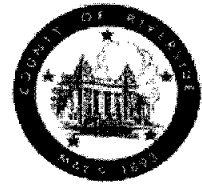


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

722B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
November 10, 2010

SUBJECT: Ordinance No. 348.4690, an Ordinance of the County of Riverside amending Section 18.29 of Ordinance No. 348 regarding Public Use Permits.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Ordinance No. 348.4690 at the close of the public hearing as recommended by the Planning Commission; and
2. Find the adoption of Ordinance No. 348.4690 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment; and
3. Direct the Planning Department to file a Notice of Exemption with the County Clerk for posting.

BACKGROUND:

Ordinance No. 348.4690 amends Section 18.29 (Public Use Permits) of Ordinance No. 348 to add facilities for the storage or transmission of electrical energy as a use permitted in any zone classification provided that a public use permit is granted pursuant to the provisions of Section 18.29.

Recently, we have experienced an increase in private companies attempting to process

Carolyn Syms Luna

Carolyn Syms Luna
Planning Director

Initials:
CSL:ar

(continued on attached page)

REVIEWED BY EXECUTIVE OFFICE

DATE

Departmental Concurrence

FORM APPROVED COUNTY COUNSEL

BY:

DATE

TIFFANY N. NORTH

Policy

Consent

Dep't Recomm.:

Policy

Consent

Per Exec. Ofc.:

Prev. Agn. Ref. July 13, 2010 (3.78) | District: ALL | Agenda Number:

The Honorable Board of Supervisors

Re: Ordinance No. 348.4690, an Ordinance of the County of Riverside amending Section 18.29

Ordinance 348 regarding Public Use Permits

November 10, 2010

Page 2 of 2

transmission line projects. We have determined that in some instances, these companies and the facilities they are proposing to construct are not public utilities subject to the jurisdiction of the State through the California Public Utilities Commission. Thus, jurisdiction of the County is not preempted. In light of the linear nature of transmission line projects, a single permit application would greatly assist in the processing of such projects. Otherwise, multiple permits (which could potentially number in the hundreds) could be necessary for a single transmission line project that covers multiple lots and zone classifications. Additionally, transmission lines as a use are currently authorized in some zones but not in others. In an effort to give a uniform process in all zones, this amendment was developed.

Ordinance No. 348.4690 was initiated by the Board of Supervisors on July 13, 2010.

Ordinance No. 348.4690 was approved by the Planning Commission and recommended for adoption by the Board of Supervisors based upon the findings and conclusions in the Planning Department Staff Report attached hereto and incorporated herein by reference.

**PLANNING COMMISSION
MINUTE ORDER APRIL 7, 2010
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

I. AGENDA ITEM 4.2: ORDINANCE 348.4690 - CEQA Exempt - (Legislative)

II. PROJECT DESCRIPTION

Ordinance 348.4690 is a proposal to amend Section 18.29 of Article XVIII Ordinance No. 348 regarding Public Use Permits. The proposed change made to this section preempts all other sections of the zoning code regarding electrical transmission lines and allows for a Public Use Permit to be processed in order to get land use approval for electrical transmission lines. This proposed amendment applies to all the unincorporated areas of the County of Riverside.

III. MEETING SUMMARY

The following staff presented the subject proposal:

Project Planner: Larry Ross, Ph: (951) 955-3585 or E-mail lross@rctlma.org

No one spoke in favor, neutral or in opposition of the subject proposal.

IV. CONTROVERSIAL ISSUES

NONE

V. PLANNING COMMISSION ACTION

The Planning Commission, by a vote of 3-0 (Commissioners Roth and Petty absent); recommended to the Board of Supervisors,

APPROVAL of Ordinance 348.4690, based upon the findings and conclusions incorporated in the staff report.

VI. CD

The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rctlma.org.

Agenda Item No.: 4.2
Area Plan: All
Supervisorial District: All
Project Planner: Larry Ross
Planning Commission: April 7, 2010

Ordinance Amendment No. 348.4690
E.A./EIR Number: Exempt
Applicant: County of Riverside

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Ordinance 348.4690 is a proposal to amend Section 18.29 of Article XVIII Ordinance No. 348 regarding Public Use Permits. The proposed change made to this section preempts all other sections of the zoning code regarding electrical transmission lines and allows for a Public Use Permit to be processed in order to get land use approval for electrical storage or transmission lines.

This proposed amendment applies to all the unincorporated areas of the County of Riverside.

BACKGROUND:

Ordinance 348.4690 is a proposal to amend the Public Use Permit section of Ordinance No. 348. The new language add the following to the list of uses permitted under a public use permit:

"Facilities for the storage or transmission of electrical energy where the County is not preempted by law from exercising jurisdiction. This subsection shall take precedence over and supersede any conflicting provision in any zone classification."

Prior to incentives for alternative energy projects offered by the Federal Government the regulation of power transmission lines was not of significant concern for the County. Most often the County was preempted from any action by the State or Federal government because power generation and transmission lines were considered public utilities. Now with the introduction of these incentives, many private companies are getting involved in both the generation of power and the construction and maintenance of transmission lines. With this change the County often has jurisdiction over power generation and transmission lines. The County's jurisdiction is determined by the State depending upon the size of the facility, power output, and location of the facility. Now that the County has this jurisdiction it needs to provide a process in which these facilities can be permitted. A number of efforts are underway to give a process to the power generation aspects, and this amendment focuses on the transmission lines only. Transmission lines are mentioned in numerous places through out Ordinance 348, in some zones but not in others. In an effort to give a uniform process in all zones, this amendment was created.

ISSUES OF POTENTIAL CONCERN:

None at this time.

RECOMMENDATIONS:

That the Planning Commission make the following recommendation to the Board of Supervisors:

APPROVAL of Ordinance 348.4690, based upon the findings and conclusions incorporated in the staff report.



CONCLUSIONS:

1. The proposed ordinance amendment is in conformance with the Land Use Designations of the unincorporated areas of Riverside County and with all other elements of the Riverside County General Plan.
2. The proposed ordinance amendment is consistent with the zoning classifications of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through this ordinance amendment.
4. The Planning Department has found that the project is exempt from the provisions of CEQA based on Section 15061 (b) 3 of the State CEQA Guidelines.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings which is incorporated herein by reference.

1. The proposed amendment applies to all areas within the unincorporated area of Riverside County.
2. The adoption of Ordinance No. 348.4690 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question (the adoption of Ordinance No. 348.4690) may have a significant effect on the environment. The proposed amendment merely provides a uniform process by which all electrical energy transmission and storage facilities are processed in the County by requiring all such facilities to obtain a Public Use Permit in instances when the County is not preempted by law from exercising jurisdiction. Currently, in at least one zone, all such facilities are allowed as a matter of right without discretion. By requiring all electrical energy transmission and storage facilities to obtain a Public Use Permit, when the County is not preempted by law from exercising jurisdiction, the County can ensure that CEQA review is done on the facilities at a site specific level which will be beneficial to the environment.

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ORDINANCE NO. 348.4690
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 348
RELATING TO ZONING

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

Section 1. A new subsection a. (2) is added to Section 18.29 of Ordinance No. 348 to read as follows:

“(2) Facilities for the storage or transmission of electrical energy where the County is not preempted by law from exercising jurisdiction. This subsection shall take precedence over and supersede any conflicting provision in any zone classification. Facilities for the storage or transmission of electrical energy shall not be subject to the development standards of the zone classification in which they are located.”

Section 2. This ordinance shall take effect thirty (30) days after its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman

ATTEST:
CLERK OF THE BOARD

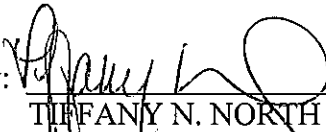
By: _____

Deputy

(SEAL)

APPROVED AS TO FORM

November 16, 2010

By: 
TIFFANY N. NORTH
Deputy County Counsel

**AIRPORT LAND USE COMMISSION
RIVERSIDE COUNTY**



October 21, 2010

CHAIR
Simon Housman
Rancho Mirage

Mr. Adam Rush, Principal Planner
Riverside County Planning Department

VICE CHAIRMAN
Rod Ballance
Riverside

Mail Stop #1070
HAND DELIVERY

COMMISSIONERS

RE: AIRPORT LAND USE COMMISSION (ALUC) DEVELOPMENT REVIEW

Arthur Butler
Riverside

File No.: ZAP1003RG10
Related File No.: Ordinance No. 348.4690
APN: All Unincorporated APNs

Robin Lowe
Hemet

Dear Mr. Rush:

John Lyon
Riverside

On October 14, 2010, the Riverside County Airport Land Use Commission (ALUC) found the above-referenced project **CONSISTENT** with the Riverside County Airport Land Use Compatibility Plan.

Glen Holmes
Hemet

Greg Pettis
Cathedral City

If you have any questions, please contact Russell Brady, ALUC Contract Planner, at (951) 955-0549 or John Guerin, ALUC Principal Planner, at (951) 955-0982.

STAFF

Sincerely,
RIVERSIDE COUNTY AIRPORT LAND USE COMMISSION

Director
Ed Cooper

John Guerin
Russell Brady
Barbara Santos

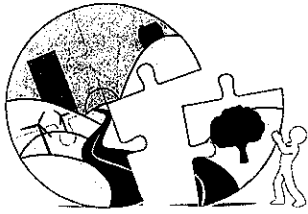
Edward C. Cooper, Director

County Administrative Center
4080 Lemon St., 14th Floor.
Riverside, CA 92501
(951) 955-5132

JG:bks

www.rcaluc.org

Y:\ALUC\Regional\ZAP1003RG10.LTR.doc



RIVERSIDE COUNTY PLANNING DEPARTMENT

Carolyn Syms Luna
Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR) P.O. Box 3044 Sacramento, CA 95812-3044
 County of Riverside County Clerk

FROM: Riverside County Planning Department
 4080 Lemon Street, 12th Floor P. O. Box 1409 Riverside, CA 92502-1409
 38686 El Cerrito Road Palm Desert, CA 92201

Project Title/Case No.: Ordinance No. 348.4690, is an Ordinance of the County of Riverside amending Section 18.29 of Ordinance No. 348 to add facilities for the storage or transmission of electrical energy as a use authorized with a public use permit

Project Location: In the unincorporated area of Riverside County, more specifically located in all supervisorial and zoning districts and areas.

Project Description: This amendment to Ordinance No. 348 adds facilities for the storage or transmission of electrical energy as a use authorized in any zone classification provided a Public Use Permit is granted.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Sponsor: County of Riverside

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269 (b)(c))
- Categorical Exemption (____)
- Statutory Exemption (____)
- Other: 15061 (b) 3

Reasons why project is exempt: The adoption of Ordinance No. 348.4690 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question (the adoption of Ordinance No. 348.4690) may have a significant effect on the environment. The proposed amendment merely provides a uniform process by which all electrical energy transmission and storage facilities are processed in the County by requiring all such facilities to obtain a Public Use Permit in instances when the County is not preempted by law from exercising jurisdiction. Currently, in at least one zone, all such facilities are allowed as a matter of right without discretion. By requiring all electrical energy transmission and storage facilities to obtain a Public Use Permit, when the County is not preempted by law from exercising jurisdiction, the County can ensure that CEQA review is done on the facilities at a site specific level which will be beneficial to the environment.

Adam Rush County Contact Person (951) 955-6646 Phone Number

Signature Principal Planner Title 11-1-2010 Date

Date Received for Filing and Posting at OPR: _____
Revised: 3/15/10: Y:\Ord. 348 Revisions\Klotz Zoning\Transmission Line\NOE Form.doc

Please charge deposit fee case#: ZEA ZCFG No. -**SELECT** No Fee, 6103 Government Code, Benefit of Riverside County
FOR COUNTY CLERK'S USE ONLY