

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



652

FROM: Transportation and Land Management Agency-Transportation
Department

SUBMITTAL DATE:
April 26, 2012

SUBJECT: Ordinance No. 499.13 Amending Ordinance No. 499 Relating to Encroachments in County Highways

RECOMMENDED MOTION: That the Board of Supervisors:

1. Conduct a public hearing on proposed Ordinance No. 499.13 Relating to Encroachments in County Highways on May 1, 2012 at 9:30 a.m.;
2. At the conclusion of the public hearing, introduce and adopt in successive meetings Ordinance No. 499.13;
3. Find that Ordinance No. 499.13 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15273 and section 15061(b)(3) based on the findings set forth below.

(continued on page 2)

Juan C. Perez, Director of Transportation

FINANCIAL DATA	Current F.Y. Total Cost:	\$ NA	In Current Year Budget:	NA
	Current F.Y. Net County Cost:	\$ NA	Budget Adjustment:	NA
	Annual Net County Cost:	\$ NA	For Fiscal Year:	NA

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	☐
	Requires 4/5 Vote	☐

C.E.O. RECOMMENDATION:

APPROVE

BY:
Tina Grande

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL

BY:
KATHERINE A. LIND
DATE: 04/25/12

☐ Consent ☒ Policy
☐ Consent ☒ Policy

Dep't Recomm.:
 Per Exec. Ofc.:

Prev. Agn. Ref.:

District: ALL

Agenda Number:

9.6

BACKGROUND:

Ordinance No. 499 is the County Ordinance regulating encroachments in County highways. The proposed amendment clarifies that all deposit-based fees imposed pursuant to Ordinance No. 499 are subject to all of the administrative and appeal procedures set forth in Section 1.1 of Ordinance No. 671. Currently, those procedures are only partially incorporated in Ordinance No. 499.

Additionally, the proposed amendment proposes a new deposit-based fee of \$20,000 for processing an application for a franchise for a project involving a solar power plant or other use not constituting a public utility use. The new fee will serve to recover the actual costs of providing services. The proposed deposit-based fee for public utility franchisees in the previous version of the ordinance has been removed in light of the long-standing, stable operations of these franchisees.

The adoption of Ordinance No. 499.13 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15273 and section 15061(b)(3). The fee adopted by this ordinance is solely for the purpose of reimbursing the County for the actual costs of providing services and is therefore exempt under CEQA Guidelines section 15273. The purposes of the charge is limited to the purposes authorized under subsections (a)(1) and (a)(2) of section 15273, i.e. meeting operating expenses and purchasing or leasing supplies, equipment or materials. Both the procedural provisions of the ordinance and the fee are also exempt under the common sense exemption of CEQA Guidelines section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. The ordinance merely conforms County procedures under Ordinance No. 499 to the existing administrative and appeal procedures under Ordinance No. 671 and provides for a fee to cover the actual costs of County services.

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ORDINANCE NO. 499.13

AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 499 RELATING TO ENCROACHMENTS IN COUNTY
HIGHWAYS

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

Section 1. Subsections A, B and C of Section 6 of Ordinance No. 499 are amended to read as follows:

“A. The permit fees and inspection fees required by this ordinance are set forth in Appendix A and shall be paid at the time an application is filed. Notwithstanding the foregoing, any public utility company, public agency or district, or political subdivision may, with the consent of the Transportation Director, defer the payment of any such fee until the time a permit is issued. Except for the fees designated as “Deposit-based” in Appendix A, all such fees shall be nonrefundable.

B. When it is mutually agreed in writing by the applicant and the Transportation Director, any fee not designated a “Deposit-based” fee by this ordinance may be treated as a deposit-based fee and all of the provisions of Section 1.1 of Ordinance No. 671, as now adopted or hereafter amended, shall apply.

C. DEPOSIT-BASED FEES.

1. Certain functions within this ordinance are designated as requiring deposit-based fees and are identified with the legend “Deposit-based” in the tables contained in Appendix A to this ordinance.

2. Fees designated as deposit-based fees shall be subject to all of the provisions of Section 1.1 of Ordinance No. 671, as now adopted or hereafter amended.”

Section 2. Appendix A of Ordinance No. 499 is amended by adding to the table with the legend “Deposit-based” a new fee as follows:

“Application for a franchise for a project involving a solar
power plant or other use not constituting a public utility use. \$20,000”

1 Section 3. This ordinance shall take effect sixty (60) days after its adoption.

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

5
6 By: _____
7 Chairman, Board of Supervisors

8 ATTEST:

9 CLERK OF THE BOARD

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11
12 By: _____

13 Deputy

14
15 (SEAL)

16
17 APPROVED AS TO FORM

18 April 26, 2012

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21 By: Katherine A. Lind
22 KATHERINE A. LIND
23 Assistant County Counsel

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25 KAL:md
26 03/21/12
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