

ORDINANCE #JPA 03-04

**AN ORDINANCE OF THE JOINT POWERS COMMISSION
OF THE MARCH JOINT POWERS AUTHORITY,
CALIFORNIA, TO ADOPT AN AMENDMENT TO SECTION
9.13.030 (SPECIFIC PLANS) OF THE MARCH JOINT
POWERS AUTHORITY DEVELOPMENT CODE (Z-03-01)**

WHEREAS, the March Joint Powers Authority ("March JPA") is a joint powers agency created by a joint powers agreement dated September 7, 1993 pursuant to Article 1, Chapter 5, Division 7, Title 1 (commencing with section 6500) of the Government Code;

WHEREAS, the March JPA is composed of the member entities of the County of Riverside, the City Riverside, the City of Moreno Valley, and the City of Perris;

WHEREAS, approximately 6,500 acres formerly known as the March Air Force Base was placed under the jurisdiction of the March JPA pursuant to the Retrocession of Legislative Jurisdiction from the United States, recorded in the County of Riverside on May 17, 1996, and Chapter 663 of the Statutes of 1996 of the State of California, effective on September 19, 1996;

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the March Joint Powers Commission adopted the March JPA Development Code ("Development Code") on June 18, 1997 (#JPA 97-01), to protect the public health, safety and welfare by enacting zoning districts and zoning regulations;

WHEREAS, US Vets and Cloudbreak Riverside, LLC filed an application on August 1, 2003 for an amendment to Section 9.13.030 (Specific Plans) to reduce the parcel size required for the establishment of a Specific Plan from 15 acres to a minimum of 2.5 acres;

WHEREAS, the Development Code amendment was referred to all affected public agencies pursuant to sections 65453 and 65352 of the Government Code;

WHEREAS, the March JPA has prepared a Notice of Exemption to comply with the California Environmental Quality Act ("CEQA"), as the amendment does not constitute a project as defined by CEQA;

WHEREAS, on September 17, 2003 the Planning Commission of the March JPA ("Planning Commission") conducted a duly noticed public hearing on the Development Code amendment at which time all persons wishing to testify in connection with the Development Code amendment were heard and the Development Code amendment was comprehensively reviewed;

WHEREAS, at the conclusion of the Planning Commission public hearing on the Development Code amendment, the Planning Commission recommended that the Joint Powers Commission adopt the Development Code amendment;

WHEREAS, on September 17, 2003, the Joint Powers Commission of the March JPA ("Joint Powers Commission") conducted a duly noticed public hearing on the Development Code amendment, at which time all persons wishing to testify in connection with the Development Code amendment were heard and the Development Code Amendment was comprehensively reviewed; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE JOINT POWERS COMMISSION OF THE MARCH JOINT POWERS AUTHORITY DOES ORDAIN AS FOLLOWS:

SECTION 1. The amendment to section 9.13.030 (Specific Plans) of the March JPA Development Code, hereinafter referred to as "Z-03-04" is hereby adopted as set forth to reduce the minimum size for an application for the Specific Plan designation to 2.5 acres. The prior minimum size standard of 15 acres is hereby repealed as of the effective date of this Ordinance.

SECTION 2. All provisions of Z 03-04 are deemed separate, distinct, and severable. In the event that the provisions of Z 03-04 are rendered invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of the Development Code shall not be affected and shall remain valid and enforceable.

SECTION 3. Based on the entire record before the Joint Powers Commission and all written and oral evidence presented to the Joint Powers Commission, the Joint Powers Commission finds that Z 03-04 was prepared, and its contents are, in accordance with Chapter 9.13 of the March JPA Development Code and Section 65451 of the California Government Code.

SECTION 4. Pursuant to Section 9.13.090 of the March JPA Development Code and Section 65454 of the California Government Code, and based on the entire record before the Joint Powers Commission and all written and oral evidence presented to the Joint Powers Commission, the Joint Powers Commission finds that Z 03-04 is consistent with the General Plan of the March JPA.

SECTION 5. The Chair of Joint Powers Commission shall sign this Ordinance and the Clerk of the Joint Powers Commission shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in the Press Enterprise, a newspaper published and circulated within the boundaries of the March JPA. This ordinance shall take effect and be in force according to law within thirty (30) days after the date of its adoption as set forth below.

ADOPTED, by the members of the Joint Powers Commission of the March Joint Powers Authority this 15th day of October, 2003.



Bob Buster, Chair
Joint Powers Commission

I, Carey Allen, Clerk of the Joint Powers Commission of the March Joint Powers Authority, do hereby certify that the foregoing Ordinance #JPA 03-04 was duly and regularly introduced, passed, and adopted by the Joint Powers Commission of the March Joint Powers Authority at the regular meeting thereof held on the 15th day of October, 2003, and the foregoing is a full, true, and correct copy of said Ordinance, and it has not been amended or repealed.

Ayes: Members Busch, White, Venable, Schiavone, Yarbrough, Stewart, Vice Chair
Defenbaugh, Chairman Buster
Noes: None
Abstain: None
Absent: None

Date: October 15, 2003



Carey Allen
Clerk, Joint Powers Commission