

ORDINANCE NO. 2013-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING SECTION 9.10.050, FOUNDATION COMPONENT CHANGES, TO CHAPTER 9.10, AMENDMENTS, TO THE COUNTY ZONING ORDINANCE, IN TITLE 9, PLANNING AND ZONING, OF THE JURUPA VALLEY MUNICIPAL CODE, TO AMEND AND SUPERSEDE CERTAIN PROVISIONS OF RIVERSIDE COUNTY ZONING ORDINANCE NO. 348

THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Project Procedural History.

(a) The City of Jurupa Valley adopted the Riverside County General Plan and the Riverside County Zoning Ordinance No. 348 by adoption of Ordinance No. 2011-10 effective October 15, 2011.

(b) The Riverside County General Plan, and consequently contains a 5-year General Plan review cycle. As part of this 5-year review cycle, the General Plan also limits Foundation Component changes to coincide with this 5-year General Plan review cycle. In section 2.5 and 2.6 of Riverside County Zoning Ordinance No. 348, the Zoning Ordinance contains this same foundation component change restriction consistent with the General Plan.

(c) On February 16, 2012, following a joint work session with the Planning Commission, the City Council determined that the 5-year limitation on amending the General Plan to propose a change of land use designation from one Foundation Component to another should be eliminated. As such, the City Council initiated a General Plan Amendment for public hearings before the Planning Commission and City Council.

(d) On May 9, 2012, the Planning Commission met to consider the elimination of the 5-year limitation on Foundation Component changes. At this meeting, the Planning Commission indicated that additional information would be required in order to formulate a recommendation to the City Council.

(e) On February 27, 2013, the Planning Commission held a public hearing on the General Plan Amendment to eliminate the 5-year limitation on Foundation Component changes, with the exception of those areas within the floodway or having a slope ratio of 4:1 or greater. Due to the need to bring forth additional zoning amendments to ensure consistency between the proposed General Plan Amendment and zoning ordinance, staff recommended that the Planning Commission close the public hearing for the item to be re-noticed pursuant to State Planning and Zoning laws to include the zoning amendments. Upon staff's recommendation, the Planning Commission closed the public hearing.

(f) On March 13, 2013, the Planning Commission held a public hearing to consider both the General Plan Amendment and the proposed zoning changes to ensure

consistency between the General Plan and zoning ordinance. At the conclusion of this public hearing, the Planning Commission adopted Resolution No. 2013-03-13-01, recommending approval of the General Plan Amendment and Zoning Code Amendment to eliminate the 5-year limitation on Foundation Component changes, with the exception of those areas within the floodway or having a slope ratio of 4:1 or greater, with one dissenting vote by Commissioner Matthew Burris.

(g) This General Plan Amendment was processed including, but not limited to a public notice, in the time and manner prescribed by State law and Jurupa Valley Ordinances.

(h) All legal preconditions to the adoption of this Resolution have occurred.

SECTION 2. **Zoning Code Amendment.** Section 9.10.050
“Foundation Component Changes” is hereby added to Chapter 9.10 “Amendments to the County Zoning Ordinance” and Title 9 “Planning and Zoning”, of the Jurupa Valley Municipal Code to read as follows:

“Section
9.10.050 Foundation Component Changes

A. Subsection 2.5(a)(4) of Section 2.5, “General Plan Foundation Component Amendments - Regular” of Article II, “Riverside County General and Specific Plans” of Riverside County Zoning Ordinance No. 348 as adopted in the City of Jurupa Valley by Chapter 1.31 of the Jurupa Valley Municipal Code, is hereby deleted in its entirety with Section 2.5(a) amended to read as follows:

“a. **APPLICABILITY.** This Section shall govern the processing of Foundation Component Amendments including any General Plan Amendment to change:

- (1) The Riverside County Vision;
- (2) The General Planning Principles set forth in General Plan Appendix B;
- (3) Any 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 Riverside County Zoning Ordinance No. 348, as adopted in the City of Jurupa Valley.”

B. Subsection 2.5(b), “Limitation on Foundation Component Amendments” of Section 2.5, “General Plan Foundation Component Amendments - Regular” of Article II, “Riverside County General and Specific Plans” of Riverside County Zoning Ordinance No. 348 as adopted in the City of Jurupa Valley by Chapter 1.31 of the Jurupa Valley Municipal Code, is hereby amended as follows:

“b. **LIMITATION ON FOUNDATION COMPONENT AMENDMENTS.** Except as otherwise provided Section 2.7 of Riverside County Zoning Ordinance No. 348, as adopted in

the City of Jurupa Valley, Foundation Component Amendments proposing to change property from one Foundation Component to another may be heard or approved at any time, in compliance with state law, to provide flexibility in response to changing conditions and opportunities in the various Foundation Component areas. However, for any Foundation Component Amendment proposing to change property from one Foundation Component to another which lies within a floodway or has a slope ratio of 4:1 or greater, it shall only be heard or approved as part of the Five-Year General Plan Review Cycle. Additionally, any proposed change to the General Plan Vision or the General Planning Principles set forth in General Plan Appendix B shall only be heard or approved as part of the Five-Year General Plan Review Cycle. The first Five-Year General Plan Review Cycle shall commence in January 2011 and subsequent cycles shall occur at five calendar year intervals thereafter. Property which lies within a floodway or has a slope ratio of 4:1 or greater shall be determined as follows:

(1) An area shall be considered to be in the floodway if it is designated by FEMA on the Flood Insurance Rate Maps (FIRMS) and as determined by the City Engineer to conform to any adopted map revisions not shown on the latest published FIRMS map.

(2) An area shall be considered to have a slope of 4:1 or greater pursuant to the following formulation and as determined by the City Planning Director:

a) The parcel of land shall be divided into subareas or cells of approximately 100 feet by 100 feet (thirty (30) meters by thirty (30) meters). Within each cell, the slope shall be calculated by the following formula:

1. A slope map shall be required. All computations for slope, including a topographic map, shall be prepared and signed by a registered civil engineer or a licensed land surveyor and submitted to the Environmental Administrator. The topographic map shall have a scale of not less than one inch to 200 feet and a contour interval of not more than ten (10) feet. This topographic map shall include all adjoining land area within 150 feet of the site boundaries. The map shall depict the slope category of each range of slope gradient so that slopes within the same category are visually recognizable.

2. Land areas with slopes less than a 4:1 that are surrounded on three sides by areas with slopes that are 4:1 or greater shall be included in the area of a site excluded from making foundation component changes.

3. The boundaries of the areas of a site or parcel that are excluded from making foundation component changes shall be verified by the City Engineer.”

C. Subsection 2.5(c), "Initiation of Amendment Proceedings" of Section 2.5, , "General Plan Foundation Component Amendments - Regular" of Article II, "Riverside County General and Specific Plans" of Riverside County Zoning Ordinance No. 348 as adopted in the City of Jurupa Valley by Chapter 1.31 of the Jurupa Valley Municipal Code, is hereby amended as follows:

"c. INITIATION OF AMENDMENT PROCEEDINGS. The initiation of proceedings for any amendment pursuant to this Section shall require an order of the Jurupa Valley City Council, adopted by an affirmative vote of not less than a majority of the entire membership of the Council. The City Council may adopt an order initiating amendment proceedings any time. However, if the amendment involves property within the floodway or that has a slope ratio of 4:1 or greater, the City Council may only adopt an order initiating amendment proceedings during the calendar year of a Five Year General Plan Review Cycle. Additionally, if the amendment proposes a change to the General Plan Vision or the General Planning Principles set forth in General Plan Appendix B, the City Council may only adopt an order initiating amendment proceedings during the calendar year of a Five Year General Plan Review Cycle. The adoption of an order by the City Council initiating amendment proceedings shall not require a public hearing and shall not imply any such amendment will be approved."

D. Subsection 2.5(e), "Private Applications for the Initiation of Amendment Proceedings" of Section 2.5, , "General Plan Foundation Component Amendments - Regular" of Article II, "Riverside County General and Specific Plans" of Riverside County Zoning Ordinance No. 348 as adopted in the City of Jurupa Valley by Chapter 1.31 of the Jurupa Valley Municipal Code, is hereby amended as follows:

"e. 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 City Council adopt an order initiating proceedings for an amendment pursuant to this Section. 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 Ordinance No. 671. For applications proposing to amend a Foundation Component on property that lies within the floodway or has a slope ratio of 4:1 or greater, or for any amendment to the General Plan Vision or the General Planning Principles set forth in General Plan Appendix B, the Planning Director shall establish an application period of not less than thirty days during the calendar year of each Five-Year General Plan Review Cycle during which time applications will only be accepted. The Planning Director shall prepare a report and recommendation on all applications and shall submit the report and recommendation to the City Clerk for placement on the City Council agenda as a matter not requiring a public hearing. Prior to submitting the report and recommendation to City Clerk, the comments of the Planning Commission shall be requested and any comments shall be included in the submission to the City Council. No public hearing before the Planning Commission shall be required to request such comments."

E. Subsection 2.5(f), "Amendment Proceedings and Hearings" of Section 2.5, , "General Plan Foundation Component Amendments - Regular" of Article II, "Riverside County

General and Specific Plans” of Riverside County Zoning Ordinance No. 348 as adopted in the City of Jurupa Valley by Chapter 1.31 of the Jurupa Valley Municipal Code, is hereby amended as follows:

“f. AMENDMENT PROCEEDINGS AND HEARINGS. After adoption of an order of the City Council 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 Riverside County Zoning Ordinance No. 348 as adopted in the City of Jurupa Valley. If the City Council 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.”

F. Section 2.5(g), “Findings” of Section 2.5, , “General Plan Foundation Component Amendments - Regular” of Article II, “Riverside County General and Specific Plans” of Riverside County Zoning Ordinance No. 348 as adopted in the City of Jurupa Valley by Chapter 1.31 of the Jurupa Valley Municipal Code, is hereby amended as follows:

“g. FINDINGS. A Planning Commission resolution recommending approval of a Foundation Component Amendment and a City Council resolution approving a regular Foundation Component Amendment shall include findings, based on substantial evidence, that justifies modifying the General Plan, that the modifications do not conflict with the overall Vision articulated in the General Plan, and that it would not create an internal inconsistency among the elements of the General Plan. However, a Planning Commission resolution recommending approval of a Foundation Component Amendment on property that lies within the floodway or has a slope ratio of 4:1 or greater, and a City Council resolution approving a Foundation Component Amendment on property that lies within the floodway or has a slope ratio of 4:1 or greater, shall include findings, based on substantial evidence, that new conditions or circumstances disclosed during the review process justifies modifying the General Plan, that the modifications do not conflict with the overall Vision articulated in the General Plan, and they it would not create an internal inconsistency among the elements of the General Plan. Finally, a Planning Commission resolution recommending approval of an amendment to the General Plan Vision or the General Planning Principles set forth in General Plan, Appendix B, and a City Council resolution approving an amendment to the General Plan Vision or the General Planning Principles set forth in General Plan, Appendix B, shall include findings, based on substantial evidence, that new conditions or circumstances disclosed during the review process justifies modifying the General Plan, that the modifications do not conflict with the overall Vision articulated in the General Plan, and they it would not create an internal inconsistency among the elements of the General Plan.”

G. Subsection 2.6(a)(4) of Section 2.6, “General Plan Foundation Component Amendments - Extraordinary” of Article II, “Riverside County General and Specific Plans” of Riverside County Zoning Ordinance No. 348 as adopted in the City of Jurupa Valley by Chapter 1.31 of the Jurupa Valley Municipal Code, is hereby deleted in its entirety with Section 2.6(a) amended to read as follows:

“a. **APPLICABILITY.** This Section shall govern the processing of Foundation Component Amendments not in compliance with Section 2.5 because they involve extraordinary circumstances. These may include amendments to:

- (1) The Riverside County Vision;
- (2) The General Planning Principles set forth in General Plan Appendix B; or
- (3) Any 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 Riverside County Zoning Ordinance No. 348, as adopted in the City of Jurupa Valley.”

SECTION 3. CEQA Finding. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this ordinance is exempt from the California Environmental Quality Act (CEQA) because this ordinance is an administrative activity of the City that will not result any direct or indirect physical changes in the environment pursuant to CEQA Guideline Section 15378(b)(5). Although this ordinance may allow for land use designations to be changed more frequently from one Foundation Component to another than before, no specific proposal is before the City seeking a land use designation change and it would be speculative to analyze the environmental effects from such unknown changes. At the time that any specific proposal to amend the General Plan from one Foundation Component to another is before the City, environmental review will be conducted at that time to analyze the effect(s) of such a change. Further, CEQA Guideline 15061(b)(3) is also applicable to exempt this ordinance from the requirements of CEQA as it can be seen with certainty that there is no possibility that the proposed ordinance will have a significant effect on the environment for the same reasons stated in this Section.

SECTION 4. Findings. The City Council hereby makes the following findings in adopting this Ordinance as required by the Jurupa Valley Ordinances and applicable state law:

(a) The Zoning Amendment will be consistent with the Riverside County General Plan upon the City Council’s adoption of the proposed General Plan Amendment. Additionally, the proposed Zoning Amendment alone is consistent with all other aspects of the General Plan, other than those provisions proposed for modification through the General Plan Amendment.

(b) The City of Jurupa Valley is proceeding in a timely fashion with preparation of the City of Jurupa Valley General Plan. Additionally, the City Council finds that:

- (1) There is a high probability that the Zoning Amendment will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time;

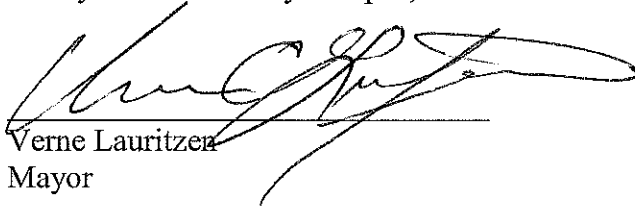
(2) There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed Zoning Amendment is ultimately inconsistent with the plan; and

(3) The proposed Zoning Amendment complies with all other applicable requirements of state law and Jurupa Valley Ordinances.


SECTION 5. Effect of Ordinance. This Ordinance is intended to supersede any ordinance or resolution of the County of Riverside in conflict with the terms of this ordinance.

SECTION 6. Certification. The City Clerk of the City of Jurupa Valley shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Jurupa Valley on this 18th day of April, 2013.


Verne Lauritzen
Mayor

ATTEST:


Victoria Wasko, CMC
City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF JURUPA VALLEY)

I, Victoria Wasko, City Clerk of the City of Jurupa Valley, do hereby certify that the foregoing Ordinance was regularly introduced at a regular meeting of the City Council on the 4th day of April, 2013 and thereafter at a regular meeting held on the 18th day of April, 2013, it was duly passed and adopted by the following vote of the City Council:


AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Jurupa Valley, California, this 18th day of April, 2013.


Victoria Wasko, City Clerk
City of Jurupa Valley

Affidavit of Publication

(2015.5 C.C.P.)

County of Riverside

State of California

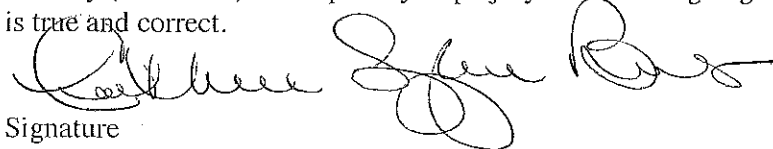
Catherine Sypin-Barnes, being first duly sworn, deposes and says: That at all times hereinafter, mentioned that she was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the printer and publisher of The Riverside County Record-News, a newspaper of general circulation adjudicated by court decree, printed and published weekly in said County of Riverside, State of California, that said Riverside County Record-News; and was at all times herein mentioned, a newspaper of general circulation that term is defined in section 4460 of the Political Code, and, as provided that section, is published for the dissemination of local and telegraphic news and intelligence of a general character, having a bona fide subscription of paying subscribers, and is not devoted to nor published for the interest, entertainment or instruction of a particular class, profession, trade, calling, race or denominations; that at all said time said newspaper has been established, printed and published in said County and State at regular intervals more than one year preceding the date of publication of the notice herein mentioned; that said notice was set in type not smaller than nonpareil and preceded with words printed in black face type not smaller than nonpareil describing and expressing in general terms the purport and character of the notice intended to be given; that the

RIVERSIDE COUNTY RECORD NEWSPAPER

of which the annexed is a printed copy, published and printed in said newspaper in at least 1 weekly issues, as follows:

April 11, 2013

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


Signature

Dated: April 11, 2013
at Riverside, California

CITY OF JURUPA VALLEY Office of the City Clerk NOTICE OF PROPOSED ORDINANCE

NOTICE IS HEREBY GIVEN that on April 4, 2013, the City Council of the City of Jurupa Valley, California, introduced the following ordinance by the following votes to wit:

ORDINANCE NO. 2013-02 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING SECTION 9.10.050, FOUNDATION COMPONENT CHANGES, TO CHAPTER 9.10, AMENDMENTS, TO THE COUNTY ZONING ORDINANCE, IN TITLE 9, PLANNING AND ZONING, OF THE JURUPA VALLEY MUNICIPAL CODE, TO AMEND AND SUPERSEDE CERTAIN PROVISIONS OF RIVERSIDE COUNTY ZONING ORDINANCE NO. 348

AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN

NOES: NONE

ABSENT: ROUGHTON

The proposed ordinance will be considered for adoption by the City Council at their April 18, 2013 meeting.

A copy of the proposed ordinance is available for review in the City Clerk's Office, 8304 Limonite Avenue, Suite M, Jurupa Valley, California (951) 332-6464.

Victoria Wasko, CMC
City Clerk

Published: April 11, 2013

RCR0279

Affidavit of Publication

(2015.5 C.C.P.)

County of Riverside

State of California

Catherine Sypin-Barnes, being first duly sworn, deposes and says: That at all times hereinafter, mentioned that she was a citizen of the United States, over the age of eighteen years, and a resident of said County, and was at and during all said times the principal clerk of the printer and publisher of The Riverside County Record-News, a newspaper of general circulation adjudicated by court decree, printed and published weekly in said County of Riverside, State of California, that said Riverside County Record-News and was at all times herein mentioned, a newspaper of general circulation that term is defined in section 4460 of the Political Code, and, as provided in that section, is published for the dissemination of local and telegraphic news and intelligence of a general character, having a bona fide subscription of paying subscribers, and is not devoted to nor published for the interest or entertainment or instruction of a particular class, profession, trade, calling, or race of denominations; that at all said time said newspaper has been established, printed and published in said County and State at regular intervals more than one year preceding the date of publication of the notice herein mentioned; that said notice was set in type not smaller than nonpareil and preceded with words printed in black face type not smaller than nonpareil describing and expressing in general terms the purport and character of the notice intended to be given; that the

**CITY OF JURUPA VALLEY
Office of the City Clerk
NOTICE OF NEW ORDINANCE**

NOTICE IS HEREBY GIVEN that on April 18, 2013, the City Council of the City of Jurupa Valley, California, adopted the following ordinance by the following votes to wit:

ORDINANCE NO. 2013-02 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JURUPA VALLEY, CALIFORNIA, ADDING SECTION 9.10.050, FOUNDATION COMPONENT CHANGES, TO CHAPTER 9.10, AMENDMENTS, TO THE COUNTY ZONING ORDINANCE, IN TITLE 9, PLANNING AND ZONING, OF THE JURUPA VALLEY MUNICIPAL CODE, TO AMEND AND SUPERSEDE CERTAIN PROVISIONS OF RIVERSIDE COUNTY ZONING ORDINANCE NO. 348

AYES: GOODLAND, HANCOCK, JOHNSTON, LAURITZEN, ROUGHTON

NOES: NONE

ABSENT: NONE

The full text of the ordinance is available for review in the City Clerk's Office, 8304 Limonite Avenue, Suite M, Jurupa Valley, California (951) 332-6464.

Victoria Wasko, CMC
City Clerk

Published: April 25, 2013

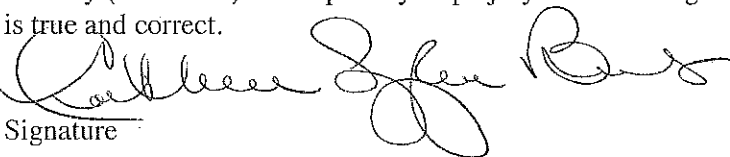
RCR0313

RIVERSIDE COUNTY RECORD NEWSPAPER

of which the annexed is a printed copy, published and printed in said newspaper in at least 1 weekly issues, as follows:

April 25, 2013

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


Signature

Dated: April 25, 2013
at Riverside, California