

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

DATE: May 19, 2010

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

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

(Charge your time to these case numbers)

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|---|--|
| <input type="checkbox"/> Place on Administrative Action (Receive & File; EOT) | <input checked="" type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input checked="" type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | Press Enterprise |
| <input type="checkbox"/> Place on Consent Calendar | <input checked="" type="checkbox"/> CEQA Exempt |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC) | <input checked="" type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding (GPIP) | <input type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided) |
| | Controversial: <input type="checkbox"/> YES <input type="checkbox"/> NO |

Designate Newspaper used by Planning Department for Notice of Hearing: Countywide-Press Enterprise.

Please schedule on the June 15, 2010 BOS Agenda

Documents to be sent to County Clerk's Office for Posting within five days:

Notice of Exemption

No Fee, 6103 Government Code, Benefit of Riverside County

Mrs Sentro/20/10

Riverside Office · 4080 Lemon Street, 9th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-3157

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

Rox 5-20-10

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



FROM: TLMA - Planning Department

SUBMITTAL DATE:
May 13, 2010

SUBJECT: Ordinance No. 348.4690, 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.

RECOMMENDED MOTION:

1. That the Board of Supervisors adopt Ordinance No. 348.4690 at the close of the public hearing as recommended by the Planning Commission; and
2. That the Board of Supervisors 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. That the Board of Supervisors direct the Planning Department to file a Notice of Exemption with the County Clerk for posting.

BACKGROUND:

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.

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

Ron Goldman
Planning Director

Initials:
RG: [initials]

REVIEWED BY EXECUTIVE OFFICE

DATE

Tina Grande

Departmental Concurrence

COMMUNITY DEVELOPMENT COUNSEL
BY: [signature]
TIFFANY N. NORTH

Policy

Consent

Dept't Rep
Per Exec. Ofc.:

Prev. Agn. Ref.

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 electrical storage and transmission lines as permissible uses with a Public Use Permit.

May 13, 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 facility. Additionally, transmission lines as a use are 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 approved by the Planning Commission on April 7, 2010 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.

Existing
Public Use Permit
Section of Ordinance
348

SECTION 18.29. PUBLIC USE PERMITS.

a. Notwithstanding any other provisions of this ordinance, the following uses may be permitted in any zone classification provided that a public use permit is granted pursuant to the provisions of this section:

(1) Educational institutions.

(2) Deleted.

Amended Effective: 09-10-99 (Ord. 348.3883) repealed. 10-21-99 (Ord. 348.3888)
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(3) Government uses.

(4) Any hospital or other facility that is licensed by the California Department of Public Health, or by the California Department of Mental Hygiene, not including a family care, foster home or group home that serves six or fewer persons.

(5) Any home or other facility for the aged or children that is licensed by the California Department of Social Services, or by the Riverside County Department of Public Social Services, not including a home or facility that serves six or fewer children or aged persons, nor a large family day care home that serves seven to twelve children. Said facilities shall be developed in accordance with the standards set forth in Sections 19.102 and 19.103 of this ordinance.

(6) Half way house.

(7) Public utilities.

b. APPLICATION. Every application for a public use permit shall be made in writing to the Planning Director on the forms provided by the Planning Department, shall be accompanied by a filing fee as set forth in County Ordinance No. 671, and shall include the following information:

(1) Name and address of the applicant.

(2) Evidence that he is the owner of the premises involved or that he has written permission of the owner to make such application.

(3) A plot and development plan drawn in sufficient detail to clearly describe the following:

a) Physical dimensions of property and structures.

- b) Location of existing and proposed structures.
- c) Setbacks.
- d) Methods of circulation.
- e) Ingress and egress.
- f) Utilization of property under the requested permit.

(4) Such additional information as shall be required by the application form.

c. PUBLIC HEARING. A public hearing shall be held on the application for a public use permit in accordance with the provisions of Section 18.26 of this ordinance and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

d. CONDITIONS. A public use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.

e. USE OF PERMIT. Any public use permit that is granted shall be used within one year from the effective date thereof, or within such additional time as may be set into the conditions of approval, which shall not exceed a total of three years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than three years, the permittee may, prior to its expiration, request an extension of time in which to use the permit. A request for extension of time shall be made to the Board of Supervisors, on forms provided by the Planning Department and shall be filed with the Planning Director, accompanied by a fee as set forth in County Ordinance No. 671. Within 30 days following the filing of a request for an extension, the Planning Director shall review the application, make a recommendation thereon, and forward the matter to the Clerk of the Board, who shall place the matter on the regular agenda of the Board. An extension of time may be granted by the Board upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time allowed for use of the permit shall not exceed a period of three years, calculated from the effective date of the issuance of the permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion, or the actual occupancy of existing buildings or land under the terms of the authorized use. The effective date of a permit shall be determined pursuant to Section 18.26 of this ordinance.

f. REVOCATION OF PERMIT. Any public use permit granted may be revoked upon the findings and procedure contained in Section 18.31 of this ordinance.

Amended Effective:
06-30-88 (Ord. 348.2856)

Proposed
Public Use Permit
Section of Ordinance
348

SECTION 18.29. PUBLIC USE PERMITS.

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(2) Deleted.

(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.

Amended Effective:

09-10-99 (Ord. 348.3883) repealed.

10-21-99 (Ord. 348.3888)

(3) Government uses.

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- (3) A plot and development plan drawn in sufficient detail to clearly describe the following:
 - a) Physical dimensions of property and structures.
 - b) Location of existing and proposed structures.
 - c) Setbacks.
 - d) Methods of circulation.
 - e) Ingress and egress.
 - f) Utilization of property under the requested permit.
- (4) Such additional information as shall be required by the application form.

c. **PUBLIC HEARING.** A public hearing shall be held on the application for a public use permit in accordance with the provisions of Section 18.26 of this ordinance and all of the procedural requirements and rights of appeal as set forth therein shall govern the hearing.

d. **CONDITIONS.** A public use permit shall not be granted unless the applicant demonstrates that the proposed use will not be detrimental to the health, safety or general welfare of the community. Any permit that is granted shall be subject to such conditions as shall be necessary to protect the health, safety or general welfare of the community.

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f. **REVOCATION OF PERMIT.** Any public use permit granted may be revoked upon the findings and procedure contained in Section 18.31 of this ordinance.

Amended Effective: 06-30-88 (Ord. 348.2856)
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NOTICE OF PUBLIC HEARING

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **RIVERSIDE COUNTY PLANNING COMMISSION** to consider the project shown below:

ORDINANCE 348.4690 - REQUEST: 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.
(Legislative)

TIME OF HEARING: 9:00 a.m. or as soon as possible thereafter.
DATE OF HEARING: April 7, 2010
PLACE OF HEARING: RIVERSIDE COUNTY ADMINISTRATIVE CENTER
BOARD CHAMBERS, 1ST FLOOR
4080 LEMON STREET
RIVERSIDE, CA 92501

For further information regarding this project, please contact Larry Ross, Project Planner at 951-955-3585 or e-mail lross@rcplma.org, or go to the County Planning Department's Planning Commission agenda web page at www.tlma.co.riverside.ca.us/planning/pc.html

The Riverside County Planning Department has determined that the above-described application is exempt from the provisions of the California Environmental Quality Act (CEQA). The Planning Commission will consider the proposed application at the public hearing.

The case file for the proposed project may be viewed Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Planning Department office, located at 4080 Lemon St. 9th Floor, Riverside, CA 92501.

Any person wishing to comment on the proposed project may do so in writing between the date of this notice and the public hearing; or, may appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:
RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Larry Ross
P.O. Box 1409, Riverside, CA 92502-1409

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning 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, 9th Floor
P. O. Box 1409
Riverside, CA 92502-1409

38686 El Cerrito Road
Palm Desert, CA 92201

Project Title/Case No.: Ordinance 348.4690 is a proposal to amend Section 18.29 of Article XVIII Ordinance No. 348 regarding Public Use Permits.

Project Location: In the unincorporated area of Riverside County, more specifically located County wide.

Project Description: Ordinance 348.4690 is a proposal to amend Section 18.29 of Article XVIII Ordinance No. 348 regarding Public Use Permits. The change proposed 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.

Name of Public Agency Approving Project: County of Riverside

Project Sponsor: County of Riverside Planning Department

Exempt Status: (Check one)

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

Larry E. Ross (951) 955-3585

County Contact Person

Phone Number

Larry E. Ross Principal Planner 3-22-10

Signature

Title

Date

Date Received for Filing and Posting at OPR: _____

Y:\Planning Master Forms\CEQA Forms\NOE Form.doc Revised: 3/22/10

No fee, 6103 Government Code, Benefit of Riverside County

FOR COUNTY CLERK'S USE ONLY