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Planning Director*

# RIVERSIDE COUNTY PLANNING DEPARTMENT

## FILING INSTRUCTIONS FOR SUBSTANTIAL CONFORMANCE WITH A SPECIFIC PLAN

The following instructions are intended to provide the necessary information and procedures to facilitate the processing of a Substantial Conformance with a Specific Plan application. Cooperation with these instructions will insure that the application can be processed in the most expeditious manner possible.

### THE SUBSTANTIAL CONFORMANCE WITH SPECIFIC PLAN FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

1. A completed and signed application form; with attachment, if necessary.
2. A current recorded deed of the property. If the property involved is owned by a corporation, limited liability company (LLC), partnership, trust, or similar entity, appropriate documentation will be required to provide proof that the person(s) signing on behalf of said entity is properly authorized to do so.
3. If any of the properties involved do not abut a public street, appropriate documentation of legal access (e.g. recorded easement) for said property shall be provided.
4. A Redline/Strikeout markup version of the adopted Specific Plan document showing the proposed changes to text, maps, and/or figures.
5. A minimum of three (3) ground-level panoramic photographs clearly showing the whole project site. Include a locational map identifying the position from which the photo was taken and the approximate area of coverage of each photograph.
6. If the project site is located within the Santa Ana River or San Jacinto River Watersheds, or the Santa Margarita River Watershed or the Whitewater River Watershed, and the completed Project Specific WQMP Checklist form determines a Preliminary Project-Specific Preliminary Water Quality Management Plan (WQMP) is required.
7. A completed and signed [Land Use and Permit Application Processing Agreement](#).
8. A completed [Indemnification Agreement Property Owner Information](#) form with any required materials.
9. A Preliminary Title Report issued by a title company licensed to business in the State of California dated less than 30 days prior to the date of submittal of this application.
10. Digital copies of the all the above listed items in a format acceptable to the Planning Department (e.g. PDF).

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11. Initial payment of deposit-based fees for a Substantial Conformance with a Specific Plan application.

For assistance in the preparation of any of these forms, please contact the Transportation and Land Management Agency (TLMA) Ombudsman staff. Click on the following link <http://rctlma.org/Departments/Administrative-Services/Ombudsman> for more information.

Whenever an application for an implementing project varies from, and is not in substantial conformance **with**, an adopted Specific Plan, a Specific Plan Amendment application shall be submitted, reviewed, approved, and subsequently adopted pursuant to the provisions of Section 2.5 of Ordinance No. 348, prior to the approval of the implementing project.

However, when an application for an implementing project varies from, but is in substantial conformance with an adopted specific plan, an application for Request for Determination of Substantial Conformance with a Specific Plan shall be submitted, reviewed, and approved pursuant to the provisions of Section 2.7 of Ordinance No. 348 prior to the approval of the implementing project.

Ordinance No. 348 defines the term "Substantial Conformance," as it relates to Section 2.7, to mean "a non-substantial modification of a condition of approval, diagram, or text of the specific plan that does not change the basic design or improvements required and is consistent with the original resolution adopting the specific plan, the conditions of approval, the specific plan text and the adopted environmental document." A Substantial Conformance may include the following:

1. A modification or deletion of a condition which will not substantially or adversely affect the underlying purpose for which the condition was initially required,
2. Construction of an implementing project out of phase so long as all infrastructure and public facilities required for the intervening phases are provided,
3. A modification of the approved land uses in a phase which does not increase the land use density or intensity in any phase or planning area; or,
4. A modification of the project design that improves circulation, protects topographic features, minimizes grading, improves drainage, or improves infrastructure.

A Request for a Determination of Substantial Conformance with a Specific Plan application must be made on forms provided by the Planning Department, shall be accompanied by a deposit-base fee set forth in [Ordinance No. 671](#), and must include 1) an accurate and complete description of the modification and how it affects the adopted specific plan, along with any necessary exhibits or diagrams, and 2) any other information, exhibits, or drawings the Planning Department may require.

The Planning Department must transmit all Request for Determination of Substantial Conformance with a Specific Plan applications to the appropriate development review agencies for review and comment and shall then forward them, along with a recommendation, to the Planning Commission for decision. A copy of the Planning Commission's notice of decision will be mailed to the applicant and to any person who has made a written request to receive said decision. Additionally, the Planning Department shall also file a copy of the notice of decision with the Clerk of the Board of Supervisors, together with a report of the proceedings, not more than 15 days after the decision. The Clerk of the Board shall place the notice of

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decision on the next agenda of the Board of Supervisors held five or more days after the Clerk receives the notice from the Planning Department. The decision of the Planning Commission shall be considered final unless the applicant or an interested party files an appeal with the Clerk of the Board of Supervisors accompanied by the fee set forth in Ordinance No. 671 within ten days after the notice of decision appear on the Board's agenda. If a timely appeal is filed, the Clerk shall place the matter on the next available agenda, and the Board of Supervisors shall determine whether the letter of substantial conformance should issue.

A Request for a Determination of Substantial Conformance with a Specific Plan application may be approved only if the following findings are made:

1. That the project as modified meets the intent and purpose of the adopted specific plan; and,
2. That the project as modified is consistent with the findings and conclusions contained in the resolution adopting the specific plan.

However, if the Specific Plan, for which a Request for Determination of Substantial Conformance with a Specific Plan application is filed, is located within the boundaries of Assessment District Nos. 159 or 161, or Community Facilities District Nos. 84-2, 86-1, 87-1, 87-5 or 88-8, the Planning Department will transmit the Request application to the appropriate development review agencies for review and comment, and then forward the application, along with a recommendation, directly to the Board of Supervisors for decision.

A Request for a Determination of Substantial Conformance with a Specific Plan application shall not require a noticed public hearing; however, if the Planning Department, the Commission, or the Board determines that notice of the Request should be given, notice shall be given at the applicant's expense in the manner provided for by Section 2.5 of Ordinance No. 348. Whenever such a determination is made, no further action shall be taken on the request until proper notice has been given. The Planning Commission or Board of Supervisors may, at their discretion, allow testimony to be given on the proposed modification.

Note however that even if the Request for a Determination of Substantial Conformance with a Specific Plan application could otherwise be approved in accordance with Section 2.7 of Ordinance No. 348, an applicant may be required to process a Specific Plan Amendment application pursuant to the provisions of Section 2.5 of Ordinance No. 348 if it is determined that an amendment to the specific plan is required.