



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

March 15, 2021

RE: Areas Subject to Indian Jurisdiction – General Plan Land Use Element Update

Dear Chairperson,

The County of Riverside is proposing an update to the General Plan's Land Use Element Chapter 3 – section *Areas Subject to Indian Jurisdiction*. The County-initiated General Plan update proposes new text to ensure that development of Fee Lands is coordinated with the appropriate Tribal Government. Additionally, to clarify the appropriate actions are followed, the General Plan's LU 37.5 (*Policy*) proposes to require *all* application proposals for development of Fee Lands, should be transmitted to the appropriate Tribal Government for review and comment, as part of the County's development review process. The proposed 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. It should be noted; a General Plan Amendment will be required if a development proposal differs from what is expected in the Agriculture designated lands.

A *draft* copy of the General Plan's Chapter 3 Land Use section *Areas Subject to Indian Jurisdiction* with the proposed updated text (*Highlighted in blue*) is attached for your convenience or it can be viewed online at Riverside County's "Welcome to the Planning Department" webpage under in the "What's New" heading or by following this link <https://planning.rctlma.org/200003> Please provide review and provide comments or request a meeting to discuss this item on or before *April 5, 2021* to Paul Swancott, at 951.955.3103 or email pswancott@rivco.org The element and policy update is tentatively scheduled for the May 19, 2021 Planning Commission hearing.

Sincerely,
Riverside County Planning Department

Paul Swancott
Contract Planner

Attachment: Chapter 3, Land Use Element Section and Policy–Areas Subject to Indian Jurisdiction (*Draft*)

Email CC: Robert Flores, rflores@RIVCO.ORG

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 are 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 should 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 should have an Agriculture Foundation Component and an Agriculture Area Plan Land Use Designation. At the time a*

Chapter 3 Land Use Element

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 will 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.