAYS**
-  Interstate Highway
-  California State Highway
-  US Highway

10-04-11

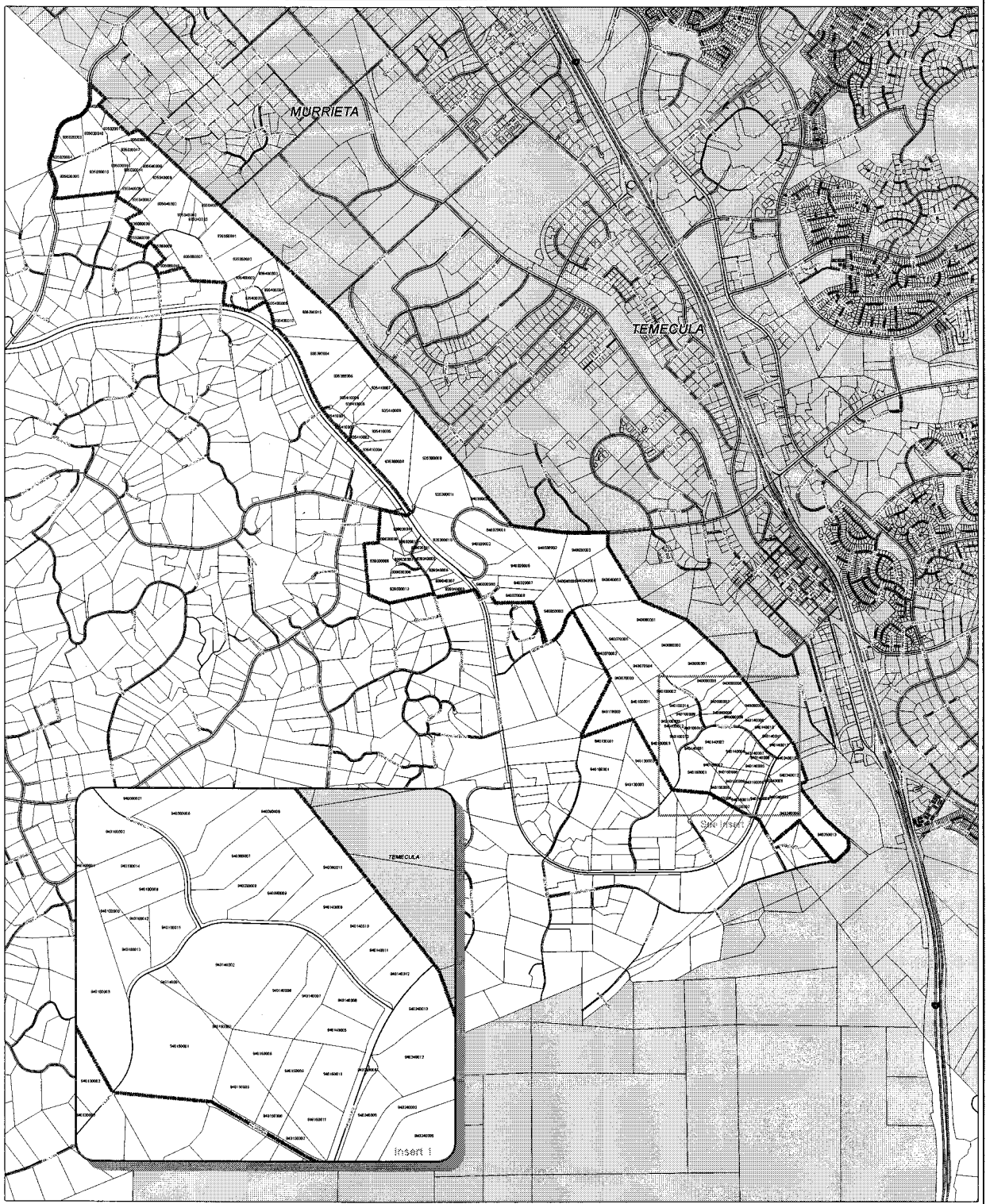


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Coordinate System
Projected: NAD83
Geographic: Geographic Coordinate System North American 1983
Source: TLM
Prepared by: Philip Kang, GIS Analyst
Date: November 24, 2011
Location: I:\Projects\GIS\GreenRiver\CartMap\Products\Ordinance_south20110222.mxd



Barton, Karen

From: Jonathan Shardlow <JShardlow@jdtplaw.com>
Sent: Monday, October 03, 2011 5:14 PM
To: COB
Cc: Clack, Shellie; Lind, Katherine
Subject: October 4, 2011 Agenda Item No. Item No. 9.10
Attachments: 3775_001.pdf

Importance: High

Please see the attached Letter re: October 4, 2011 Agenda Item No. Item No. 9.10 (Adoption of Ordinance No. 449.245, an Ordinance of the County of Riverside Extending Urgency Interim Ordinance No. 449.242 Prohibiting New Residential Subdivisions and New Residential Uses in the Northern and Southern Santa Rosa Escarpment Areas, 1st District)

Jonathan E. Shardlow, Esq.
Jackson | DeMarco | Tidus | Peckenpaugh
2030 Main Street, 12th Floor
Irvine, CA 92614
949.851.7618 (direct)
949.752.8585 (reception)
949.752.0597 (fax)
jshardlow@jdtplaw.com

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Jackson | DeMarco | Tidus Peckenpaugh

A L A W C O R P O R A T I O N

October 3, 2011

Direct Dial: 949.851.7409
Email: mstaples@jdtplaw.com
Reply to: Irvine Office
File No: 6699 / 103572

Via E-mail (cob@rcbos.org) and Facsimile (951.955.1071)

Honorable Board of Supervisors
c/o Clerk of the Board
Riverside County Administrative Center
4080 Lemon Street
Riverside, CA 92501

Re: October 4, 2011 Agenda Item No. Item No. 9.10 (Adoption of Ordinance No. 449.245, an Ordinance of the County of Riverside Extending Urgency Interim Ordinance No. 449.242 Prohibiting New Residential Subdivisions and New Residential Uses in the Northern and Southern Santa Rosa Escarpment Areas, 1st District)

Dear Honorable Supervisors:

We represent Los Alturas, LLC ("Los Alturas"), the owner of property located in the Santa Rosa area of unincorporated Riverside County, Tract No. 27603, APN Nos. 935-410-001 through -009 ("Project"). The Project is more than half constructed, with graded pads and several completed homes. Several months ago, questions arose regarding the applicability of the Northern and Southern Santa Rosa Plateau Escarpment Area Ordinance to the Project. It is our understanding that the County is currently in the process of redrafting the language of the Ordinance Numbers 449.243 and 449.245 to clarify that these ordinances do not apply to the Project. For this reason, Los Alturas requests that, prior to adopting Ordinance 449.245, the County state its position on the record that the Project is not subject to the Ordinance. Otherwise, Los Alturas respectfully requests that the County continue the matter until the clarifying language can be incorporated into the Ordinance prior to its adoption.

If the Ordinance is applied to the Project, Los Alturas would be unable to proceed with Project grading and completion of structures, raising not only economic impacts for Los Alturas, but also public safety issues which have been recently heightened. The County's delays in renewing the Project grading and building permits has resulted in a high risk of soil erosion, landslides, subsidence, and flooding; the type of public safety risks that the ordinance was intended to prevent. A hillside fire which occurred this summer reduced the vegetation holding the slope up and mud flowing from the area continue to drain into the City's storm drains. (See attached e-mail from Rick Hauser on behalf of Los Alturas.)

Los Alturas needs to move forward on Project construction so that it can complete all drainage improvements to prevent soil erosion, landslides, subsidence, and flooding. Continued

Irvine Office
2030 Main Street, Suite 1200
Irvine, California 92614
t 949.752.8585 f 949.752.0597

Westlake Village Office
2815 Townsgate Road, Suite 200
Westlake Village, California 91361
t 805.230.0023 f 805.230.0087

www.jdtplaw.com

delays by the County could cause not only monetary damage to Los Alturas, but damage to public health and safety. For these reasons, Los Alturas urges the Board to state on the record that the Los Alturas Project is not subject to Ordinance 449.245, and take the further steps necessary to allow Los Alturas to complete construction of its Project.

Sincerely,

A handwritten signature in cursive script that reads "Michele A. Staples".

Michele A. Staples

Cc: Katherine Lind, Assistant County Counsel (via email)
Shellie Clack, Deputy County Counsel (via email)

From: Rick Hauser [mailto:rick@galleryhomes.info]
Sent: Wednesday, September 28, 2011 2:36 PM
To: 'Barnes, Olivia'; 'Dave Stahovich (dstahovi@rcbos.org)'
Cc: 'Stone, Jeff'
Subject: RE: Moratorium Hillside Ordinance

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10/3/2011

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Can you please elevate this to Vern's level so we can come up with both an interim and permanent solution QUICKLY? I understand the politics but common sense here MUST prevail.

I look forward to someone's timely response.

Regards,

Rick Hauser

Gallery Homes, LLC

31618 Railroad Canyon Road

Canyon Lake, CA 92587

(951) 244-7713 x303

(951) 244-7714 fax

(951) 834-2956 cell

rick@galleryhomes.info

www.galleryhomes.info

From: Barnes, Olivia [mailto:OBBarnes@rcbos.org]

Sent: Tuesday, September 27, 2011 5:40 PM

To: 'Rick Hauser'

Subject: RE: Moratorium Hillside Ordinance

Hello Rick,

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Olivia Barnes

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Sent: Tuesday, September 27, 2011 1:21 PM

To: Barnes, Olivia

Subject: Moratorium Hillside Ordinance

Hi Olivia,

10/3/2011

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Thanks,

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Jackson | DeMarco | Tidus Peckenpaugh

A L A W C O R P O R A T I O N

2030 Main Street, Suite 1200
Irvine, California 92614
tel 949.752.8585
fax 949.752.0597
www.jdtplaw.com

FAX COVER MEMO

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TO: Name: Clerk of the Board
Company:
Fax Number: (951) 955-1071
Phone Number:

Number of pages, including this page: 6

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Please call 949.752.8585 and ask for the Fax Center**

FROM: Name: Michele Staples
File No: 103572
Client:
Matter:

COMMENTS:

SEARCHED BY 2/12

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A L A W C O R P O R A T I O N

October 3, 2011

Direct Dial: 949.851.7409
 Email: mstaples@jdtplaw.com
 Reply to: Irvine Office
 File No: 6699 / 103572

Via E-mail (cob@rcbos.org) and Facsimile (951.955.1071)

Honorable Board of Supervisors
 c/o Clerk of the Board
 Riverside County Administrative Center
 4080 Lemon Street
 Riverside, CA 92501

Re: October 4, 2011 Agenda Item No. Item No. 9.10 (Adoption of Ordinance No. 449.245, an Ordinance of the County of Riverside Extending Urgency Interim Ordinance No. 449.242 Prohibiting New Residential Subdivisions and New Residential Uses in the Northern and Southern Santa Rosa Escarpment Areas, 1st District)

Dear Honorable Supervisors:

We represent Los Alturas, LLC ("Los Alturas"), the owner of property located in the Santa Rosa area of unincorporated Riverside County, Tract No. 27603, APN Nos. 935-410-001 through -009 ("Project"). The Project is more than half constructed, with graded pads and several completed homes. Several months ago, questions arose regarding the applicability of the Northern and Southern Santa Rosa Plateau Escarpment Area Ordinance to the Project. It is our understanding that the County is currently in the process of redrafting the language of the Ordinance Numbers 449.243 and 449.245 to clarify that these ordinances do not apply to the Project. For this reason, Los Alturas requests that, prior to adopting Ordinance 449.245, the County state its position on the record that the Project is not subject to the Ordinance. Otherwise, Los Alturas respectfully requests that the County continue the matter until the clarifying language can be incorporated into the Ordinance prior to its adoption.

If the Ordinance is applied to the Project, Los Alturas would be unable to proceed with Project grading and completion of structures, raising not only economic impacts for Los Alturas, but also public safety issues which have been recently heightened. The County's delays in renewing the Project grading and building permits has resulted in a high risk of soil erosion, landslides, subsidence, and flooding; the type of public safety risks that the ordinance was intended to prevent. A hillside fire which occurred this summer reduced the vegetation holding the slope up and mud flowing from the area continue to drain into the City's storm drains. (See attached e-mail from Rick Hauser on behalf of Los Alturas.)

Los Alturas needs to move forward on Project construction so that it can complete all drainage improvements to prevent soil erosion, landslides, subsidence, and flooding. Continued

Irvine Office
 2030 Main Street, Suite 1200
 Irvine, California 92614
 t 949.752.8585 f 949.752.0597

Westlake Village Office
 2815 Townsgate Road, Suite 200
 Westlake Village, California 91361
 t 805.230.0023 f 805.230.0087

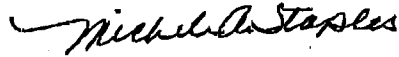
www.jdtplaw.com

10-4-2011 9.10

Page 2

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Sincerely,



Michele A. Staples

Cc: Katherine Lind, Assistant County Counsel (via email)
Shellie Clack, Deputy County Counsel (via email)

1059627.1

From: Rick Hauser [mailto:rick@galleryhomes.info]
Sent: Wednesday, September 28, 2011 2:36 PM
To: 'Barnes, Olivia'; 'Dave Stahovich (dstahovl@rcbos.org)'
Cc: 'Stone, Jeff'
Subject: RE: Moratorium Hillside Ordinance

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Regards,

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Canyon Lake, CA 92587

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Thanks,

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03 October 2011

Fax to: 951-955-1071

Page 1 of 1

Board of Supervisors
County of Riverside
4080 Lemon Street
Riverside, CA

Re: Agenda Item 9.10
Meeting 04 October 2011

Dear Supervisors,

I am opposed to the proposed moratorium, which would impact numerous property owners in the Santa Rosa Plateau, including the community of La Cresta. The referenced proposed ordinance is scheduled to be heard at the 04 October 2011 public hearing.

Government Code section 65858 (c) states, "The legislative body shall not adopt or extend any interim ordinance pursuant to this section unless the ordinance contains legislative findings that there is a current and immediate threat to the public health, safety, or welfare." The September 2011 staff report fails to document any development projects constituting a current and immediate threat to the public health, safety, or welfare.

A development moratorium is an extreme measure that takes rights of ownership from property owners. A moratorium impairs property values by placing a cloud on these properties. The real estate housing crisis that led to the current economic downturn has been most severe for Riverside County property owners. Damaging more owners' property values through a moratorium in the midst of this economic downturn adds hardship upon hardship, and assures the destruction of the few new jobs on the Santa Rosa Plateau.

Using zoning regulation to obtain public open space is a taking private property. Land owners would thereby be denied the use of their properties, so that someone else can look at it. If the County wants to preserve scenic hillsides, then the County must assemble the funding and buy the property or buy development easements on the property.

Given the lack of a project and the absence of any immediate threat to the public welfare, the proposed moratorium is an unacceptable taking of property. Please vote "NO."

Sincerely,



Douglas V. Merante
PO Box 1008
Wildomar, CA 92595
Email: dv.merante@gmail.com
Tel: 951-677-8590

3011 OCT 11 11:11:08

10-4-2011 9.10

2011-10-109835

Rose, Debbie

~~9-10~~
9-10

From: Ashley, Marion
Sent: Monday, October 03, 2011 8:39 PM
To: Rose, Debbie
Subject: Fwd: Ordinance No. 449.245 Extending Urgency Interim Ordinance for Development Moratorium

Print for meeting please

M

Sent from my iPhone

Begin forwarded message:

From: David McCullagh <dmccullagh@michaelgerald.com>
Date: October 3, 2011 7:15:13 PM PDT
To: 'Supervisor Marion Ashley' <mashley@rcbos.org>, "'Supervisor John J. Benoit'" <jjbenoit@rcbos.org>, 'Supervisor Bob Buster' <bbuster@rcbos.org>, 'Supervisor Jeff Stone' <jestone@rcbos.org>, "'Supervisor John F. Tavaglione'" <district2@rcbos.org>
Cc: <johnhill@pe.com>, 'geralddb' <geralddb@aol.com>
Subject: Ordinance No. 449.245 Extending Urgency Interim Ordinance for Development Moratorium

Dear Supervisors,

I am writing on behalf of Gerald Barnes (copied), a property owner that is adversely affected by this ordinance that previously past and is not on the agenda again to be extended.

Gerald and I are unable to attend the hearing tomorrow morning to voice our continued dissent over the actions taken by this council to hinder land values for property owners of hillside property surrounding the cities of Temecula and Murrieta under the guise of land planning. It is no secret that the objective of all actions taken over many years is to limit the amount of development on the hillsides to preserve the views of the hills for the city and residents below. These are properties that were purchased for the very reason that they offer fantastic views of the cities and valleys. The values of all properties are based in large part on what the zoning and use allows for the property.

I had to laugh to myself at the last hearing where I spoke on December 7, 2010 about a number of comments made by supervisor Buster. At that meeting I stated that a moratorium and any changes to the zoning to restrict development has a negative effect on land values. I talked about eminent domain as a legal means for a county, city or other government agency to acquire land by paying fair value to existing land owners, and how these actions are very similar to stealing

10.4.2011
9.10

value from existing property owners for the benefit of the community at the cost to individual property owners.

Supervisor Buster responded that restrictions to zoning and development standards do not have a negative impact on values and conversely improve values. I would like for Mr. Buster to supply the county with a study from an independent development consulting group showing how a complete moratorium and ultimately a restricted zoning regulation will create value for existing property owners. No such study has been discussed in support of this ordinance and the ultimate objective, because it is a joke to think that Mr. Buster is correct in regards to these impacted properties.

Additionally Mr. Buster made a claim that the zoning and planning guidelines for this area need to be revised due to health and safety concerns. This obviously implies that all approved development, and building in the area was approved without taking into account the health and safety of the property owners and community. I would very much like Mr. Buster to again go on record acknowledging that there have been failures in the county's development review and approval process that have called into question the safety of the existing zoning regulations in the area. As I understand it, there is currently in place zoning and guidelines that address all aspects of development, and to try and move this moratorium forward on the basis of an urgent need to protect safety is very suspect or an acknowledgment of the County's liability for creating an unsafe environment for property owners and residents. Again, I would request that the county commission an objective study to support Mr. Buster's claim. As supervisors of the county you have an obligation to follow the law and provide the "legislative findings that there is a current and immediate threat to the public, health, safety, or welfare." (Government Code section 65858 (c)) That means you have to support your opinions with objective evidence, which has not been done. Apparently as a property owner, we are required to follow the law and governing regulations, but maybe the belief by some on this council is that it does not apply to the county in how they enact policy.

I would like to request that this email is read during the open time for public comment at the hearing tomorrow morning. I have copied John Hill from the Press Enterprise, who contacted Gerald and I after I spoke at the last hearing as I feel that it is important that the public know about the actions being taken.

Sincerely,

David McCullagh

Michael Gerald Ltd.

12836 Alondra Blvd.

Cerritos, CA 90703

562.921.9611 office

562.921.3320 fax

949.742.2213 cell

03 October 2011

Fax to: 951-955-1071

Page 1 of 1

Board of Supervisors
County of Riverside
4080 Lemon Street
Riverside, CA

Re: Agenda Item 9.10
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Using zoning regulation to obtain public open space is a taking private property. Land owners would thereby be denied the use of their properties, so that someone else can look at it. If the County wants to preserve scenic hillsides, then the County must assemble the funding and buy the property or buy development easements on the property.

Given the lack of a project and the absence of any immediate threat to the public welfare, the proposed moratorium is an unacceptable taking of property. Please vote "NO."

Sincerely,



Mike Juha
PO Box 1024
Wildomar, CA 92595
Email: mikejuha@yahoo.com
Tel: 951-600-1462

2011 08 33 10:00

10-4-11 9.10
2011-10-10 8:34

03 October 2011

Fax to: 951-955-1071

Page 1 of 1

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Email: mikejuha@yahoo.com
Tel: 951-600-1462

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 RIVERSIDE, CA 92502

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 RIVERSIDE, CA 92502-2209

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Publication(s): Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: / Ord 449.245

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

09/24/2011

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: September 24, 2011
At: Riverside, California

BOARD OF SUPERVISORS
P.O. BOX 1147
COUNTY OF RIVERSIDE
RIVERSIDE, CA 92502

Ad Number: 0000626834-01

P.O. Number: Ord 449.245

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on Tuesday, October 4, 2011 at 9:30 a.m. to consider adoption of the following ordinance:

ORDINANCE NO. 449.245

AN ORDINANCE OF THE COUNTY OF RIVERSIDE EXTENDING URGENCY INTERIM ORDINANCE NO. 449.242 PROHIBITING NEW RESIDENTIAL SUBDIVISIONS AND NEW RESIDENTIAL USES IN THE NORTHERN AND SOUTHERN SANTA ROSA PLATEAU ESCARPMENT AREAS
The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, Ordinance No. 449.242, previously extended by Ordinance No. 449.243, is hereby further extended for one (1) year from the date of expiration of Ordinance No. 449.243, during which time new residential subdivisions and new residential uses are hereby prohibited in the Northern and Southern Santa Rosa Plateau Escarpment Areas of Riverside County ("Escarpment Areas") more particularly described in Exhibits "A" and "B", which are attached hereto and incorporated herein by this reference. Such subdivisions and uses may be in conflict with a contemplated zoning proposal that the Planning Department is studying and may subject County residents to the adverse effects described in Section 2. of this ordinance. Until this ordinance, expires or is repealed, the County shall not approve a new residential subdivision or issue a land use approval, grading permit, building permit or any other entitlement for a new residential use in the Escarpment Areas. As used in this ordinance, the following terms shall have the following meanings:

a. New Residential Subdivision. Any Tentative Schedule A, B, C, D, F, G or H subdivision as described in Ordinance No. 460 that was not approved prior to the effective date of Ordinance No. 449.242.

b. New Residential Use. Any one-family dwelling, planned residential development, mobilehome or mobilehome park, the owner of which did not have a vested right to develop prior to the effective date of Ordinance No. 449.242.

Section 2. Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect upon its adoption. It shall be of no further force or effect one (1) year from the date of expiration of Ordinance No. 449.243. In adopting this ordinance, the Board finds that new residential subdivisions and new residential uses in the Escarpment Areas pose a current and immediate threat to the public health, safety and welfare. New residential subdivisions may conflict with the above-referenced zoning proposal which may increase the existing minimum lot size in the Escarpment Areas to ten (10) acres and impose hillside development standards. The development associated with new residential uses may destroy irreplaceable natural resources, shift existing drainage patterns, increase soil erosion, denude hillsides and scar the natural landscape in a visually obtrusive manner. This may result in landslides, subsidence and flooding.

Section 3. In adopting this ordinance, the Board finds each of the following: continued approval of the development of multi-family housing projects within the Escarpment Areas would have the specific, adverse impacts upon the public health or safety described in Section 2. of this ordinance; this ordinance is necessary to mitigate or avoid these specific, adverse impacts; and there is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impacts as well or better, with a less burdensome or restrictive effect, than the adoption of this ordinance.

Section 4. In adopting this ordinance, the Board reports that the following measures have been taken to alleviate the condition which led to its adoption, the adoption of Ordinance No. 449.243, and the adoption of Ordinance No. 449.242: the Planning Department, in consultation with the Office of County Counsel, is currently studying and formulating regular zoning regulations that adequately address development within the Escarpment Areas. These regulations will protect the public health, safety and welfare by ensuring that development is compatible with the natural characteristics and topography of the Escarpment Areas.

Section 5. At least ten (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director, shall issue a written report describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance, the adoption of Ordinance No. 449.243, and the adoption of Ordinance No. 449.242.



OFFICE OF
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060
FAX: (951) 955-1071

KECIA HARPER-IHEM
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

October 13, 2011

THE PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

FAX: (951) 368-9018
E-MAIL: legals@pe.com

RE: ADOPTION OF ORDINANCE NO. 449.245 EXTENDING ORD. 449.242

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Saturday, October 15, 2011.**

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office in duplicate, **WITH TWO CLIPPINGS OF THE PUBLICATION.**

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Sincerely,

Mcgil

Cecilia Gil, Board Assistant to
KECIA HARPER-IHEM, CLERK OF THE BOARD

Gil, Cecilia

From: PE Legals <legals@pe.com>
Sent: Thursday, October 13, 2011 8:32 AM
To: Gil, Cecilia
Subject: RE: FOR PUBLICATION: ADOPTION OF OR. NO. 449.245

Received for publication on Oct. 15

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From: Gil, Cecilia [<mailto:CCGIL@rcbos.org>]
Sent: Thursday, October 13, 2011 7:36 AM
To: PE Legals
Subject: FOR PUBLICATION: ADOPTION OF OR. NO. 449.245

Good Morning! Attached is an adoption of ordinance, for publication on Saturday, Oct. 15, 2011. Please confirm. THANK YOU!

Cecilia Gil

Board Assistant to the
Clerk of the Board of Supervisors
951-955-8464

**THE COUNTY ADMINISTRATIVE CENTER IS CLOSED EVERY FRIDAY UNTIL FURTHER NOTICE.
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING.**

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

ORDINANCE NO. 449.245
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
EXTENDING URGENCY INTERIM ORDINANCE NO. 449.242 PROHIBITING NEW RESIDENTIAL
SUBDIVISIONS AND NEW RESIDENTIAL USES IN THE NORTHERN AND SOUTHERN SANTA
ROSA PLATEAU ESCARPMENT AREAS

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

Section 1. Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, Ordinance No. 449.242, previously extended by Ordinance No. 449.243, is hereby further extended for one (1) year from the date of expiration of Ordinance No. 449.243, during which time new residential subdivisions and new residential uses are hereby prohibited in the Northern and Southern Santa Rosa Plateau Escarpment Areas of Riverside County ("Escarpment Areas") more particularly described in Exhibits "A" and "B", which are attached hereto and incorporated herein by this reference. Such subdivisions and uses may be in conflict with a contemplated zoning proposal that the Planning Department is studying and may subject County residents to the adverse effects described in Section 2. of this ordinance. Until this ordinance, expires or is repealed, the County shall not approve a new residential subdivision or issue a land use approval, grading permit, building permit or any other entitlement for a new residential use in the Escarpment Areas. As used in this ordinance, the following terms shall have the following meanings:

- a. New Residential Subdivision. Any Tentative Schedule A, B, C, D, F, G or H subdivision as described in Ordinance No. 460 that was not approved prior to the effective date of Ordinance No. 449.242.
- b. New Residential Use. Any one-family dwelling, planned residential development, mobilehome or mobilehome park, the owner of which did not have a vested right to develop prior to the effective date of Ordinance No. 449.242.

Section 2. Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect upon its adoption. It shall be of no further force or effect one (1) year from the date of expiration of Ordinance No. 449.243. In adopting this ordinance, the Board finds that new residential subdivisions and new residential uses in the Escarpment Areas pose a current and immediate threat to the public health, safety and welfare. New residential subdivisions may conflict with the above-referenced zoning proposal which may increase the existing minimum lot size in the Escarpment Areas to ten (10) acres and impose hillside development standards. The development associated with new residential uses may destroy irreplaceable natural resources, shift existing drainage patterns, increase soil erosion, denude hillsides and scar the natural landscape in a visually obtrusive manner. This may result in landslides, subsidence and flooding.

Section 3. In adopting this ordinance, the Board finds each of the following: continued approval of the development of multi-family housing projects within the Escarpment Areas would have the specific, adverse impacts upon the public health or safety described in Section 2. of this ordinance; this ordinance is necessary to mitigate or avoid these specific, adverse impacts; and there is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impacts as well or better, with a less burdensome or restrictive effect, than the adoption of this ordinance.

Section 4. In adopting this ordinance, the Board reports that the following measures have been taken to alleviate the condition which led to its adoption, the adoption of Ordinance No. 449.243, and the adoption of Ordinance No. 449.242: the Planning Department, in consultation with the Office of County Counsel, is currently studying and formulating regular zoning regulations that adequately address development within the Escarpment Areas. These regulations will protect the public health, safety and welfare by ensuring that development is compatible with the natural characteristics and topography of the Escarpment Areas.

Section 5. At least ten (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director, shall issue a written report describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance, the adoption of Ordinance No. 449.243, and the adoption of Ordinance No. 449.242.

Bob Buster, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **October 4, 2011**, the foregoing Ordinance consisting of five (5) sections was adopted by said Board by the following vote:

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

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

Riverside County Board of Supervisors
Request to Speak



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Ken & Cherie Kessler

Address: _____
(only if follow-up mail response requested)

City: Murrieta, CA **Zip:** 92562

Phone #: 951 677-0255

Date: 10/4/11 **Agenda #** 9:10

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support X Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support Oppose Neutral

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Deborah Kaser

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 10/4/11 **Agenda #** 9.10

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: Debbie Kaser

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form. ✓

SPEAKER'S NAME: MIKE JUHA

Address: PO Box 1024 WILDOMAR CA 92595
(only if follow-up mail response requested)

City: WILDOMAR **Zip:** 92595

Phone #: 951 600 1462

Date: 10/4/2011 **Agenda #** 9.10

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Bruce Colbert

Address: _____
(only if follow-up mail response requested)

City: Riverside **Zip:** 92502

Phone #: 949 653-1801

Date: 10/3/11 **Agenda #** 9.10

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

Riverside County Board of Supervisors
Request to Speak ✓

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Bernard L. TRUAX

Address: 39495 Calle de Compadre
(only if follow-up mail response requested)

City: Munizeta **Zip:** 92562

Phone #: 951-296-1802

Date: Oct 4 **Agenda #:** 9.10

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support X Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support Oppose Neutral

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Nathan Curn

Address: _____
(only if follow-up mail response requested)

City: Temecula **Zip:** 92590

Phone #: 951-699-6600

Date: 10/4/11 **Agenda #** 9.10

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

Riverside County Board of Supervisors
Request to Speak



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Ebodei Buck

Address: 40100 Avenida La Brea
(only if follow-up mail response requested)

City: Murieto **Zip:** 92562

Phone #: 951-600-0702

Date: 10/4/11 **Agenda #** 449, 245
9, 10

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support Oppose Neutral

I give my 3 minutes to: _____

**Riverside County Board of Supervisors
Request to Speak**



Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Matt Fleming

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: 760-822-1358

Date: 10-4-11 **Agenda #** 9.10

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

_____ **Support** **Oppose** _____ **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

_____ **Support** _____ **Oppose** _____ **Neutral**

I give my 3 minutes to: _____

Riverside County Board of Supervisors
Request to Speak ✓

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Liss McNamara

Address: 48485 Via Caballero
(only if follow-up mail response requested)

City: Murrieta **Zip:** 92562

Phone #: 951-894-6863

Date: 10-4-2011 **Agenda #** 9.10 order

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support X **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support X **Oppose** **Neutral**

I give my 3 minutes to: Eudic Buck

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Rima Hakooz

Address: 38580 VIA MAJORCA
(only if follow-up mail response requested)

City: Murrieta **Zip:** 92562

Phone #: 951-677-1609

9.10 ordinance

Date: 09/04/2011 **Agenda #** 449.295.

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support X Oppose Neutral

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

 Support Oppose Neutral

I give my 3 minutes to: Elodie Buck

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Order Placed by: Cecilia Gil

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I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

10/15/2011

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: October 15, 2011
At: Riverside, California

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P.O. BOX 1147
COUNTY OF RIVERSIDE
RIVERSIDE, CA 92502

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BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
ORDINANCE NO. 449.245
AN ORDINANCE OF THE COUNTY OF RIVERSIDE EXTENDING URGENCY INTERIM ORDINANCE NO. 449.242 PROHIBITING NEW RESIDENTIAL SUBDIVISIONS AND NEW RESIDENTIAL USES IN THE NORTHERN AND SOUTHERN SANTA ROSA PLATEAU ESCARPMENT AREAS

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

Section 1. Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, Ordinance No. 449.242, previously extended by Ordinance No. 449.243, is hereby further extended for one (1) year from the date of expiration of Ordinance No. 449.243, during which time new residential subdivisions and new residential uses are hereby prohibited in the Northern and Southern Santa Rosa Plateau Escarpment Areas of Riverside County ("Escarpment Areas") more particularly described in Exhibits "A" and "B", which are attached hereto and incorporated herein by this reference. Such subdivisions and uses may be in conflict with a contemplated zoning proposal that the Planning Department is studying and may subject County residents to the adverse effects described in Section 2. of this ordinance. Until this ordinance, expires or is repealed, the County shall not approve a new residential subdivision or issue a land use approval, grading permit, building permit or any other entitlement for a new residential use in the Escarpment Areas. As used in this ordinance, the following terms shall have the following meanings:

- a. New Residential Subdivision. Any Tentative Schedule A, B, C, D, F, G or H subdivision as described in Ordinance No. 460 that was not approved prior to the effective date of Ordinance No. 449.242.
- b. New Residential Use. Any one-family dwelling, planned residential development, mobilehome or mobilehome park, the owner of which did not have a vested right to develop prior to the effective date of Ordinance No. 449.242.

Section 2. Pursuant to Section 65858 of the Government Code and Section 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect upon its adoption. It shall be of no further force or effect one (1) year from the date of expiration of Ordinance No. 449.243. In adopting this ordinance, the Board finds that new residential subdivisions and new residential uses in the Escarpment Areas pose a current and immediate threat to the public health, safety and welfare. New residential subdivisions may conflict with the above-referenced zoning proposal which may increase the existing minimum lot size in the Escarpment Areas to ten (10) acres and impose hillside development standards. The development associated with new residential uses may destroy irreplaceable natural resources, shift existing drainage patterns, increase soil erosion, denude hillsides and scar the natural landscape in a visually obtrusive manner. This may result in landslides, subsidence and flooding.

Section 3. In adopting this ordinance, the Board finds each of the following: continued approval of the development of multi-family housing projects within the Escarpment Areas would have the specific, adverse impacts upon the public health or safety described in Section 2. of this ordinance; this ordinance is necessary to mitigate or avoid these specific, adverse impacts; and there is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impacts as well or better, with a less burdensome or restrictive effect, than the adoption of this ordinance.

Section 4. In adopting this ordinance, the Board reports that the following measures have been taken to alleviate the condition which led to its adoption, the adoption of Ordinance No. 449.243, and the adoption of Ordinance No. 449.242: the Planning Department, in consultation with the Office of County Counsel, is currently studying and formulating regular zoning regulations that adequately address development within the Escarpment Areas. These regulations will protect the public health, safety and welfare by ensuring that development is compatible with the natural characteristics and topography of the Escarpment Areas.

Section 5. At least ten (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director, shall issue a written report describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance, the adoption of Ordinance No. 449.243, and the adoption of Ordinance No. 449.242.

Bob Buster, Chairman of the Board
I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on October 4, 2011, the foregoing Ordinance consisting of five (5) sections was adopted by said Board by the following vote:

AYES: Buster, Tavaglione, Stone and Ashley
NAYS: None
ABSENT: Benoit
Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

10/15