

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



ITEM: 21.1
(ID # 15428)

MEETING DATE:

Tuesday, June 22, 2021

FROM: TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: A PUBLIC HEARING ON GENERAL PLAN AMENDMENT NO. 200003 (Entitlement/Policy Amendment) – CEQA Exempt – Applicant: County of Riverside – All Supervisorial Districts – Location: Fee Lands in Unincorporated Riverside County – REQUEST: GPA No. 200003 proposes to amend the “Areas Subject to Indian Jurisdiction” section of the County General Plan, Land Use Element (Chapter 3) by adding new section and policy text/language. The intent of the new language is to provide policy level guidance that facilitates development of Fee Lands, which is privately-owned reservation land within County jurisdiction, and ensures coordination with the appropriate Tribal Government. GPA will also assign the Agricultural Foundation Component and Agricultural Land Use Designation to the Fee Lands, which do not currently have General Plan Foundation Components or General Plan Land Use Designations. All Districts. [\$20,000 Total cost – General Fund / NCC 100%, grant-reimbursable item] (Continued from May 25, 2021, Agenda Item 21.3 / MT#15217)

RECOMMENDED MOTION: That the Board of Supervisors:

1. **FIND** that the GPA No. 200003 is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15061(b)(3), based on the findings and the conclusion in the staff reports; and

ACTION: Policy


John Hildebrand, Planning Director 6/11/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt
Nays: None
Absent: None
Date: June 22, 2021
xc: Planning

Kecia R. Harper
Clerk of the Board

By: 
Deputy

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RECOMMENDED MOTION: That the Board of Supervisors:

2. **TENTATIVELY APPROVE General Plan Amendment No. 200003**, to change the General Plan Land Use Element and assign the Agricultural Foundation Component and Agricultural Land Use Designation to the Fee Lands, in accordance with the attached documents and exhibits, based upon the findings and conclusions provided in this staff report, and subject to the adoption of a General Plan Amendment resolution by the Board of Supervisors.

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ 20,000	\$ N/A	\$ 20,000	\$ N/A
SOURCE OF FUNDS: General Fund / NCC 100%			Budget Adjustment: No	
			For Fiscal Year: 20/21	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

This County-initiated GPA is in response to the continued ongoing review/update of existing processes and requirements where necessary for the benefit of the development community and county residents. This update to the Land Use Element proposes to add new language regarding the future development of *Fee Lands* within identified Tribal Lands/Reservations. The new language ensures that the proposed development of Fee Lands is coordinated with the appropriate Tribal Government. In addition, existing General Plan Policy LU 37.5 (*Policy*) will be updated to clarify the processes and ensure that appropriate steps are followed. The updated language encourages all application proposals for the development of Fee Lands, be transmitted to the appropriate Tribal Government for review and comment, as part of the County's development review process. Additionally, the policy update assigns the Agriculture Foundation Component and Agriculture Land Use Designation to identified Fee Lands, currently identified as Tribal Lands. It should be noted; a General Plan Amendment will be required if a development proposal for Fee Lands differs from what is expected in the Agriculture designated lands.

Outreach

In addition to the SB 18 process and consultation with various tribes, a letter with a copy of the draft policy was sent out to Tribes within Riverside County on March 15, 2021 with a 21-day review period, which ended on April 5, 2021. 30-letters/notice were sent via electronic mail (Email) and three letters were sent via US Postal Service mail. The intent of the letter was in to ensure the Tribes had additional opportunity to review the proposed update to the existing policy and provide any comments or contact staff with their concerns.

The Pechanga and Soboba Tribes requested a meeting to discuss the proposed project. The Pechanga Tribe provided a letter within the review period requesting a meeting. The Soboba Tribe (via phone) after the allotted time, requested a 30-day extension to the review period. The Soboba Tribe was informed that they had additional time to provide comments up to the public hearing date for this amendment.

The concerns of both Tribes were general regarding the intent and possible restrictions the policy may have towards Tribal oversight and authority to manage development of the properties. Discussions with the tribes clarified the intent of the Policy would not reduce Tribal oversight and

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authority but would assist and reduce requirements for the future development of the properties. The Pechanga Tribe after discussions, were in support and acceptance of the proposed project.

In addition, the letter and draft policy were posted on the County's website to allow for the general public's review and comment. There were no comments received from the public.

Project Analysis

The Project, as proposed, affects and applies only to parcels of land within Tribal Reservations located in Riverside County that are within the County's land use jurisdiction. The General Plan describes four different types of Areas Subject to Indian Jurisdiction. This update applies to properties (Fee Lands), which are parcels owned in fee simple by non-Indians.

The new language proposed by this GPA provides direction for future development of Fee Land properties. Currently, Fee Lands within a Tribal Reservation do not have an assigned General Plan Foundation Component or Land Use Designation and are identified as Tribal Lands. As a result, the existing process for the development/use of a property requires an application for a GPA every time any land use entitlement is requested. GPA No. 200003 removes this requirement by assigning Fee Lands the Agriculture Foundation Component and Land Use Designation, which will result in extensive shortening of processing times and a significant reduction in application fees for most entitlement processes.

The Agriculture designation for Fee Lands is based on analysis that found most of the requested entitlements are related to Agricultural uses, therefore, it was determined that the Agricultural designation is appropriate, as it is considered less intensive than other land use designations. Additionally, the Agricultural designation is consistent with Tribal Lands and the allowed land uses will not conflict with existing and proposed land uses within Reservations. Note: a single-family residence and other associated agricultural uses will be allowed with the Agricultural designation.

In the event a development proposal application includes or requires a General Plan Amendment to change the Fee Land's Agriculture Foundation Component or Agriculture Area Plan Land Use Designation, it shall be processed in accordance with State law, the County's General Plan, and Ordinance No. 348. This update does not include any specific development and is limited to the land use element policy, as discussed in this staff report.

General Plan Land Use Changes

This GPA proposes to place a Land Use Foundation Component and Designation on Fee Lands which are located within Tribal Reservations and are currently designated Tribal Lands. The Fee Lands will be identified with an Agricultural designation, which will be identified on the future County Land Use Maps as the lands develop. The proposed Agricultural designation is appropriate as it is considered less intensive than other land use designations. In addition, the

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Agricultural designation is consistent with Tribal Lands and the allowed uses in the Agricultural zoned Fee Lands may not conflict with existing land uses within Reservations. This update does not include any specific development and is for the land use element policy changes.

General Plan Policy Addition

This GPA proposes new language for the Land Use Element, Chapter 3, by adding *Tribal Lands* to the existing Section title *Areas Subject to Indian Jurisdiction*. The new subtitle in the Chapter will be *Tribal Lands/Areas Subject to Indian Jurisdiction*. Additionally, new language will be added to clarify and define Fee Lands and introduce new policy language to establish the development process of Fee Lands. The proposed amended language for the General Plan, Chapter 3 (Land Use Element), Policy LU 37.5 is identified below (new text in blue) and included with this report as Attachment A.

Land Use Policy 37.5 (LU 37.5) is identified below with new language in blue:

LU 37.5 All new development proposals concerning Fee Lands should be consistent with the surrounding County of Riverside and Tribal land use plans and policies and be transmitted to the appropriate Tribe for comments as part of the County's development review process. With the adoption of General Plan Amendment No. 200003, existing and future Fee Lands that do not have either an assigned General Plan Foundation Component or Area Plan Land Use Designation or both shall have an Agriculture Foundation Component and an Agriculture Area Plan Land Use Designation. At the time a development proposal or an establishment or enlargement of an Agricultural Preserve involving Fee Land is approved by the County of Riverside or soon thereafter, the Agriculture Foundation Component and Agriculture Area Plan Land Use Designation should be reflected in a General Plan Amendment Cycle resolution in order to be formally recorded on the County of Riverside's General Plan land use map. In the event the development proposal includes a General Plan amendment to change the Fee Land's Agriculture Foundation Component or Agriculture Area Plan Land Use Designation, such change shall be processed in accordance with State law, the County's General Plan, and Ordinance No. 348.

CEQA Compliance

The proposed amendment to the Land Use Element is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). The activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed addition of new text provides clarification and direction for proposed development

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of Fee Lands within Indian Jurisdictions, and does not implement any specific project, action, or funding. A Notice of Exemption will be filed in accordance with CEQA Guidelines. AB 52 does not apply to GPA No. 200003 as it is exempt from CEQA.

Senate Bill 18

State law requires that an opportunity for consultation be made available to Native American Tribes in the County when considering a general plan amendment, pursuant to Senate Bill (SB) 18, which identifies a 90-day period to request a consultation. Request for consultation letters were sent out to the Tribes within Riverside County on September 17, 2020 with a response for consultation required on or before December 16, 2020. 30-letters/notice were sent via electronic mail (Email) and two letters were sent via US Postal Service mail. The County received requests from the Morongo and Soboba Tribes for a consultation and one email request for information from the San Manuel Band of Mission Indians. The County held consultations with each of the Tribes. General information and clarification as to the intent of the GPA update was provided in the consultations with the Tribes and provided a response via electronic mail (email) to the San Manuel Tribe. This information was acceptable to the Tribes in compliance with SB 18 requirements.

Public Hearings

The Riverside County Planning Commission considered GPA No. 200003, at a regularly scheduled public hearing held on May 5, 2021 and recommended to the Board of Supervisors approval of the Project by a unanimous vote (5-0).

The Riverside County Board of Supervisors considered GPA No. 200003, at a regularly scheduled public hearing held on May 25, 2021. The BOS continued the project to the June 22, 2021 regular scheduled public hearing to provide for additional outreach and review of the proposed policy.

Impact on Residents and Businesses

The proposed General Plan Amendment will provide direction to facilitate, enable and expedite the orderly development of Fee Land in unincorporated County areas, which may provide for appropriate land use, housing, infrastructure, services, design and character for residents and stakeholders.

Additional Fiscal Information

The total cost to complete this project is approximately \$20,000 – funded through NCC budget allocation, which may be covered all or in part by grant-funding. The planning process for this Project commenced and will be completed this fiscal year (20/21). The above costs include funds spent on public outreach, drafting of the General Plan Amendment, environmental considerations, and public hearings, etc.

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ATTACHMENTS:

Attachment A: Proposed Revised Land Use Element – tracked (redline) changes

Attachment B: Planning Commission minutes; and staff report with attachments

Attachment C: Draft Notice of Exemption



Jason Farin, Principal Management Analyst 6/15/2021

Tribal Lands/Areas Subject to Indian Jurisdiction**UPDATES Highlighted in Blue**

The General Plan and Area Plan maps depict some properties as *Tribal Lands/Areas* Subject to Indian Jurisdiction. Properties so depicted are, according to best available records, either located within the boundaries of Indian reservations or owned by Indian tribes or their members in trust. Within Indian reservation boundaries, properties so depicted include parcels owned in fee simple by non-Indians (“Fee Lands”); parcels owned by Tribal members either in trust or in fee (“Allotment Lands”); parcels owned by the Tribe as a government, corporation, or organization, and held either in trust by the United States or in fee (“Tribal Lands”); parcels that are located in those areas of an Indian reservation that are closed to members of the general public as authorized by federal law (“Closed Lands”); and parcels owned in fee or in trust by Indians who are not members of the Tribe which exercises governmental authority over the reservation. This depiction is specifically designed to acknowledge the sovereignty of the various Tribes relative to state and local governments. Because there is potential for conflicting assertions of jurisdictions between the County of Riverside and the Indian Tribes with regard to regulatory authority over Fee Lands located within reservation boundaries, the County of Riverside and various Indian Tribes have entered into inter-governmental agreements which spell out the procedures under which land use regulation authority will be administered with regard to those Tribes’ reservation lands.

The ownership within Indian reservations is the key factor to determine the regulatory authority over a property. Of the various types of ownership, properties that are confirmed by the appropriate Indian Tribe as Fee Lands are subject to the land use provisions of the County of Riverside. Identifying Fee Lands within the reservation boundary mainly occurs when a property owner is seeking a building permit or land use entitlement. The following policies will ensure that development of Fee Lands is coordinated with the Tribal government.

Policies:

- LU 37.1 The County of Riverside will continue to work with Tribal authorities to implement existing inter-governmental agreements with regard to land use regulatory authority over lands within Indian reservation boundaries.
- LU 37.2 The County of Riverside will continue to work with Tribal authorities to negotiate inter-governmental agreements in situations where such agreements would be mutually beneficial.
- LU 37.3 Where no inter-governmental agreements are in place or can be executed, the County of Riverside and affected Indian Tribe will seek to agree on minimum development standards on Fee Lands that shall be applied to any application submitted to the County of Riverside for approval of development plans. In the event that an agreement is reached between the County of Riverside and the affected Indian Tribe, then the standards shall be designed to ensure that reservation land remains consistent with the reservation’s purpose and character while recognizing the rights of all reservation landowners and residents.
- LU 37.4 The County of Riverside will continue to work with Tribes to seek compatibility between Riverside County and Tribal land use plans and policies.
- LU 37.5 All new development proposals concerning Fee Lands should be consistent with the surrounding County of Riverside and Tribal land use plans and policies and be transmitted to the appropriate Tribe for comments as part of the County’s development review process. With the adoption of General Plan Amendment No. 200003, existing and future Fee Lands that do not have either an assigned General Plan Foundation Component or Area Plan Land Use Designation or both shall have an Agriculture Foundation Component and an Agriculture

Chapter 3

Land Use Element

Area Plan Land Use Designation. At the time a development proposal or an establishment or enlargement of an Agricultural Preserve involving Fee Land is approved by the County of Riverside or soon thereafter, the Agriculture Foundation Component and Agriculture Area Plan Land Use Designation should be reflected in a General Plan Amendment Cycle resolution in order to be formally recorded on the County of Riverside's General Plan land use map. In the event the development proposal includes a General Plan amendment to change the Fee Land's Agriculture Foundation Component or Agriculture Area Plan Land Use Designation, such change shall be processed in accordance with State law, the County's General Plan, and Ordinance No. 348.



**PLANNING COMMISSION
MINUTE ORDER
MAY 5, 2021**

**I. AGENDA ITEM 4.3
GENERAL PLAN AMENDMENT NO. 200003 – Exempt from the California Environmental Quality Act (CEQA) – County of Riverside – All Supervisorial Districts – Countywide.**

II. PROJECT DESCRIPTION:

General Plan Amendment No. 200003 (GPA200003) amends Chapter 3 of the General Plan (Land Use Element), specifically the "Areas Subject to Indian Jurisdiction" section, to include the addition of new text to ensure that development of Fee Lands is appropriately in coordination with the appropriate Tribal Government. Revisions to policy LU 37.5 requires all development of Fee Lands to be transmitted to the appropriate Tribal Government for review and comment as part of the County's development review process. Additionally, the revised policy also assigns Fee Lands that do not currently have a Foundation Component or Land Use Designation the Agriculture Foundation Component and Agriculture Land Use Designation.

III. MEETING SUMMARY:

The following staff presented the subject proposal:

Project Planner: Paul Swancott at (951) 955-3103 or email at Pswancott@rivco.org.

No one spoke in favor, opposition or in a neutral position.

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

Public Comments: Closed

Motion by Commissioner Thornhill, 2nd by Commissioner Leonard

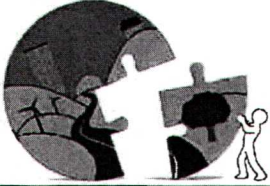
By a vote of 5-0

ADOPTED Planning Commission Resolution No. 2021-004; and,

The Planning Commission Recommends that the Board of Supervisors take the following actions:

FIND the project exempt from the California Environmental Quality Act (CEQA); and,

TENTATIVELY Approve General Plan Amendment No. 200003.



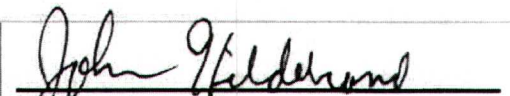
**COUNTY OF RIVERSIDE
PLANNING DEPARTMENT
STAFF REPORT**

Agenda Item No.:

4.3

Planning Commission Hearing: May 5, 2021

PROPOSED PROJECT

Case Number(s):	GPA No. 200003	Applicant(s): County of Riverside
EA No.:	CEQA Exempt	
Area Plan:	Countywide	
Zoning Area/District:	Countywide	
Supervisory District:	All	
Project Planner:	Paul Swancott Advance Planning	 John Hildebrand Planning Director
Project APN(s):	Countywide	

PROJECT DESCRIPTION AND LOCATION

General Plan Amendment (GPA) No. 200003 (Entitlement/Policy Amendment) – this County-initiated GPA proposes to update the General Plan’s Land Use Element, Chapter 3, specifically the section called, “Areas Subject to Indian Jurisdiction.”

This GPA proposes to amend the above-mentioned section (“Areas Subject to Indian Jurisdiction”) by adding new text/language. The intent of the new language is to provide policy level guidance to ensure that any future development of Fee Lands is coordinated with the appropriate Tribal Government. The updated language includes adding “Tribal Lands” to the Section title and adding new language to the GP’s LU 37.5 (Policy) that encourages all applications for development of Fee Lands be transmitted to the appropriate Tribal Government for their review and comment as part of the County’s development review process. The proposed policy update assigns the Agriculture Foundation Component and Agriculture Land Use Designation to Fee Lands, which do not currently have a Foundation Component or Land Use Designation. It should be noted; a General Plan Amendment will still be required if a development proposal differs from what is expected in the Agriculture designated lands. The Project’s intent is to provide direction for the future development of these lands (“Project”).

The Project, as proposed, affects and applies only to parcels of land within Tribal Reservations located in Riverside County and within the County’s land use jurisdiction. The General Plan describes four different types of Areas Subject to Indian Jurisdiction. This update applies to properties (Fee Lands), which are parcels owned in fee simple by non-Indians.

PROJECT RECOMMENDATION

STAFF RECOMMENDATIONS:

THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION(S):

ADOPT Planning Commission Resolution No. 2021-004; thereby,

RECOMMENDING THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:

FIND that the project is **EXEMPT** from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines 15061(b)(3), based on the findings and conclusions in the staff report; and,

TENTATIVELY APPROVE General Plan Amendment No. 200003 to amend the General Plan Land Use Element, Chapter 3, Areas Subject to Indian Jurisdiction as described above, by placing an Agriculture Foundation Component and Agriculture Land Use Designation on Fee Lands and amending Land Use Policy 37.5, in accordance with the attached exhibits, based upon the findings and conclusions provided in this staff report, and subject to the adoption of a General Plan Amendment resolution by the Board of Supervisors.

PROJECT BACKGROUND AND ANALYSIS

The intent of the amendment is to provide policy level guidance for development of Fee Lands within Tribal Reservations. The policy update applies to the Fee Lands – parcels that are not owned by the Tribe or Tribal members.

Tribal Lands in the General Plan:

The Land Use Element depicts areas within Tribal Reservation as “Tribal Lands.” The current Land Use Element Section describes the different types of ownerships/lands within the reservation as: 1) Fee Lands – parcels owned in fee simple by non-Indians, 2) Allotment Lands – parcels owned by Tribal members either in trust or in fee, 3) Tribal Lands – parcels owned by the Tribe as a government, corporation, or organization, and held in either in trust by the US or in fee, and 4) Closed Lands – parcels that are located in the reservations and are closed to members of the general public.

Background:

In 2003, a County initiated General Plan Amendment, which created a section within the Chapter 3, Land Use Element that dealt with Areas Subject to Indian Jurisdiction. In 2008 and 2009 a County initiated GPA (GPA 960) which included proposed revisions to the Land Use Element, Chapter 3, Section *Areas Subject to Indian Jurisdiction*. The revised language was discussed and approved by the General Plan Advisory Committee; and presented to and supported by the Planning Commission at their June 2009 meeting. As the new language was tentatively approved by the Planning Commission, it was determined by staff that the update to the Land Use Element should not be tied to or delayed by extended processing time for GPA 960, an extensive amendment, but should proceed forward as standalone amendment (GPA No 1088). The Planning Commission voted 5-0 recommending the Board of Supervisors (BOS) approve the GPA. The BOS adopted the GPA on 10/18/2011.

Project Analysis:

This County-initiated GPA is in response to the continued ongoing review/update of existing processes and requirements where necessary for the benefit of the development community and county residents. This update to the Land Use Element proposes to add new language regarding the future development of *Fee Lands* within identified Tribal Lands/Reservations. The new language ensures that the proposed development of Fee Lands is coordinated with the appropriate Tribal Government. In addition, existing General Plan Policy LU 37.5 (*Policy*) will be updated to clarify the processes and ensure that appropriate steps are followed. The updated language encourages all application proposals for the development of Fee Lands, be transmitted to the appropriate Tribal Government for review and comment, as part of the County’s development review process. Additionally, the policy update assigns the Agriculture Foundation

Component and Agriculture Land Use Designation to identified Fee Lands, currently identified as Tribal Lands. It should be noted; a General Plan Amendment will be required if a development proposal for Fee Lands differs from what is expected in the Agriculture designated lands.

The new language proposed by this GPA provides direction for future development of Fee Land properties. Because the Fee Lands are within a Tribal Reservation and designated as Tribal Lands, the existing process for the development/use of a property requires an application for a GPA every time any land use entitlement is requested. GPA No. 200003 removes this requirement for development under the agriculture foundation component and land use, which will result in extensive shortening of processing times and a significant reduction in application fees for most entitlement process.

The Agriculture designation for Fee Lands is based on analysis that found most of the requested entitlements are related to Agricultural uses, therefore, it was determined that the Agricultural designation is appropriate, as it is considered less intensive than other land use designations. Additionally, the Agricultural designation is consistent with Tribal Lands and the allowed land uses will not conflict with existing and proposed land uses within Reservations. Note: a single-family residence and other associated agricultural uses will be allowed with the Agricultural designation.

In the event a development proposal application includes or requires a General Plan Amendment to change the Fee Land's Agriculture Foundation Component or Agriculture Area Plan Land Use Designation, it shall be processed in accordance with State law, the County's General Plan, and Ordinance No. 348 This update does not include any specific development and is limited to the land use element policy, as discussed in this staff report.

General Plan Land Use Changes

This GPA proposes to place a Land Use Foundation Component and Designation on Fee Lands which are located within Tribal Reservations and are currently designated Tribal Lands. The Fee Lands will be identified with an Agricultural designation, which will be identified on the future County Land Use Maps as the lands develop. The proposed Agricultural designation is appropriate as it is considered less intensive than other land use designations. In addition, the Agricultural designation is consistent with Tribal Lands and the allowed uses in the Agricultural zoned Fee Lands may not conflict with existing land uses within Reservations. This update does not include any specific development and is for the land use element policy changes.

General Plan Policy Addition

This GPA proposes new language for the Land Use Element, Chapter 3, by adding *Tribal Lands* to the existing Section title *Areas Subject to Indian Jurisdiction*. The new subtitle in the Chapter will be *Tribal Lands/Areas Subject to Indian Jurisdiction*. Additionally, new language will be added to clarify and define Fee Lands and introduce new policy language to establish the development process of Fee Lands. The proposed amended language for the General Plan, Chapter 3 (Land Use Element), Policy LU 37.5 is identified below (new text in blue) and included with this report as Attachment B.

Land Use Policy 37.5 (LU 37.5) is identified below with new language in blue:

LU 37.5 All new development proposals concerning Fee Lands should be consistent with the surrounding County of Riverside and Tribal land use plans and policies and be transmitted to the appropriate Tribe for comments as part of the County's development review

process. With the adoption of General Plan Amendment No. 200003, existing and future Fee Lands that do not have either an assigned General Plan Foundation Component or Area Plan Land Use Designation or both shall have an Agriculture Foundation Component and an Agriculture Area Plan Land Use Designation. At the time a development proposal or an establishment or enlargement of an Agricultural Preserve involving Fee Land is approved by the County of Riverside or soon thereafter, the Agriculture Foundation Component and Agriculture Area Plan Land Use Designation should be reflected in a General Plan Amendment Cycle resolution in order to be formally recorded on the County of Riverside's General Plan land use map. In the event the development proposal includes a General Plan amendment to change the Fee Land's Agriculture Foundation Component or Agriculture Area Plan Land Use Designation, such change shall be processed in accordance with State law, the County's General Plan, and Ordinance No. 348.

General Plan Consistency

State law requires internal consistency of the County's General Plan, including consistency of policy within an element and consistency of policy with other elements. GPA No. 200003 proposes to add text to Chapter 3 of the County's General Plan, specifically Land Use Element Section titled, *Areas Subject to Indian Jurisdiction* and expanding an existing Land Use Policy. The proposed new text will not create an internal conflict with the other policies or elements of the General Plan.

Airport Land Use Commission (ALUC)

The GPA consists of a text and policy update to the County's General Plan's Land Use Element, regarding future development of Fee Lands within Tribal Reservations in Riverside County. Any future development of the Fee Lands, if within a recognized Airport Land Use Plan("ALUP"), may be subject to ALUC review.

Senate Bill 18

State law requires that an opportunity for consultation be made available to Native American Tribes in the County when considering a general plan amendment, pursuant to Senate Bill (SB) 18, which identifies a 90-day period to request a consultation. Request for consultation letters were sent out to the Tribes within Riverside County on September 17, 2020 with a response for consultation required on or before December 16, 2020. 30-letters/notice were sent via electronic mail (Email) and two letters were sent via US Postal Service mail. The County received requests from the Morongo and Soboba Tribes for a consultation and one email request for information from the San Manuel Band of Mission Indians. The County held consultations with each of the Tribes. General information and clarification as to the intent of the GPA update was provided in the consultations with the Tribes and provided a response via electronic mail (email) to the San Manuel Tribe. This information was acceptable to the Tribes.

CEQA Compliance

The proposed amendment to the Land Use Element is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). The activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed addition of new text provides clarification and direction for proposed development of Fee Lands within Indian Jurisdictions, and does not implement any specific

project, action, or funding. A Notice of Exemption will be filed in accordance with CEQA Guidelines. AB 52 does not apply to GPA No. 200003 as it is exempt from CEQA.

FINDINGS AND CONCLUSIONS

GPA No. 200003 is an Entitlement/Policy Amendment which requires specific findings for the County to approve the proposed project. Under each General Plan Amendment Category below is a description of the applicable project component and findings.

GPA No. 200003 updates Land Use Element policies and updates a land use designation within County wide Foundation Components. Accordingly, the findings supporting these types of General Plan Amendments, pursuant to Ordinance No. 348, Section 2.4.C. 2 a., b., c, are as follows:

Entitlement/Policy Amendment Findings

a: The proposed amendment does not involve a change in or conflict with: The Riverside County Vision, any General Plan Principle set forth in General Plan Appendix B; or any Foundation Component designation in the General Plan.

1. The Riverside County Vision:

- a. GPA No. 200003 supports many of the fundamental values listed in the Riverside County Vision ("Vision") Chapter of the County's General Plan, including, but not limited to, the *Community, Health, Inter-relatedness, Diversity, Equity, Valued Contributions, Varied Communities, Balance, Creativity and Innovation, Distinctiveness, Livable Centers, Housing, Natural Environment, Employment, Safety, Planning Integration, Sustainability, and Recreation.*

GPA No. 200003 proposes to (1) update and add new policy language within the LU 37.5 that clarifies and provides direction for the development of Fee Lands within Indian Reservations throughout Riverside County, and (2) will provide an Agriculture land use designation that allows for uses consistent with existing and proposed uses within the surrounding Tribal Lands and Agricultural/Rural properties.

One of the fundamental values of the Vision is *Varied Communities* (Vision Statement, p. V-5). GPA No. 200003 will complete an ongoing community-scale, community-specific planning effort that enhances General Plan Land Use and other policies within an existing policy area (Tribal Lands) that aims to provide direction for the orderly development, specifically for one of the County's various unincorporated communities that may also help "...contribute to [the] overall quality of life" of Tribal Reservations and the County.

Lastly, a fundamental value of the Vision is *Planning Integration* (Vision Statement, p. V-6 - 7). GPA No. 200003 supports the County's approach to planning on a community scale with simple and focused policies. GPA No. 200003 is focused on unique communities that are within and adjacent to Agriculture/rural properties. This proposed amendment affects land use and policy that will allow for continued development of Fee Lands with Reservations by removing certain application requirements for allowed uses.

2. General Plan Principles:

- a. Community Development Principle I.C.1., *Maturing Communities*, states, "...every community in the County is maturing in its own way, at its own pace and within its own context. Policies and programs should be tailored to local needs to accommodate the particular level of anticipated maturation in any given community." Tribal Reservations are a recognized mature community within the County, and the Tribal Land Use Policy provides general direction for the appropriate growth and development of the communities and community goals. GPA No. 200003 creates policies that apply to the communities and specific properties. Additionally, this amendment places a foundation component and land use designation as appropriate to continue the anticipated growth and maturity of Reservations as envisioned by the Tribes.

3. Foundation:

The proposed amendment will apply to Fee Lands within Indian Reservations throughout Riverside County. The amendment places a foundation component of *Agriculture* for Fee Lands only. The proposed Agriculture designation for Fee Lands for Reservations is appropriate for the development that is envisioned for Fee Lands. Additionally, Fee Lands with Reservations are mostly adjacent to Agricultural and Rural designated areas.

GPA No. 200003 does not involve a change in or conflict with any existing Foundation Component because all General Plan Land Use designations will ultimately conform to their applicable Foundation Component. The findings for the approval of the Foundation Components are made and provided in the General Plan Foundation Component Amendment findings sections herein.

- b: **The proposed amendment would either contribute to the purposes of the General Plan or, at a minimum, would not be detrimental to them.**

State law requires internal consistency of the County's General Plan, including consistency of a policy within an element and consistency of a policy with other elements. GPA No. 200003 will add new policy language to Chapter 3 and to LU 37.5 and will place a land use designation for Fee Land designated properties within a Reservation. The new language and designation provide direction to improve the entitlement process for future land use projects on Fee Lands. The new language, revised policy, and land use designation were analyzed and will not create internal conflict with the Land Use Element, and other elements of the General Plan.

- c: **Special circumstances or conditions have emerged that were unanticipated in preparing the General Plan.**

In 2011, the County initialed General Plan Amendment update created a section within Chapter 3, Land Use Element that dealt with *Areas Subject to Indian Jurisdiction* was approved by the BOS. At that time the lands within the boundaries of the Reservations were designated and identified on County Land Use Maps as Tribal Lands. Parcel information and details were not readily available for properties within Reservations. This GPA will designate Fee Lands, which are located within Tribal Lands as Agricultural and will update County Land Use maps with parcel information and details. This was because the parcel information was not readily available to determine which lands within the Reservation were *Free Lands*. The information has since become available and will be utilized to support future applications for development and will be used by the County to update Land Use Maps.

Conclusions

Based on the above findings, the GPA is in conformance with Ordinance No. 348, and with all elements and components of the Riverside County General Plan; protects the public's health, safety, and general welfare; and, will not have a significant effect on the environment.

OUTREACH

In addition to the SB 18 process, a letter with a copy of the draft policy was sent out to Tribes within Riverside County on March 15, 2021 with a 21-day review period, which ended on April 5, 2021. 30-letters/notice were sent via electronic mail (Email) and three letters were sent via US Postal Service mail. The intent of the letter was in to ensure the Tribes had additional opportunity to review the proposed update to the existing policy and provide any comments or contact staff with their concerns.

The Pechanga and Soboba Tribes requested a meeting to discuss the proposed project. The Pechanga Tribe provided a letter within the review period requesting a meeting. The Soboba Tribe (via phone) after the allotted time, requested a 30-day extension to the review period. The Soboba Tribe was informed that they had additional time to provide comments up to the public hearing date for this amendment.

The concerns of both Tribes were general in regard to the intent and possible restrictions the policy may have towards Tribal oversight and authority to manage development of the properties. Discussions with the tribes clarified the intent of the Policy would not reduce Tribal oversight and authority but would assist and reduce requirements for the future development of the properties. The Pechanga Tribe after discussions, were in support and acceptance of the proposed project.

In addition, the letter and draft policy were posted on the County's website to allow for the general public's review and comment. There were no comments received from the public.

HEARING NOTIFICATION

Public Hearing Notification

The Project was advertised in the Press Enterprise Newspaper on or before April 25, 2021, pursuant to Section 1.6, 1.7, 1.8 of Riverside County Ordinance No. 348 for the May 5, 2021 Planning Commission. All project documents were available on the Planning Department's public website (planning.rctlma.org). Any member of the public is welcome to provide comments or concerns during the Planning Commission public hearing.

REPORT:

Prepared by Paul Swancott
Reviewed by Robert Flores
Reviewed by Nazik Hasan
Reviewed by Shellie Clack
Approved by John Hildebrand

ATTACHMENTS:

Attachment A: Planning Commission Resolution No. 2021-004

Attachment B: Proposed Land Use Element Section/Policy, Tribal Lands/Areas Subject to Indian Jurisdiction

Attachment C: Draft Notice of Exemption

2
3 **RESOLUTION No. 2021-004**

4 **RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 200003**

5
6 **WHEREAS**, pursuant to the provisions of Government Code Section 65350 et seq., a public
7 hearing was held before the Riverside County Planning Commission in Riverside, California on May 5,
8 2021, to consider the above-captioned matter; and,

9 **WHEREAS**, all the procedures of the California Environmental Quality Act ("CEQA") and the
10 Riverside County Rules to Implement the Act have been satisfied and a Notice of Exemption has been prepared
11 pursuant to State CEQA Guidelines Section 15061(b)(3) (Common Sense); and

12 **WHEREAS**, a notice of exemption has been prepared; and,

13 **WHEREAS**, the matter was discussed fully with testimony and documentation presented by staff,
14 the public and affected government agencies; now, therefore,

15 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Planning Commission
16 of the County of Riverside, in regular session assembled on May 5, 2021, that it has reviewed and
17 considered the staff report and considered the Notice of Exemption, staff's presentation and input from the
18 public, and, based on the findings and conclusions in the staff report, which are incorporated herein by
19 reference, recommends that the Board of Supervisors:

20 **FIND** the Project exempt from CEQA; and

21 **APPROVE** General Plan Amendment No. 200003.

Chapter 3 **Land Use Element**

Tribal Lands/**Areas Subject to Indian Jurisdiction**

UPDATES Highlighted in Blue

The General Plan and Area Plan maps depict some properties as *Tribal Lands/Areas Subject to Indian Jurisdiction*. Properties so depicted are, according to best available records, either located within the boundaries of Indian reservations or owned by Indian tribes or their members in trust. Within Indian reservation boundaries, properties so depicted include parcels owned in fee simple by non-Indians (“Fee Lands”); parcels owned by Tribal members either in trust or in fee (“Allotment Lands”); parcels owned by the Tribe as a government, corporation, or organization, and held either in trust by the United States or in fee (“Tribal Lands”); parcels that are located in those areas of an Indian reservation that are closed to members of the general public as authorized by federal law (“Closed Lands”); and parcels owned in fee or in trust by Indians who are not members of the Tribe which exercises governmental authority over the reservation. This depiction is specifically designed to acknowledge the sovereignty of the various Tribes relative to state and local governments. Because there is potential for conflicting assertions of jurisdictions between the County of Riverside and the Indian Tribes with regard to regulatory authority over Fee Lands located within reservation boundaries, the County of Riverside and various Indian Tribes have entered into inter-governmental agreements which spell out the procedures under which land use regulation authority will be administered with regard to those Tribes’ reservation lands.

The ownership within Indian reservations is the key factor to determine the regulatory authority over a property. Of the various types of ownership, properties that are confirmed by the appropriate Indian Tribe as Fee Lands are subject to the land use provisions of the County of Riverside. Identifying Fee Lands within the reservation boundary mainly occurs when a property owner is seeking a building permit or land use entitlement. The following policies will ensure that development of Fee Lands is coordinated with the Tribal government.

Policies:

- LU 37.1 The County of Riverside will continue to work with Tribal authorities to implement existing inter-governmental agreements with regard to land use regulatory authority over lands within Indian reservation boundaries.
- LU 37.2 The County of Riverside will continue to work with Tribal authorities to negotiate inter-governmental agreements in situations where such agreements would be mutually beneficial.
- LU 37.3 Where no inter-governmental agreements are in place or can be executed, the County of Riverside and affected Indian Tribe will seek to agree on minimum development standards on Fee Lands that shall be applied to any application submitted to the County of Riverside for approval of development plans. In the event that an agreement is reached between the County of Riverside and the affected Indian Tribe, then the standards shall be designed to ensure that reservation land remains consistent with the reservation’s purpose and character while recognizing the rights of all reservation landowners and residents.
- LU 37.4 The County of Riverside will continue to work with Tribes to seek compatibility between Riverside County and Tribal land use plans and policies.
- LU 37.5 All new development proposals concerning Fee Lands should be consistent with the surrounding County of Riverside and Tribal land use plans and policies and be transmitted to the appropriate Tribe for comments as part of the County’s development review process. With the adoption of General Plan Amendment No. 200003, existing and future Fee Lands that do not have either an assigned General Plan Foundation Component or Area Plan Land Use Designation or both shall have an Agriculture Foundation Component and an Agriculture

Chapter 3 **Land Use Element**

Area Plan Land Use Designation. At the time a development proposal or an establishment or enlargement of an Agricultural Preserve involving Fee Land is approved by the County of Riverside or soon thereafter, the Agriculture Foundation Component and Agriculture Area Plan Land Use Designation should be reflected in a General Plan Amendment Cycle resolution in order to be formally recorded on the County of Riverside's General Plan land use map. In the event the development proposal includes a General Plan amendment to change the Fee Land's Agriculture Foundation Component or Agriculture Area Plan Land Use Designation, such change shall be processed in accordance with State law, the County's General Plan, and Ordinance No. 348.

NOTICE OF PUBLIC HEARING

A PUBLIC HEARING has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the RIVERSIDE COUNTY PLANNING COMMISSION to consider a proposed project in the vicinity of your property, as described below:

GENERAL PLAN AMENDMENT NO. 200003 – Exempt from the California Environmental Quality Act (CEQA) – County of Riverside – All Supervisorial Districts – Countywide – REQUEST: General Plan Amendment No. 200003 (GPA200003) amends Chapter 3 of the General Plan (Land Use Element), specifically the “Areas Subject to Indian Jurisdiction” section, to include the addition of new text to ensure that development of Fee Lands is appropriately in coordination with the appropriate Tribal Government. Revisions to policy LU 37.5 requires all development of Fee Lands to be transmitted to the appropriate Tribal Government for review and comment as part of the County’s development review process. Additionally, the revised policy also assigns Fee Lands that do not currently have a Foundation Component or Land Use Designation the Agriculture Foundation Component and Agriculture Land Use Designation.

TIME OF HEARING: 9:00 a.m. or as soon as possible thereafter.
DATE OF HEARING: **MAY 5, 2021**
PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER
BOARD CHAMBERS, 1ST FLOOR
4080 LEMON STREET, RIVERSIDE, CA 92501

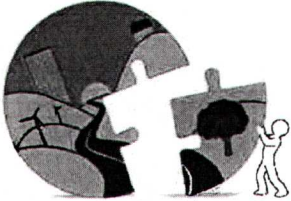
Pursuant to Executive Order N-25-20, this meeting will be conducted by teleconference and at the place of hearing, as listed above. Public access to the meeting location will be allowed but limited to comply with the Executive Order. Information on how to participate in the hearing will be available on the Planning Department website at: <https://planning.rctlma.org/>. For further information regarding this project please contact the Project Planner Paul Swancott at (951) 955-3103 or email at Pswancott@rivco.org, or go to the County Planning Department’s Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

The Riverside County Planning Department has determined that the above-described application is exempt from the provisions of the California Environmental Quality Act (CEQA). The Planning Commission will consider the proposed application at the public hearing. The case file for the proposed project is available for review via email by contacting the project planner. Please contact the project planner regarding additional viewing methods.

Any person wishing to comment on the proposed project may submit their comments in writing by mail or email, or by phone between the date of this notice and the public hearing; or, you may appear and be heard at the time and place noted above. You may participate remotely by registering with the Planning Department. All comments received prior to the public hearing will be submitted to the Planning Commission for consideration, in addition to any oral testimony, before making a decision on the proposed project. All correspondence received before and during the meeting will be distributed to the Planning Commission and retained for the official record.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:
RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Paul Swancott
P.O. Box 1409, Riverside, CA 92502-1409



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

NOTICE OF EXEMPTION

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

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

38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: General Plan Amendment No. 200003

Project Location: The GPA affects and applies to parcels of land within Tribal Reservations located with Riverside County's jurisdiction.

Project Description: The County initiated GPA proposes to update the General Plan's Land Use Element, Chapter 3, specifically the section called, "Areas Subject to Indian Jurisdiction." The new language is to provide policy level guidance to ensure that any future development of Fee Lands is coordinated with the appropriate Tribal Government for review and comment, as part of the development review process. Additionally, the policy update assigns the Agriculture Foundation Component and Agriculture Land Use Designation to the Identified Fee Lands.

Name of Public Agency Approving Project: County of Riverside

Project Applicant & Address: 4080 Lemon St. 12th floor, Riverside CA 92501

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- Categorical Exemption (Sec. 153XX)
- Statutory Exemption (15282 XX)
- Other: Section 15061 (b)(3)

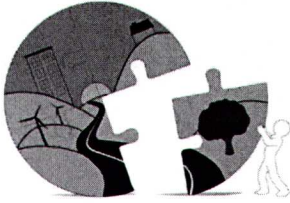
Reasons why project is exempt: CEQA guidelines Section 15061 (b)(3) (Common Sense Exemption) - The proposed addition of new text provides clarification and direction for the proposed development of Fee Lands within Indian Jurisdictions, and does not implement any specific project, action, or funding as does not have the potential to cause any effect on the environment. It can be seen with certainty that there is no possibility that the activity (project) in question will may have a significant effect on the environment, and is therefore exempt from CEQA.

Paul Swancott (951) 955-3103
County Contact Person Phone Number

Signature Title Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case#: ZEA No. N/A ZCFG No. N/A- County Clerk Posting Fee
FOR COUNTY CLERK'S USE ONLY



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

NOTICE OF EXEMPTION

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Sacramento, CA 95812-3044
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- | | |
|---|--|
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| <input type="checkbox"/> Declared Emergency (Sec. 21080(b)(3); 15269(a)) | <input type="checkbox"/> Statutory Exemption (15282 XX) |
| <input type="checkbox"/> Emergency Project (Sec. 21080(b)(4); 15269 (b)(c)) | <input checked="" type="checkbox"/> Other: <u>Section 15061 (b)(3)</u> |

Reasons why project is exempt CEQA guidelines Section 15061 (b)(3) (Common Sense Exemption) – The proposed addition of new text provides clarification and direction for the proposed development of Fee Lands within Indian Jurisdictions, and does not implement any specific project, action, or funding as does not have the potential to cause any effect on the environment. It can be seen with certainty that there is no possibility that the activity (project) in question will may have a significant effect on the environment, and is therefore exempt from CEQA.

Paul Swancott (951) 955-3103
County Contact Person *Phone Number*

Signature *Contract Planner* *Title* *Date*

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case#: ZEA No. N/A ZCFG No. N/A- County Clerk Posting Fee
FOR COUNTY CLERK'S USE ONLY