

ORDINANCE NO. 449.244
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
EXTENDING URGENCY INTERIM ORDINANCE NO. 449.239
PROHIBITING PAROLEE-PROBATIONER HOMES

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Pursuant to section 65858 of the Government Code and section 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, Ordinance No. 449.239, previously extended by Ordinance No. 449.240, is hereby further extended for one (1) year from the date of expiration of Ordinance No. 449.240, during which time parolee-probationer homes are prohibited in the unincorporated area of Riverside County because they may be in conflict with a contemplated zoning proposal that the Planning Department is studying and because they may subject County residents to the adverse effects described in Section 3. of this ordinance. Until this ordinance expires or is repealed, the County shall not issue a land use approval, a building permit or any other entitlement for a parolee-probationer home and no person shall operate a parolee-probationer home in the County. As used in this ordinance, the following terms shall have the following meanings:

a. Parolee-Probationer Home. Any residential building, or portion thereof, owned or operated by any person which houses two (2) or more parolee-probationers, unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given or paid by the parolee-probationers, or given or paid by any person on behalf of the parolee-probationers, excluding any state-licensed residential care facility serving six (6) or fewer persons. In determining whether a state-licensed residential care facility serves six (6) or fewer persons, the licensee, members of the licensee's family and persons employed as facility staff shall not be counted.

b. Parolee. A person convicted of a federal crime and sentenced to a United States federal prison who has received conditional and revocable release in the community under the supervision of a federal parole officer; a person serving a period of supervised community custody as defined by Penal Code section 3000, following a term of imprisonment in a state prison, who is under the supervision of the California Department of Corrections and Rehabilitation, Division of Adult Parole Operations; or an adult or juvenile sentenced to a term in the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (formerly known as the "California Youth Authority") who has received conditional and revocable release in the community under the supervision of the California Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations.

c. Probationer. A person convicted of a felony who has received a suspension of the imposition or execution of a sentence and an order of conditional and revocable release in the community under the supervision of a probation officer.

d. State-Licensed Residential Care Facility. A facility licensed by the State of California to provide residential care services, including those facilities described in Health & Safety Code sections 1250 et seq., 1500 et seq., 1568.01 et seq., 1569 et seq., 1760 et seq., and 11834.20 et seq. and those facilities described in Welfare and Institutions Code section 5116.

Section 2. This ordinance shall not apply to any application for a land use approval, building permit or any other entitlement for a parolee-probationer home filed before the effective date of Ordinance No. 449.239 or to any parolee-probationer home

operating in accordance with any of the above-referenced entitlements issued before the effective date of Ordinance No. 449.239.

Section 3. Pursuant to section 65858 of the Government Code and section 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect upon its adoption. It shall be of no further force or effect one (1) year from the date of expiration of Ordinance No. 449.240. In adopting this ordinance, the Board finds that parolee-probationer homes pose a current and immediate threat to the public health, safety and welfare for the following reasons:

Parolee-probationer homes are proliferating in Riverside County as a result of new laws mandating the early release of certain state prisoners;

Riverside County can expect over 5,000 inmates to be paroled in the next twelve (12) months with ties to the area;

The California Department of Corrections and Rehabilitation is increasingly placing parolees and probationers in the County even when they committed crimes in other counties and have no ties to the area;

Based on reports generated by various public agencies throughout California, parolee-probationer homes often result in increased criminal activity and generate a disproportionate number of requests for law enforcement services; this adversely affects other segments of the community needing such services and unduly imposes a burden on law enforcement services in general;

Parolee-probationer homes often result in parking and noise problems and have other harmful secondary effects, such as encouraging the illegal conversion of garages and living spaces into sleeping spaces;

The harmful secondary effects associated with parolee-probationer homes may negatively affect surrounding home values and result in increased foreclosures and resident displacement;

Existing zoning regulations do not adequately address parolee-probationer homes and absent this ordinance, parolee-probationer homes could be located near schools, day care centers, parks, playgrounds and other sensitive uses.

Section 4. In adopting this ordinance, the Board finds each of the following: continued approval of the development of multi-family housing projects that parolee-probationers may occupy would have the specific, adverse impacts upon the public health or safety described in Section 3. of this ordinance; this ordinance is necessary to mitigate or avoid these specific, adverse impacts; and there is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impacts as well or better, with a less burdensome or restrictive effect, than the adoption of this ordinance.

Section 5. In adopting this ordinance, the Board reports that the following measures have been taken to alleviate the condition which led to its adoption, the adoption of Ordinance No. 449.240, and the adoption of Ordinance No. 449.239: the Planning Department, in consultation with the Office of County Counsel, is currently engaged in a comprehensive revision of the County's zoning ordinance. As part of this comprehensive revision, the Planning Department is studying and formulating regular zoning regulations, consistent with State law, that adequately address parolee-probationer homes and protect the public from their harmful secondary effects. A Planning Commission workshop regarding the revised zoning ordinance was held May 25, 2011.

Section 6. At least ten (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director, shall issue a written report describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance, the adoption of Ordinance No. 449.240, and the adoption of Ordinance No. 449.239.

Adopted: Item 9.10 of 06/07/2011 (Eff: immediately)