

AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
PROVIDING FOR LAND USE PLANNING AND ZONING  
REGULATIONS AND RELATED FUNCTIONS.

The Board of Supervisors of the County of Riverside, State of California, do ordain as follows:

RIVERSIDE COUNTY LAND USE ORDINANCE

This ordinance shall be known as, and may be cited as, the Riverside County Land Use Ordinance.

**CHAPTER I ADMINISTRATION AND AUTHORITY**

ARTICLE 1. AUTHORITY

The authority for the regulations contained in this title is derived from the police power granted to municipalities by Section 7, Article XI, of the California Constitution and the provisions of the California Zoning Law (Division 1 of Title 7 of the California Government Code), which provide for the regulation of the intensity of land use and the adoption of standards for the development of property.

ARTICLE 2. CONFLICTING REGULATIONS.

If any section of this ordinance is in conflict with any other section thereof, or another County ordinance, then the more stringent requirements shall apply.

ARTICLE 3. SCOPE OF REGULATIONS

All land, buildings and structures in the unincorporated area of the County of Riverside shall be used only as hereinafter provided.

SECTION A. PRIVATE PROJECTS

1. No land, building or structure shall be used, constructed, altered or maintained except in conformance with the provisions of this ordinance.
2. No use that requires a permit or approval of any kind under the provisions of this ordinance shall be established or operated until the permit or approval is finally granted and all required conditions of the permit or approval have been completed.
3. No use that requires a permit or approval of any kind under the provisions of this ordinance shall be established or operated in violation of, or contrary to, any of the terms and conditions of the granted permit or approval.
4. The term "private project" shall include those projects of local agencies which are subject to County regulation under Government Code Sections 53090 to 53095, and shall also include any project proposed to be established or operated on government lands if the project is not primarily for a governmental purpose unless the government agency involved has exclusive jurisdiction or the field of regulation has been preempted by law.

SECTION B. PUBLIC PROJECTS

1. No federal, state, county or city governmental project shall be subject to the provisions of this ordinance, including such projects operated by any combination of these agencies or by a private person for the benefit of any such government agency, unless the agency provides by contract or otherwise that the project shall be constructed or operated in compliance with any or all provisions of this ordinance.

SECTION C. UTILITIES

1. Water works facilities, both public and private, intended primarily for the production and distribution of water for irrigation purposes, shall not be subject to any of the provisions of this ordinance.

ARTICLE 4. PRE-APPLICATION REVIEW.

Any person who seeks a permit or approval of any kind under this ordinance, shall comply with the pre-application review procedure described in County Ordinance No. 752 to the extent that such procedure is applicable.

ARTICLE 5 COUNTY TO BE HELD HARMLESS

Any person who obtains, or files an application to obtain, a permit or approval of any kind under the provisions of this ordinance, shall hold the County harmless from any liability or claim of liability, including any claims of the applicant, arising out of the issuance of the permit or approval, or the denial thereof, or arising out of any action by any person seeking to have a granted permit or approval held void by a court of law.

ARTICLE 6. PLANNING AGENCY

Pursuant to Section 65100 et seq. of the Government Code, the planning agency for Riverside County shall consist of the County Board of Supervisors, the County Planning Commission, and the Planning Department. The planning agency shall perform all functions required by State law and this ordinance.

SECTION A: COUNTY BOARD OF SUPERVISORS

The Board of Supervisors shall consist of five members elected in the manner provided by law. The Board shall perform the duties and functions specified by State law and this ordinance including, but not limited to, the duties related to legislative matters and the duties related to the appeal of quasi-judicial matters. The Board shall also perform those planning and zoning duties and functions which are not expressly delegated or reserved to another body or officer.

SECTION B: COUNTY PLANNING COMMISSION

1. The County Planning Commission shall consist of five members. Each member of the Board of Supervisors shall recommend that a resident of his district be appointed to the Commission; provided, however, the appointments to the Commission shall require the affirmative vote of not less than a majority of the entire membership of the Board.

2. Members of the Commission shall be appointed for a four year term. Notwithstanding the specified term of four years for a member of the Commission, a member shall not remain eligible to remain on the Commission should the member of the Board of Supervisors from the district which the Commission member was appointed ceases to be a member of the Board of Supervisors or if a Commission member moves his residence out of the district from which he was appointed, and in either such situation membership shall automatically terminate upon the appointment by the Board of a new member to fill the remainder of the unexpired term. The term of two Commissioners shall expire on June 30 of the same year and the term of three Commissioners shall expire on June 30, two years thereafter.
3. The Commission shall elect one member as chairman and one as vice chairman, to hold office at the pleasure of the members. Three members shall be a quorum and three affirmative votes shall be required to carry a motion. The Commission shall hold at least one regular meeting per month.
4. The Commission shall perform those planning and zoning duties specified by State law or ordinance, including, but not limited to, the duties related to legislative matters and the duties related to quasi-judicial matters and appeals thereof.
5. Members of the County Planning Commission shall receive such compensation as may be fixed by or pursuant to the salary ordinance. Commission members shall also receive travel expenses for attending Commission meetings, and other authorized travel, as may be fixed by or pursuant to the salary ordinance.
6. The Planning Director shall place the minutes of the County Planning Commission meetings on the next available Board agenda.

#### SECTION C: PLANNING DEPARTMENT

The Planning Department shall be headed by a Planning Director who shall be appointed by the Director of the Transportation and Land Management Agency to hold office at his pleasure, and shall include a staff of employees under his direction as provided by or pursuant to the salary ordinance. The Planning Department shall provide technical and clerical assistance to the County Planning Commission and shall perform functions related to planning, zoning and land divisions as may be required by State law, ordinance or order of the Board of Supervisors.

It is the Planning Director or the Director's designee's responsibility to conduct public hearings via the provisions in Article 10, Section C of this Chapter.

#### SECTION D: ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Planning Director to approve or deny land use applications that do not require a public hearing. Additionally, the Zoning Administrator is empowered to make interpretations of this ordinance. Any such interpretations may be overridden by an amendment to this ordinance.

ARTICLE 7. GENERAL PLAN CONSISTENCY

SECTION A. ZONING CONSISTENCY

No proposal for a zoning ordinance amendment or to modify the zoning classification on any property shall be approved unless it is determined that the proposal is consistent with the General Plan.

SECTION B. USE CONSISTENCY

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

ARTICLE 8. SPECIFIC PLANS

Specific Plans may be established per California Government Code Sections 65450-65457, provided that they are determined to be consistent with the General Plan.

ARTICLE 9. ZONING

SECTION A. ZONES

For the purpose of providing a uniform basis for zoning, the following zone classifications, referred to alternatively herein as zones, may be applied to the lands in the unincorporated area of the County of Riverside:

SUBSECTION 1: RESIDENTIAL ZONES

R-R	Rural Residential
R-1	One-Family Dwellings
R-1A	One-Family Dwellings - Mountain Resort
R-A	Residential Agricultural
R-2	Multiple Family Dwellings
R-2A	Limited Multiple Family Dwellings
R-3	General Residential
R-3A	Village Tourist Residential
R-T	Mobilehome Subdivision and Mobilehome Park
R-T-R	Mobilehome Subdivision - Rural
R-4	Planned Residential
R-6	Residential Incentive
R-7	Highest Density Residential
MU	Mixed Use
WC-R	Wine Country - Residential
W-2	Controlled Development Areas
W-2-M	Controlled Development Areas with Mobilehomes

SUBSECTION 2: COMMERCIAL ZONES

C-1 & C-P	General Commercial
C-T	Tourist Commercial
C-P-S	Scenic Highway Commercial
C-R	Rural Commercial
C-O	Commercial Office
C-C/V	Commercial Citrus / Vineyard

SUBSECTION 3: INDUSTRIAL / MANUFACTURING ZONES

I-P	Industrial Park
M-SC	Manufacturing - Service Commercial
M-M	Manufacturing - Medium
M-H	Manufacturing - Heavy

SUBSECTION 4: AGRICULTURAL ZONES

A-1	Light Agriculture
A-P	Light Agriculture with Poultry
A-2	Heavy Agriculture
A-D	Agriculture - Dairy
C/V	Citrus/Vineyard
C-C/V	Commercial Citrus/Vineyard
WC-W	Wine Country- Winery
WC-WE	Wine Country - Winery Existing
WC-E	Wine Country - Equestrian
R-D	Regulated Development Areas

SUBSECTION 5: RESOURCES ZONES

M-R	Mineral Resources
M-R-A	Mineral Resources & Related Manufacturing
W-E	Wind Energy Resource Zone

SUBSECTION 6: OPEN SPACE ZONES

W-1	Watercourse, Watershed and Conservation Areas
N-A	Natural Assets
R-5	Open Area Combining Zone - Residential Developments

SUBSECTION 7: SPECIFIC PLANS

S-P	Specific Plan
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SECTION B: ZONE CLASSIFICATION BOUNDARIES.

Where uncertainty exists as to the boundaries of any zone classification, the following rules shall apply:

1. Where boundaries are indicated as approximately following street lines, alley lines, or lot lines, such lines shall be construed to be boundaries.
2. Where boundaries divide lots, the location of such boundaries shall be determined by use of the scale appearing on the underlying map, unless the boundaries are indicated by specific dimensions.
3. If any public street, alley or other right of way is vacated or abandoned, the land formerly in such street, alley or right of way shall be included within the boundaries of the zone classification applicable to the adjoining property on each side. In the event such street, alley or right of way was a zone classification boundary, the new zone classification boundary shall be the former center line of such street, alley or right of way.

**SECTION C: USES ALLOWED IN ZONE CLASSIFICATIONS.**

The terminology used in Chapter I, Article 9, Section A of this ordinance is general only and is not intended to be descriptive of all uses allowed in the zone classifications. The zone classifications are specifically set forth in subsequent articles of this ordinance to which reference should be made to determine all the uses permitted therein.

The uses set forth in Chapter II of this ordinance are general in nature unless otherwise noted. Each of the uses set forth in Chapter II may be considered via a Conditional Use Permit or Use Permit, and will be processed in accordance with Sections A or B of Article 10 of this Chapter

Should any of the uses in Chapter II require any unique design, development standards, or other considerations, those requirements are set forth in Chapter III of this ordinance.

Definitions of each use in Chapter II are contained in Chapter IV of this ordinance.

When a use is not specifically listed as permitted or conditionally permitted in a zone classification, the use is prohibited unless, in circumstances where this ordinance empowers him or her to do so, the Zoning Administrator makes a determination that the use not specifically listed in either Chapter II or Chapter III is the same character and intensity as those already listed as permitted, conditionally permitted in the zone classification. Alternatively, the Zoning Administrator may determine that a proposed use is not the same character and intensity as those already listed and therefore a proposed use not allowed in a particular zoning designation and/or associated with a primary land use category. A record of such determinations shall be maintained by the Planning Department, and shall be considered an attachment to, but not an integral part of, this ordinance. If a use is specifically listed in either Chapter II or Chapter III of

this ordinance, then no interpretive determinations may be made on that use. Nothing in this ordinance shall be construed to allow a use that is otherwise illegal under State or Federal law.

SECTION D. DEVELOPMENT STANDARDS IN ZONE CLASSIFICATIONS.

Each zoning classification will establish requirements for each of the development standards. The Planning Department will review all proposed developments and subdivisions on the basis of these requirements. Additionally, various uses described in Chapter III may prescribe different development standards than is found in the zoning classifications. In such cases of inconsistency, the development standards in Chapter III will govern.

SUBSECTION 1. EXCEPTIONS

An applicant may request an exception of up to 25% of the value of any one or more of the standards established for a given zoning classification. If an exception is requested in conjunction with a development application subject to a public hearing process, the appropriate decision making body as outlined in either Section B or C of Article 10 or as outlined in Ordinance No. 460 will consider the exception. In all other cases, the Zoning Administrator will consider the exception within 30 days of accepting a request accompanied by a complete application.

SUBSECTION 2. VARIANCES (18.27 of 348)

A proposed deviation of more than 25% of a development standard will require a variance. Variances from the development standards outlined in this ordinance may only be granted when, because of special circumstances applicable to a parcel of property, including size, shape, topography, location or surroundings, the strict application of this ordinance deprives such property of privileges enjoyed by other property in the vicinity that is under the same zoning classification.

A variance shall not be granted for a parcel of property which authorizes a use or activity that is not otherwise expressly authorized by the zone regulation governing the parcel of property, but shall be limited to modifications of property development standards or parking requirements.

SUBSECTION 3. PUBLIC HEARING.

A public hearing shall be held on all variance applications in accordance with the provisions of Section B or C of Article 10 of this ordinance or as outlined in Ordinance No. 460 All public hearings on variances which do not require approval of a permit or land division shall be heard in accordance with Section B of Article 10 of this ordinance.

SUBSECTION 4: REASONABLE ACCOMMODATIONS

This subsection provides a procedure to request reasonable accommodations in land use and zoning regulations for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act.

SUB-SUBSECTION a: PROCESS

1. A request for reasonable accommodation may be made by any person with a disability as defined by the Federal Fair Housing Act and the California Fair Employment and Housing Act, their representative, or developer of housing for individuals-with disabilities when the application of a requirement of this ordinance acts as a barrier to fair housing opportunities.
2. A request for reasonable accommodation shall be submitted on an application form provided by the Planning Department.
3. A request for reasonable accommodation may include a modification or exception to the requirements or standards for the siting, development and use of housing or housing related facilities that would eliminate a regulatory barrier and provide a person with a disability equal opportunity to housing of their choice.
4. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the site.
5. A reasonable accommodation does not affect an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation.
6. The Planning Director, with consultation with the Office of County Counsel, shall review a reasonable accommodation request within forty-five (45) days of the request being deemed complete and approve, conditionally approve or deny the request based on the following:
  - a. Whether the housing in the request will be used by an individual considered disabled under the Federal Fair Housing Act and the Employment and Housing Act;
  - b. Whether the request for reasonable accommodations is necessary to make specific housing available to an individual considered disabled;
  - c. Whether the request would impose an undue financial or administrative burden on the County;
  - d. Whether the request would require a fundamental alteration in the nature of a County program or law; including but not limited to land use and zoning;
  - e. Potential impact on surrounding uses;
  - f. Physical attributes of the property and structures; and,
  - g. Other reasonable accommodations that may provide an equivalent level of benefit.



7. The Planning Director shall provide a copy of an approved reasonable accommodation request to the Department of Building and Safety Department and the Code Enforcement Department.

SUB-SUBSECTION b: NOTICE OF DETERMINATION.

The Planning Director's determination shall be mailed to the applicant and to any person who has made a written request for a copy of the determination. The Planning Director's determination is final unless the determination is appealed pursuant to subsection (C) set forth below.

SUB-SUBSECTION c: APPEAL.

1. Within ten (10) calendar days of the date of the Planning Director's determination; an applicant may appeal the determination.
2. Appeals shall be made in writing on the form provided by the Planning Department along with the required filing fee. The written appeal shall include a statement of facts supporting the appeal.
3. Upon timely receipt of an appeal, a hearing shall be set for a date not less than ten (10) calendar days, but not more than thirty (30) calendar days from the date the appeal was received. Written notice of the hearing shall be sent to the Planning Director and applicant appealing the Planning Director's determination.
4. The County Hearing Officer appointed by the Board of Supervisors pursuant to Ordinance No. 643 shall preside over the hearing.
5. At the hearing, the County Hearing Officer shall receive testimony and evidence from the Planning Director, the applicant, or their representatives, and any other concerned persons who may desire to speak at the hearing. The County Hearing Officer shall not be limited to the technical rules of evidence and may continue the hearing from time to time.
6. Within thirty (30) calendar days of concluding the hearing, the County Hearing Officer shall make his decision and provide it in writing to the applicant, Planning Director, Code Enforcement Department and the Building and Safety Department.
7. The decision of the County Hearing Officer shall be final.

ARTICLE 10. DECISION PROCESS

SECTION A: LEGISLATIVE ACTIONS

SUBSECTION 1: DESCRIPTION

Any proposal to establish a new General Plan, amend the current General Plan, establish a new Specific Plan, amend a current Specific Plan, modify this ordinance, or to change the zoning classification on a property shall be classified as a Legislative Action.

SUBSECTION 2: PROCESS

Unless specifically referenced in SUBSECTION 3 of this Section, the following process applies for all legislative actions:

- A. The Planning Commission shall hold a public hearing on the matter. Public notice of the hearing shall be pursuant to Article 11 of this Chapter.
- B. After closing the public hearing, the Planning Commission shall make a recommendation for approval or disapproval within a reasonable time, by resolution, including therein its findings, and transmit it to the Board of Supervisors with a copy mailed to the applicant, if any.
- C. A recommendation for approval shall be made by the affirmative vote of not less than a majority of the total membership of the Planning Commission. If the Commission cannot reach a decision within a reasonable time after closing the hearing, that fact shall be reported to the Board of Supervisors and shall be deemed a recommendation to deny the proposal.
- D. Upon receipt of a recommendation of the Planning Commission on adoption or amendment of any legislative action prescribed in this chapter, the Clerk of the Board shall set the matter for public hearing before the Board of Supervisors at the earliest convenient day and shall give notice of public hearing in the same manner as notice was given of the hearing before the Planning Commission.
- E. After closing the public hearing, the Board of Supervisors shall render its decision within a reasonable time. A decision to adopt or amend the General Plan, or any part or element thereof, or adopt or amend a Specific Plan, shall be made by resolution, which resolution shall be adopted by the affirmative vote of not less than the majority of the total membership of the Board.
- F. A decision to amend this ordinance, or to change the zoning classification on any property, shall be made by ordinance,

which ordinance shall be adopted by the affirmative vote of the not less than the majority of the total membership of the Board.

- G: The Board of may approve, modify or disapprove the recommendation of the Planning Commission; provided, however, that any proposed modification of the Planning Commission's recommendation not previously considered by the Planning Commission shall first be referred back to the Planning Commission for a report and recommendation. The Planning Commission shall not be required to hold a public hearing thereon, and failure of the Planning Commission to report within 40 days after the reference, or such longer period of time as may be specified by the Board of Supervisors, shall be deemed to be an approval of the proposed modification.
- H. A proposal for a Legislative Action shall not be approved by the Board of Supervisors until all procedures required by the Riverside County CEQA implementing procedures to approve a matter have been completed.

SUBSECTION 3: TYPES

SUB-SUBSECTION a: GENERAL PLAN AMENDMENTS, TECHNICAL

As defined in the General Plan, Technical Amendments involve changes of a technical nature including, without limitation: statistical corrections; mapping error corrections; changes in spheres of influence and city boundaries; changes in Unincorporated Communities or Communities of Interest; editorial clarifications that do not change the intent of the General Plan; or appendix information useful in interpreting the General Plan but which does not change the General Plan intent. The adoption of Technical Amendments shall commence in a way prescribed in the Administrative Element of the General Plan.

SUB-SUBSECTION b: GENERAL PLAN, ENTITLEMENT

As defined in the General Plan, Entitlement Amendments involve changes in land use designations-that involve land located entirely within a General Plan Foundation Component but that do not change the boundaries of that component. Notwithstanding the preceding sentence, a proposed change of land use designation to properties located in Eastern Riverside County Desert Area not covered by an Area Plan shall be considered a Foundation Component Amendment. The adoption of Entitlement Amendments shall commence in a way prescribed in the Administrative Element of the General Plan.

SUB-SUBSECTION c: GENERAL PLAN AMENDMENT, POLICY

As defined in the General Plan, Policy Amendments involve a change in General Plan Policy provided it does not change the Riverside County Vision, a Foundation Component, or a General Planning Principle set forth in General Plan Appendix B. The adoption of Policy Amendments shall commence in a way prescribed in the Administrative Element of the General Plan.

**SUB-SUBSECTION d: GENERAL PLAN AMENDMENT, REGULAR FOUNDATION**

- i. As defined in the General Plan, Regular Foundation Amendments involve modifications to the General Plan in any of the following manners:
  1. The Riverside County Vision;
  2. The General Planning Principles set forth in General Plan Appendix B;
  3. A Foundation Component of the General Plan (except for an amendment to change property to or from the Agriculture Foundation Component which shall be processed in accordance with Section 2.7. of this ordinance); or,
  4. A proposed change to the land use designations established in the Eastern Riverside County Desert Area, not covered by an Area Plan.
- ii. **LIMITATION ON FOUNDATION COMPONENT AMENDMENTS.** Except as otherwise provided in Section 2.6. and Section 2.7., no Foundation Component Amendment shall be heard or approved except as part of the Eight-Year General Plan Review Cycle. The first Eight-Year General Plan Review Cycle shall commence on January 1, 2008 and continue during the 2008 calendar year, and subsequent cycles shall occur at eight calendar year intervals thereafter.
- iii. **INITIATION OF AMENDMENT PROCEEDINGS.** The initiation of proceedings for any amendment pursuant to this Section shall require an order of the Board of Supervisors, adopted by the affirmative vote of not less than a majority of the entire membership of the Board. The Board of Supervisors may adopt an order initiating amendment proceedings at any time during the calendar year of a Eight-Year General Plan Review Cycle. The adoption of an order by the Board initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved.
- iv. **RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS.** Either the Planning Director or the Planning Commission may recommend that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. All such

recommendations shall be in writing and shall be submitted to the Clerk of the Board for placement on the agenda of the Board as a matter not requiring a public hearing. Whenever the Planning Director prepares such a recommendation, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

- v. PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS. The owner of real property, or a person authorized by the owner, shall have the right to request that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. The Planning Director shall establish an application period of not less than thirty days during the calendar year of each Eight-Year General Plan Review Cycle during which applications will be accepted. After this application period is established, it shall not be extended. Applications shall be made to the Planning Director, on the forms provided by the Planning Department, shall supply all required information, and shall be accompanied by the filing fee set forth in County Ordinance No. 671. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the Clerk of the Board for placement on the Board agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to Clerk of the Board, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.
- vi. AMENDMENT PROCEEDINGS AND HEARINGS. After adoption of an order of the Board of Supervisors initiating proceedings for an amendment pursuant to this Section, the amendment shall be processed, heard and decided in accordance with Section 2.1. and Section 2.10. of this ordinance. If the Board adopts orders initiating proceedings for several amendments pursuant to this Section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director. Hearings and the final decision on any amendment pursuant to this Section may occur after the calendar year during which proceedings for the amendment were initiated.

SUB-SUBSECTION e: GENERAL PLAN AMENDMENT, EXTRAORDINARY FOUNDATION

A. APPLICABILITY.

As defined in the General Plan, Extraordinary Foundation Amendments involve modifications to the General Plan in any of the following manners:

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

**B. INITIATION OF AMENDMENT PROCEEDINGS**

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

**C. RECOMMENDATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS**

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

**D. PRIVATE APPLICATIONS FOR THE INITIATION OF AMENDMENT PROCEEDINGS.**

The owner of real property, or a person authorized by the owner, shall have the right to request that the Board of Supervisors adopt an order initiating proceedings for an amendment pursuant to this Section. The Planning Director shall prepare a report and recommendation on all such applications and shall submit the report and recommendation to the Clerk of the Board for placement on the Board agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to the Clerk of the Board, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the Board of Supervisors. No public hearing before the Planning Commission shall be required to request such comments.

E. AMENDMENT PROCEEDINGS AND HEARINGS.

After adoption of an order of the Board of Supervisors initiating proceedings for an amendment pursuant to this Section, the amendment shall be processed, heard and decided in accordance with Article 10 of this ordinance. If the Board adopts orders initiating proceedings for several amendments pursuant to this Section, each such amendment may be processed, heard and decided separately or together with other such amendments as determined by the Planning Director.

The adoption of Extraordinary Foundation Amendments shall commence in a way prescribed in the Administrative Element of the General Plan.

SUB-SUBSECTION f: GENERAL PLAN AMENDMENT, AGRICULTURAL

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

1. All amendments pursuant to this Section shall be assigned to a 2½ Year Agricultural Foundation Amendment Cycle based on the date of amendment adoption. The first 2½ Year Cycle commenced January 1, 2004 and ended on June 30, 2006; the second 2½ Year Cycle extends from July 1, 2006 to December 31, 2008; and subsequent 2½ Year Cycles shall continue in the same manner for 2½ year periods thereafter.

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

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

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

c. The area covered by all other Area Plans.

3. During the first 2½ Year Agricultural Foundation Amendment Cycle, seven percent (7%) of the Agricultural Foundation Base Acreage for each of the areas listed in paragraph (2) above shall be generally authorized for conversion from the Agriculture Foundation Component to any other Foundation Component (the "Agricultural Amendment General Authorization Acreage"). During each subsequent 2½ Year Agricultural Foundation Amendment Cycle, the Agricultural Amendment General Authorization Acreage for each area listed in paragraph (2) above shall consist of an acreage equal to the Agricultural Amendment General Authorization Acreage for the first 2½ Year Agricultural Foundation Amendment Cycle plus the Agricultural Amendment General Authorization Acreage for all subsequent 2½ Year Agricultural Foundation Amendment Cycles reduced by the acreage of all General Plan amendments adopted after January 1, 2004 (except General Plan amendments adopted pursuant to Subsection G. below) converting land from the Agriculture Foundation Component to any other Foundation Component for each such area.

4. Unless otherwise allowed as provided in Subsection G. below, no amendment pursuant to this Section shall be approved by the Board of Supervisors if such approval would result in a conversion from the Agriculture Foundation Component to any other Foundation Component in excess of the Agricultural Amendment General Authorization Acreage, as determined under paragraph (3) above, during any 2½ Year Agricultural Foundation Amendment Cycle.

C. AMENDMENT PROCEEDINGS AND HEARINGS. An amendment pursuant to this Section shall be processed, heard and decided in accordance with Article 11 of this ordinance.

D. ADDITIONAL AUTHORIZATION FOR AGRICULTURAL FOUNDATION COMPONENT AMENDMENTS. Notwithstanding the provisions of Subsection B. above, the Board of Supervisors may approve an amendment which exceeds the Agricultural Amendment General Authorization Acreage for any 2½ Year Agricultural Foundation Amendment Cycle provided the Board first determines that any condition or circumstance including, without limitation, any business consideration or undue hardship, justifies the amendment and also determines that adequate infrastructure to serve the land use designations will be available. Prior to approving an amendment as provided in this Subsection, the Board of Supervisors shall first submit the amendment to the Agricultural Task Force for the area where the property subject to the amendment is located for its review and recommendation.

SUB-SUBSECTION g: SPECIFIC PLANS / SPECIFIC PLAN AMENDMENTS / SPECIFIC PLAN RESCISSIONS



Specific plans, amendments and rescissions thereto, shall be heard and adopted in accordance with the provisions of Section 65450 et seq. of the Government Code, as now written or hereafter amended. The Board of Supervisors may, by affirmative vote of not less than a majority of the entire membership of the Board, order the preparation and hearing of a new specific plan, the amendment of any existing specific plan, or the repeal of an existing specific plan. Any such order for preparation and hearing shall not imply that any new specific plan or amendment or repeal to an existing specific plan will be approved.

SUB-SUBSECTION h: ORDINANCE AMENDMENT

Text amendments to this ordinance may be adopted by the Board of Supervisors in the same manner as any other ordinance, except to impose, remove or modify any of the following regulations, the amendment shall be adopted in the manner set forth in Chapter I, Article 10, Section A, Subsection 2 of this ordinance:

- A. Regulate the use of buildings, structures and land as between industry, business, residents, open space, including agriculture, recreation, enjoyment or scenic beauty and use of natural resources, and other purposes.
- B. Regulate signs and billboards.
- C. Regulate location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; the intensity of land use.
- D. Establish requirements for off-street parking and loading.
- E. Establish and maintain building setback lines.
- F. Create civic districts around civic centers, public parks, public buildings or public grounds and establish regulations.

SUB-SUBSECTION i: ZONING MAP CHANGE

Amendments to this ordinance which propose to change property from one zone to another shall be processed like any other Legislative Action prescribed in this Subsection.

However, should the Planning Commission recommend denial of a proposal to modify the zoning classification on a property from one zone to another, then the Planning Commission's recommendation shall be filed with the Clerk of the Board of Supervisors, who shall place the decision on the next agenda of the Board held five or more days after the Clerk receives the decision. The decision of the Planning Commission is considered final and no action by the Board is

required unless the applicant files an appeal, accompanied by the fee set forth in County Ordinance No. 671, within ten days after the decision of the Planning Commission appears on the Board's agenda, or the Board orders the matter set for public hearing. If the Board of Supervisors so orders, or if the applicant appeals, the Clerk of the Board shall set the matter for public hearing before the Board of Supervisors at the earliest convenient day and shall give notice of the time and place of the hearing in the same manner as is provided for giving notice of the hearing before the Planning Commission. After closing the public hearing the Board of Supervisors shall render its decision within a reasonable time and may approve, modify or disapprove the recommendation of the Planning Commission; provided, however, that any proposed modification of the Planning Commission's recommendation not previously considered by the Planning Commission shall first be referred back to the Planning Commission for a report and recommendation. The Planning Commission shall not be required to hold a public hearing thereon, and failure of the Planning Commission to report within 40 days after the reference, or such longer period of time as may be specified by the Board of Supervisors, shall be deemed to be an approval of the proposed modification.

SUB-SUBSECTION j. INTERIM ZONING.

- A. Without following the procedures otherwise required prior to the adoption of a zoning ordinance, the Board of Supervisors, to protect the public safety, health and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses which may be in conflict with a contemplated general plan, specific plan, or zoning proposal which the Board of Supervisors, Planning Commission or the Planning Department is considering or studying or intends to study within a reasonable time. Such urgency measure shall require a four-fifths vote of the Board of Supervisors for adoption. Such interim ordinance shall be of no further force and effect 45 days from the date of adoption thereof; provided, however, that after notice pursuant to California Government Code Section 65090 and public hearing, the Board of Supervisors may extend such interim ordinance for ten months and fifteen days subsequently extend such interim ordinance for one year. Any such extension shall also require a four-fifths vote for adoption. Not more than the two such extensions may be adopted.
- B. Alternatively, an interim ordinance adopted may by a four-fifths vote following notice pursuant to said Section 65090 and public hearing, in which case it shall be of no further force and effect 45 days from its date of adoption; provided, however, that after notice pursuant to Section 65090 and public hearing, the Board of Supervisors may by a four-fifths vote extend such interim ordinance for 22 months and 15 days.
- C. When any interim ordinance has been adopted, every subsequent ordinance adopted pursuant to this Section, covering the whole or a

part of the same property shall automatically terminate and be of no further force or effect upon the termination of the first such ordinance or any extension thereof as herein provided.

- D. Adoption of an interim ordinance shall be deemed an order of the Board of Supervisors to the Planning Commission to initiate a zoning study of the land and that has been placed in the interim zone, which may include the study of other land in the vicinity thereof.
- E. The clerk shall schedule a public hearing before the Board to consider an extension of an interim ordinance which shall normally be at its second regular meeting before expiration of the initial 45 day period and any extension. The Clerk shall publish notice ten days before the hearing. This Subsection shall not be applied if the effective date of a subsequent permanent zoning ordinance applicable to the same land will have passed before such expiration, or if the interim ordinance, has been repealed, or if the Board shall otherwise order.
- F. At or before the public hearing on the proposed extension, and at least ten days prior to the expiration of the interim ordinance or any extension, the Planning Director shall make a written report to the Board of Supervisors on the status of the zoning study. The report shall describe the measures taken to alleviate the condition which lead to the adoption of the ordinance.
- G. The prohibition of uses by interim ordinance may in whole or part be imposed by applying on an interim basis one or more of the zoning designations provided for by this County Ordinance No. 348 by reference to the applicable zoning symbols preceded by "I-" or to the title of a zoning classification preceded by "Interim".
- H. Whenever any area is placed in an interim zone, that area is subject to all of the provisions of County Ordinance No. 348, including its penalty provisions, applicable to the zone in which it has been placed. For the period of time that the interim zoning ordinance is in effect the permanent zoning is deemed superseded, but upon expiration thereof, the permanent zoning shall again be in full force and effect unless it has been previously repealed or superseded by new permanent zoning.

**SUBSECTION 4: FINDINGS FOR APPROVAL**

- 1. All findings for General Plan Amendments shall be made per the Administrative Element of the General Plan for the corresponding type of General Plan Amendment.
- 2. Any proposed Legislative Action will not involve a change in or conflict with the Riverside County Vision.

3. The proposed Legislative Action would not be detrimental to the health, safety or general welfare of the community.
4. The Legislative Action is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The proposed project is compatible with surrounding land uses, as the surrounding land uses.
6. Other findings as necessary as listed in either Chapter II or Chapter III.

SECTION B:                   CONDITIONAL USE PERMITS

SUBSECTION 1:           DESCRIPTION

Each zoning classification shall list each land use allowed as either a Conditional Use Permit or a Use Permit. This section pertains to Conditional Use Permits as well other types of applications that utilize this process.

SUBSECTION 2:           PROCESS

The following procedures shall apply to applications for any permit or variance described herein unless otherwise specified in SUBSECTION 3.

A public hearing upon an application shall be set before the Planning Commission in accordance with Article 11 of this Chapter when:

1. The Planning Director has determined that the application complies with all ordinance requirements; and,
2. All procedures required by Riverside County Rules Implementing the California Environmental Quality Act to hear a matter have been completed.

The Planning Commission shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing. A copy of the notice of decision shall be mailed to the applicant and to any person who has made a written request for a copy of the decision. If the Commission is unable to make a decision, that fact shall be considered as a denial of the application. The decision of the Commission is considered final unless appealed per Section F of this Article.

Notwithstanding the above, the hearing on any conditional use permit that requires approval of a Legislative Action shall be heard in accordance with the provisions of Section A of Article 10 of this Chapter, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing

Notwithstanding the above, or any other provision herein to the contrary, the hearing on any conditional use permit that requires approval of a subdivision

pursuant to Ordinance 460 shall be heard in conjunction with the provisions of that ordinance, and all of the procedural requirements as set forth therein shall govern the hearing.

**SUBSECTION 3: FINDINGS FOR APPROVAL**

1. A conditional use permit shall not be detrimental to the health, safety or general welfare of the community.
2. The proposed use conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County.
3. The proposed use conforms to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.
4. That plan for the proposed use shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.
5. All use permits which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

**SECTION C: USE PERMITS**

**SUBSECTION 1: DESCRIPTION**

Each zoning classification shall list each land use as either a Conditional Use Permit or a Use Permit. This section pertains to the approval of Use Permits.

**SUBSECTION 2: PUBLIC HEARING PROCESS**

The Planning Director shall hold a public hearing on all Use Notice of the time, date and place of the public hearing shall be given as provided in Article 11 of this Chapter. The decision of the Planning Director is considered final unless appealed per Section F of this Article.

Notwithstanding the above, the hearing on any use permit that requires certification of an Environmental Impact Report, Supplemental Environmental Impact Report, or Subsequent Impact Report shall be heard before the Planning Commission in accordance with ARTICLE 10, SECTION B of this CHAPTER.

The Planning Director may, at the request of the project proponent, refer any project that would ordinarily be heard at Director's Hearing to the Planning Commission for a public hearing. Such public hearing shall be heard in accordance with CHAPTER 10, ARTICLE B of this CHAPTER.

The Planning Director may refer any project that would ordinarily be heard at Director's Hearing for a public hearing before the Planning Commission if any one of the following situations arise:

- a) New information was provided at the Director's Hearing that indicated areas of concern to the surrounding property owners that were not anticipated at the time of the notice of the public hearing.
- b) The property containing site of the proposed project has an unresolved Code Violation related to the use proposed.

Notwithstanding the above, the hearing on any use permit that requires approval of a Legislative Action shall be heard in accordance with the provisions of Section A of Article 10 of this Chapter, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

Notwithstanding the above, or any other provision herein to the contrary, the hearing on any-use permit that requires approval of a subdivision pursuant to Ordinance 460 shall be heard in conjunction with the provisions of that ordinance, and all of the procedural requirements as set forth therein shall govern the hearing.

### SUBSECTION 3: NON-PUBLIC HEARING PROCESS

Notwithstanding Subsection 2, certain land uses defined in either Chapter II or Chapter III allow for Use Permits to be allowed without a mandatory public hearing. In these situations, in lieu of a public hearing, the Planning Director shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll and any updates as owning real property within a 300 foot radius of the exterior boundaries of the proposed project. Notice of the proposed use shall also be given by publication in a newspaper of general circulation in the County. The notice shall include the statement that no public hearing will be held unless a hearing is requested in writing before the date scheduled for the decision to be made. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing by the applicant or other affected person, or unless the Planning Director determines that a public hearing should be required. If no public hearing is requested, the Planning Director shall give notice of the decision to the applicant and to any other person who requests notice of the decision. The decision of the Planning Director shall be considered final and is not appealable.

If a public hearing is required under the provisions of this Subsection, then the project will be heard by the Planning Director in accordance with SubSection 2 of this Section.

**SUBSECTION 4: FINDINGS FOR APPROVAL**

1. The proposed use conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County.
2. The overall development of the land shall be designed for the protection of the public health, safety and general welfare, because...
3. The proposed use conforms to the logical development of the land and to be compatible with the present and future logical development of the surrounding property, as...
4. That plan for the proposed use shall consider the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and shall take into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.
5. All use permits which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

**SECTION D: MINOR USE PERMITS**

**SUBSECTION 1: DESCRIPTION**

Uses or proposed structures that are in full compliance with this ordinance and are not subject to the California Environmental Quality Act, but where such activities and/or plans require scrutiny by the Planning Department and / or other reviewing agencies may be classified as a Minor Use Permit.

**SUBSECTION 2: PROCESS**

- a. **STANDARD PROCESS.** The Zoning Administrator shall approve, conditionally approve or disapprove a Minor Use Permit based upon the standards in Subsection 4 of this Section within thirty days after accepting a completed application and give notice of the decision, including any required conditions of approval, by mail, to the applicant and any other persons requesting notice.

- b. PUBLIC REVIEW PROCESS. A thirty (30) day public review period shall be provided prior to the Planning Director considering the site design plan submitted by the project proponent. Notice of the public review period shall be given in the same manner as provided in CHAPTER I, ARTICLE 10, SECTION C, SUBSECTION 3 OF THIS ORDINANCE of this ordinance. The notice shall include the mailing address to send comments to, the dates for the public review period, location where the site design plan may be reviewed, and explain that the public may comment on the site design plan. The Zoning Administrator shall consider any public comments received on the site design plan.

DESIGN APPROVAL. The above referenced site design plan shall be approved by the Zoning Administrator if the site design plan is consistent with all of the following:

1. The Riverside County General Plan;
2. This Ordinance;
3. The Countywide Design Guidelines;
4. There is no specific, adverse impact upon the public health or safety. A specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete; or
5. If there is a specific adverse impact upon the public health or safety, the development has been conditioned to develop at a lower intensity which removes the specific adverse impact.

SUBSECTION 3: FINDINGS FOR APPROVAL

No minor use permit shall be approved unless it complies with the following standards

1. The minor use permit conforms to all the requirements of the General Plan and with all applicable requirements of State law and the ordinances of Riverside County.
2. The minor use permit shall be designed for the protection of the public health, safety and general welfare



3. The minor use permit conforms to the logical development of the land and to be compatible with the present and future logical development of the surrounding property.

4. The minor use permit considered the location and need for dedication and improvement of necessary streets and sidewalks, including the avoidance of traffic congestion; and took into account topographical and drainage conditions, including the need for dedication and improvements of necessary structures as a part thereof.

3. All minor use permits which permit the construction of more than one structure on a single legally divided parcel shall, in addition to all other requirements, be subject to a condition which prohibits the sale of any existing or subsequently constructed structures on the parcel until the parcel is divided and a final map recorded in accordance with Ordinance No. 460 in such a manner that each building is located on a separate legally divided parcel.

**SECTION E: USES ALLOWED BY RIGHT**

**SUBSECTION 1: DESCRIPTION**

Each zoning classification will determine the land uses that are allowed by right.

**SUBSECTION 2: PROCESS**

There is no approval required by the Planning Director or Zoning Administrator of any Uses Allowed by Right. However, this does not preclude the necessity by the applicant of obtaining appropriate building permits, grading permits, business registration, environmental health permits, state licenses, or other non-discretionary permits issued by Riverside County. Any establishment of any use allowed by right are subject to the development standards established by the zoning classification.

**SUBSECTION 3: TYPES**

There are no applications required by the Planning Department for any use allowed by right.

**SUBSECTION 4: FINDINGS FOR APPROVAL**

Since "Uses Allowed by Right" are non-discretionary, no findings for approval by the Planning Director or the Zoning Administrator are required.

**SECTION F: TENANT CHANGES**

Notwithstanding the specific requirements of the zoning classification and this Section, no Major Use Permit or Use Permit is required to establish a proposed use when the proposed use is replacing an existing use provided that each of the following provisions are met:

1. The existing and proposed primary uses are conforming uses entirely contained within a building. In this instance, outdoor storage may be considered part of the primary use;
2. The existing use was subject to a discretionary / administrative approval which is still valid;
3. The proposed use will not require the construction of a building, or the reconstruction or expansion of an existing building, unless such building was damaged or destroyed by natural disaster or other Act of God.
4. The proposed use complies with the parking and landscaping requirements of Chapter 3, Article xx this ordinance; and,
5. The proposed site has adequate road and other improvements required for the implementation of the proposed use available on site.
6. The proposed use requires no additional federal or state licenses or approvals that the existing use does not have.

SECTION G: APPEALS

An applicant or any other interested party may appeal from the decision of the Planning Director or the Planning Commission by the following procedure:

1. Appeal of the Planning Director's decision- Within ten calendar days after the date of the decision by the Planning Director, an appeal in writing may be made on the form provided by the Planning Department and which shall be accompanied by a filing fee as set forth in Ordinance No. 671.
2. Appeal of a decision made by the Planning Commission. Within ten calendar days after the date of the decision of the Commission, the appellant may appeal that decision, in writing, to the Board of Supervisors, on the forms provided by the Planning Department, which shall be accompanied by a filing fee set forth in Ordinance No. 671.
3. Hearings on Appeals. Upon receipt of a completed appeal, the matter shall be set for hearing before the appropriate hearing body not less than ten days nor more than forty-five days and shall give written notice of the hearing to the applicant and the appellant in the same manner that notice was given for the original hearing. The appropriate hearing body shall render its decision within thirty days following the close of the hearing on the appeal.

SECTION H. FAST TRACK PROJECT PROCEDURES

SUBSECTION 1. AUTHORITY OF BOARD OF SUPERVISORS.

Notwithstanding any other provision of this ordinance or of County Ordinance No. 460, the Board of Supervisors hereby deems it appropriate and necessary to reserve to itself the functions of the planning agency with respect to hearing any permit or approval

included in a fast track project. The Board of Supervisors shall have exclusive authority to hear, approve, conditionally approve or disapprove any permit or approval included in a fast track project. Notwithstanding any other provision of this ordinance or of County Ordinance No. 460, no hearing before the Planning Commission or the Planning Director shall be required with respect to any permit or approval included in a fast track project.

**SUBSECTION 2. APPLICATIONS.**

The application for each permit or approval included in a fast track project shall be filed with the Planning Director, shall include all information required by the applicable ordinance for the type of permit or approval, and shall be accompanied by the fees set forth in County Ordinance No. 671 for the type of permit or approval.

**SUBSECTION 3. INITIATION OF GENERAL PLAN AMENDMENT PROCEEDINGS.**

Whenever a fast track project includes an application for a General Plan amendment, the Planning Director shall process the General Plan amendment application in accordance with all of the applicable procedures for the initiation of General Plan amendment proceedings set forth in Article II of this ordinance.

**SUBSECTION 4. SETTING FOR HEARING.**

Unless otherwise ordered by the Board of Supervisors, the applications for all permits and approvals included in a fast track project shall be heard concurrently in a single consolidated hearing before the Board of Supervisors. The Planning Director shall set for hearing the applications for all permits and approvals included in a fast track project when he has determined that all such applications comply with all ordinance requirements.

**SUBSECTION 5. NOTICE OF HEARING.**

The Board of Supervisors shall hold a public hearing on all applications for permits and approvals included in the fast track project. Notice of the hearing shall be given as provided in Article 11 of this ordinance.

**SUBSECTION 6. ADMINISTRATION OF OATHS.**

The Chairman of the Board of Supervisors may require that witnesses at the public hearing be sworn.

**SUBSECTION 7. HEARING AND DECISION.**

The Board of Supervisors shall hear relevant testimony from all interested persons and make its decision within a reasonable time after the close of the public hearing. The Board of Supervisors may approve, conditionally approve or disapprove each application for a permit or approval included in the fast track project. The decision with respect to each application for a permit or approval included in the fast track project shall be in the form required by ordinance for that type of permit or approval. Within ten business days of the decision, the Clerk of the Board of Supervisors shall prepare and transmit

notice of the decision to the Planning Director, the Assistant County Executive Officer/Economic Development Agency (the EDA Director), the applicant, and any person who has submitted a written request for notice of the decision.

SECTION I: MODIFICATIONS

SUBSECTION 1: REVISIONS

A revised permit means an alteration of an approved permit which does not change the basic concept or use allowed by the original approval. A revised permit may include, but is not limited to, a significant increase in intensity of the approved use, changes resulting in significant adverse effects, expansion within the approved permit area, and changes to the original conditions of approval, including extensions to the overall life of the permitted use, as determined by the Planning Director.

An application for a revised "Major Use Permit", or "Use Permit" shall be approved, conditionally approved or disapproved in accordance with the procedures for processing the original approval, including any requirements for public hearing, notice of hearing, and all rights of appeal. A revised "Major Use Permit", or "Use Permit" shall be subject to the development standards applicable to approval of a new permit.

SUBSECTION 2: MODIFICATIONS

A modification is a request for a non-substantial alteration modification of an approved permit which does not change the original approval or the effect of the approval on surrounding property. A substantial conformance may include, but is not limited to the following:

- a. Modifications for upgrading facilities.
- b. Modifications for compliance with the requirements of other public agencies.
- c. Modifications necessary to comply with the final conditions of approval.
- d. Modifications to on-site circulation and parking, lighting, fencing or walls (placement and/or height), landscaping and/or signage requirements, provided said modifications, as determined by the Planning Director, will have no adverse effect upon public health, safety, welfare, and/or the environment.
- e. A non-substantial modification of a condition of approval, or diagram, that does not change the basic design or improvements required and is consistent with the original approval. Substantial conformance may include a modification or deletion of a condition which will not substantially or adversely affect the underlying purpose for which the condition was initially required, construction of an implementing project out of phase so long as all infrastructure and public facilities required for the intervening phases are provided, a modification of the approved

land uses in a phase which does not increase the land use density or intensity in any phase beyond that allowed by the original approval or a modification of the project design which improves circulation, protects topographic features, minimizes grading, improves drainage or improves infrastructure.

The Zoning Administrator Planning Director shall approve, conditionally approve or disapprove an application for substantial conformance within 30 days after accepting a completed application and give notice by mail of the decision, including any additional conditions of approval, to the applicant and any other person who has filed a written request for notice.

- a. The Zoning Administrator's determination shall be based upon the standards of this section and those standards set forth in this ordinance for the approval of an original application.
- b. An application for modification shall not require a public hearing, and the determination of the Zoning Administrator is considered final.
- c. Notwithstanding subsection b the above, the hearing on any modification that requires approval of a subdivision pursuant to Ordinance 460 shall be heard in accordance with the provisions of that ordinance, and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.
- d. Notwithstanding the above, or any other provision herein to the contrary, the hearing on any minor modification that requires approval of a Legislative Action shall be heard in accordance with the provisions of Section A of Article 10 of this Chapter, and all of the procedural requirements as set forth therein shall govern the hearing.

## SECTION J: REVOCATIONS

### SUBSECTION 1: FINDINGS FOR REVOCATION OF VARIANCES AND PERMITS.

Any conditional use permit or use permit or, may be revoked by the Director of the Building and Safety Department upon finding that one or more of the following conditions for revocation exist.

1. That the use is detrimental to the public health, safety or general welfare, or is a public nuisance.
2. That the permit was obtained by fraud or perjured testimony.
3. That the use is being conducted in violation of the terms and conditions of the permit.
4. That the use for which the permit was granted has ceased or has been suspended for one year or more.

SUBSECTION 2: PROCESS

Upon a determination by the Director of the Building and Safety Department that grounds for revocation exist, the following procedure shall take effect:

SUB-SUBSECTION 1: NOTICE OF REVOCATION.

Notice of revocation and a copy of the findings of the Director of the Building and Safety Department shall be mailed by the Director by certified mail to the owner of the property to which the permit or variance applies, as shown by the records of the Assessor of Riverside County. The decision of the Director of the Building and Safety Department shall be final unless a notice of appeal is timely filed.

SUB-SUBSECTION 2: NOTICE OF APPEAL.

Within ten days following the mailing of the notice of revocation, the owner of the property to which the permit or variance applies may file with the Planning Director a notice of appeal from the decision of the Director of the Building and Safety Department. A notice of appeal shall be accompanied by the filing fee set forth in County Ordinance No. 671. A notice of appeal not accompanied by such fee shall be deemed null and void and shall not be processed.

SUB-SUBSECTION 3: SETTING HEARING; COSTS.

Appeals shall be heard by the Planning Commission, or if the Commission so elects, shall be heard by a County Hearing Officer pursuant to and in accordance with County Ordinance No. 643. Notice of the time, date and place of the hearing shall be given as provided in Article 11 of this ordinance. In the event that an appeal is heard by a County Hearing Officer and the owner of the property to which the permit or variance applies does not prevail in the appeal, the owner shall not be obligated to pay any hearing costs. In the event that an appeal is heard by a County

Hearing Officer and the owner of the property to which the permit or variance applies prevails in the appeal, the owner shall not be obligated to pay all hearing costs.

SUB-SUBSECTION 4: TESTIMONY UNDER OATH.

All testimony at the hearing shall be taken under Oath.

SUB-SUBSECTION 5: TRANSFER TO BOARD OF SUPERVISORS ON APPEAL.

The revocation or non-revocation of a permit or variance by the Planning Commission or Planning Council shall be final unless, within ten days following the matter at which the notice of decision was on the agenda of the Board of Supervisors, the following occurs:

- a. An appeal to the Board of Supervisors is made by the owner of the property which is the subject of the revocation proceedings; or,
- b. The Board of Supervisors orders the matter transferred to it for further proceedings.

**SUB-SUBSECTION 6: FURTHER PROCEEDINGS BEFORE THE BOARD OF SUPERVISORS**

If either of the actions mentioned in paragraphs A. and B. of sub-subsection five above are taken, the Board of Supervisors may:

- a. Refuse to review the Planning Commission or Planning Council's decision, in which case the decision shall be final; or,
- b. Review a transcript or recording of the testimony and all other evidence introduced before the Planning Commission, and based upon that record, affirm or reverse the decision of the Planning Commission or refer the matter back to the Planning Commission for the taking of further evidence or hearing additional argument in which case notice shall be given to the owner of the property which is the subject of the proceedings; or,
- c. Set the matter for hearing before itself. At such hearing the Board of Supervisors shall hear and decide the matter de novo as if no prior hearing had been held. Notice of the time, date and place of the public hearing shall be given as provided in Article 11 of this Chapter.

**SUB-SUBSECTION 7: ACTION BY THE BOARD OF SUPERVISORS.**

The decision of the Board of Supervisors on revocation of a permit or variance is final.

**ARTICLE 11. HEARING NOTICE REQUIREMENTS**

**SECTION A: NOTIFICATION PROCEDURES**

When a provision of this ordinance requires notice of a public hearing to be given pursuant to this Section, notice shall be given in all of the following ways:

1. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property as shown on the latest equalized assessment roll. Instead of using the assessment roll, the County may use records of the County assessor or tax collector if those records contain more recent information than the information contained on the assessment roll. Notice shall also be mailed to the owner's duly authorized agent, if any, and to the project applicant.
2. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to the City that has an established sphere of influence

over the subject property if applicable, each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

3. Notice of the hearing shall also be mailed or delivered at least 10 days prior to the hearing to the following entities: at least one organization which works with the blind community, at least one organization which works with the aged community, and at least one organization which works with the disabled communities.
4. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within at least 600 feet of the real property that is the subject of the hearing. The Planning Director may direct that a greater radius from the real property be utilized, depending on the nature of the proposed project. Some land uses described in Chapter IV may prescribe a larger minimum distance from the subject property.

In lieu of using the assessment roll, the County may use records of the County assessor or tax collector which contain more recent information than the assessment roll. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph or paragraph (1) is greater than 1,000, the County, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least 10 days prior to the hearing.

5. If the notice is mailed or delivered pursuant to paragraph (4), the notice shall also be published once in at least one newspaper of general circulation within the County at least 10 days prior to the hearing.
6. Notice shall be published once in at least one newspaper of general circulation within the County at least 10 days prior to the hearing.

**SECTION B: NOTIFICATION PROVISIONS**

1. The notice shall include the information specified in Section E of this Article.
2. In addition to the notice required by this Section, the Planning Director may direct that notice of the hearing be given in any other manner deemed necessary or desirable. The failure of any person or entity to be given such optional additional notice pursuant to this Subsection, or to receive any such notice, shall not constitute grounds for the invalidation of any action of the County.

**SECTION C: REQUEST FOR NOTIFICATION.**



When a provision of this ordinance requires notice of a public hearing to be given pursuant to Section A, the notice shall also be mailed or delivered at least 10 days prior to the hearing to any person who has filed a written request for notice with the Planning Director accompanied by the fees set forth in County Ordinance No. 671. Any such request for notice shall expire after one year unless renewed by the filing of a new request accompanied by the fees set forth in County Ordinance No. 671.

SECTION D: FAILURE TO RECEIVE MANDATORY NOTICE; FAILURE TO GIVE OR RECEIVE OPTIONAL ADDITIONAL NOTICE.

The failure of any person or entity to receive notice required to be given pursuant to this ordinance shall not constitute grounds for any court to invalidate the actions of the County for which the notice was given. The failure of any person or entity to be given optional additional notice pursuant to either Subsection 1.6.c. or Subsection 1.7.c. of this ordinance, or to receive any such notice, shall not constitute grounds for the invalidation of any action of the County.

SECTION E: CONTENTS OF NOTICE OF PUBLIC HEARING.

As used in this ordinance, "notice of a public hearing" means a notice that includes the date, time, and place of a public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

SECTION F: HEARING CONTINUANCES.

Any public hearing conducted under this ordinance may be continued from time to time. No additional notice of public hearing shall be required for a continued public hearing.

ARTICLE 12 ENFORCEMENT, VALIDITY, AND AUTHENTICATION

SECTION A: ENFORCEMENT.

The Sheriff, District Attorney, County Surveyor, Building Inspector, County Clerk, Planning Director and all County Officials charged with the issuance of licenses and permits shall enforce the provisions of this ordinance.

SECTION B: PROCEDURES

The procedures, remedies and penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for in Ordinance No. 725, which is incorporated herein by this reference.

SECTION C: VALIDITY

This ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, Section or clause is adjudged unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby. The County Board of Supervisors hereby declares that it would have passed this ordinance and each part thereof, regardless of the fact that one or more parts thereof be declared unconstitutional or invalid.

SECTION D: AUTHENTICATION

It is hereby expressly provided and declared that this ordinance shall take effect thirty (30) days from and after its passage, and prior to the expiration of fifteen (15) days from the passage thereof shall be published once in the Riverside Enterprise, a newspaper of general circulation, printed and published in the County of Riverside, together with the names of the members of the Board of Supervisors voting for and against the same

ARTICLE 13 TIME LIMIT

Whenever by the terms of this ordinance or a provision of any permit or variance thereunder, a period is fixed within which an act is required or permitted to be performed and the last day of such period falls on a Saturday, Sunday, or holiday, then the next succeeding day which is not a Saturday, Sunday, or holiday shall be deemed the last day of such period. If, by such provisions, any document is required to be filed with the Board of Supervisors, the Planning Commission or other body or officer, filing the same with the Clerk of the Board of Supervisors shall be deemed filing with said Board, filing in the office of the Planning Director shall be deemed filing with said Board, filing in the office of the Planning Director shall be deemed filing with said Commission, filing with the Secretary of such other body or in its office shall be deemed filing with such body, and filing in the office of such officer shall be deemed filing with him. If by any such provision a time limit for the performance of an act is permitted to be extended or the period renewed, such renewal or extension, to be effective, must be sought and obtained prior to the expiration of the time limit.