

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



192

**FROM:** Transportation Land Management Agency-  
Planning Department and County Counsel

**SUBMITTAL DATE:**  
**September 18, 2012**

**SUBJECT:** Amendments to Ordinance Nos. 348 and 555 Allowing Fast Track Authorization for Surface Mining Permits, Reclamation Plans and Wind Energy Conversion System (WECS) Permits

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Introduce and adopt at successive meetings Ordinance No. 348.4750, an Ordinance of the County of Riverside Relating to Zoning, and Ordinance No. 555.19, Implementing the Surface Mining and Reclamation Act of 1975;
2. Find the adoption of Ordinance No. 348.4750 and the adoption of Ordinance No. 555.19 exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility these actions may have a significant effect on the environment;
3. Direct the Planning Department to submit a Notice of Exemption to the County Clerk for filing and posting.

Departmental Concurrence

Continued on Page 2

 _____ Carolyn Syms Luna, Planning Director	 _____ Karin Watts-Bazan, Principal Deputy County Counsel for Pamela J. Walls, County Counsel
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<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

<b>SOURCE OF FUNDS:</b>	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

BY:   
Tina Grande

**County Executive Office Signature**

Consent     Policy  
 Consent     Policy

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

3.56

**BACKGROUND:** On July 31<sup>st</sup>, the Board of Supervisors directed staff to prepare amendments to Ordinance No. 348 and Ordinance No. 555 to allow fast track authorization for surface mining permits and reclamation plans. Staff was also directed to conduct a review to determine if fast track authorization for other types of permits or approvals would be warranted.

We have reviewed Ordinance No. 348 and other County ordinances related to the development process and have determined that commercial wind energy conversion system (WECS) permits, accessory WECS permits, and modifications to these permits may also potentially warrant fast track authorization. We have therefore attached for your consideration appropriate amendments to Ordinance Nos. 348 and 555 allowing for surface mining permits, reclamation plans, commercial WECS permits, accessory WECS permits, and modifications to these permits to receive fast track authorization.

You may recall at the last Board meeting when the Board initiated this amendment process, the issue of fast track authorization for pre-application review (PAR) was raised. PAR procedures are established pursuant to Ordinance No. 752. The purpose of the PAR process is to advise applicants of County requirements, assess a development proposal's consistency with County requirements, potentially shorten the time frame for processing and to develop a written record of staff's assessment of a development proposal resulting in a PAR letter. The PAR letter is not a permit or approval. It is merely a written document outlining staff's assessment of a development proposal. For this reason, we have not included a PAR as an approval that can be fast tracked pursuant to Board Policy A-32.

Additionally, fast track authorization for large family day care home permits was also raised. Large family day care home permits are ministerial actions as set forth in Ordinance No. 348 and state law. Ordinance No. 348 and state law allow for day care for between 7 and 14 children to be permitted in homes by the Planning Director provided certain standards are met. If the standards are met, the Planning Director is required to issue the permit. Thus, fast track authorization for such permits would in essence slow down the process for approving such permits. For this reason, we did not include in the amendment to Ordinance No. 348, a provision allowing fast track authorization for large family day care home permits.

Therefore, it is recommended that the Board introduce and adopt Ordinance No. 348.4750 and Ordinance No. 555.19 at successive meetings, find the adoption of these ordinances exempt from CEQA, and direct the Planning Department to file the appropriate Notice of Exemption with the County Clerk for posting.



1 now adopted or hereafter amended. A fast track project may consist of one or more  
2 permits or approvals pursuant to this ordinance, County Ordinance No. 460, and  
3 Ordinance No. 555 which are necessary or convenient to facilitate development of the  
4 project. The permits or approvals which comprise the fast track project may include  
5 one or more of each of the following:

- 6 a. General plan amendment pursuant to Article 2 of this ordinance.
- 7 b. Specific plan or specific plan amendment pursuant to Article 2 of this  
8 ordinance.
- 9 c. Determination of project conformance with an adopted specific plan  
10 pursuant to Section 2.11 of this ordinance.
- 11 d. Zone change or other zoning ordinance amendment pursuant to  
12 Article 20 of this ordinance.
- 13 e. Conditional use permit pursuant to Section 18.28 of this ordinance.
- 14 f. Public use permit pursuant to Section 18.29 of this ordinance.
- 15 g. Variance pursuant to Section 18.27 of this ordinance.
- 16 h. Plot plan pursuant to Section 18.30 of this ordinance.
- 17 i. Modification to an approved permit, including a substantial  
18 conformance modification or a revised permit, pursuant to Section  
19 18.43 of this ordinance.
- 20 j. Tentative land division including a vesting tentative map, pursuant to  
21 County Ordinance No. 460.
- 22 k. Development agreement pursuant to Section 18.26b of this ordinance  
23 and Board of Supervisors Resolution No. 2012-047 (Establishing  
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25  
26  
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1 Procedures and Requirements for the Consideration of Development  
2 Agreements), as now adopted or hereafter amended.

- 3 l. Surface Mining Permit or Reclamation Plan pursuant to County  
4 Ordinance No. 555.
- 5 m. Modification to an approved Surface Mining Permit or Reclamation  
6 Plan, including a substantial conformance modification or a revised  
7 permit or plan, pursuant to Section 13 of Ordinance No. 555.
- 8 n. Commercial Wind Energy Conversion System Permit (Commercial  
9 WECS Permit) and Accessory Wind Energy Conversion System  
10 Permit (Accessory WECS Permit) pursuant to Sections 18.41 and  
11 18.42 of this ordinance.
- 12 o. Modification to an approved Commercial WECS Permit or Accessory  
13 WECS Permit, including a substantial conformance modification or a  
14 revised permit, pursuant to Section 18.42a of this ordinance.”  
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17 Section 3. This ordinance shall take effect thirty (30) days after its  
18 adoption.

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

21 By: \_\_\_\_\_  
22 Chairman

23 ATTEST:

24 CLERK OF THE BOARD:

25 By: \_\_\_\_\_  
26 Deputy

27 (SEAL)

ORDINANCE NO. 348.4750

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. Subsection a. of Section 18.26a. of Ordinance No. 348 is amended to read  
as follows:

“a. AUTHORITY OF BOARD OF SUPERVISORS.  
Notwithstanding any other provision of this ordinance, County Ordinance No. 460, *or County Ordinance No. 555*, the Board of Supervisors hereby deems it appropriate and necessary to reserve to itself the functions of the planning agency with respect to hearing any permit or approval included in a fast track project. The Board of Supervisors shall have exclusive authority to hear, approve, conditionally approve or disapprove any permit or approval included in a fast track project. Notwithstanding any other provision of this ordinance, County Ordinance No. 460, *or County Ordinance No. 555*, no hearing before the Planning Commission or the Planning Director shall be required with respect to any permit or approval included in a fast track project.”

Section 2. Section 21.34d. of Ordinance No. 348 is amended to read as follows:

“SECTION 21.34d. FAST TRACK PROJECT. A development project designated as a fast track project by majority vote of the Board of Supervisors or by the Assistant County Executive Officer/Economic Development Agency (the EDA Director) in accordance with the provisions of Board of Supervisors Policy A-32, as

**REDLINE IN ITALICS SHOW THE CHANGES**

1 now adopted or hereafter amended. A fast track project may consist of one or more  
2 permits or approvals pursuant to this ordinance, County Ordinance No. 460, and  
3 Ordinance No. 555 which are necessary or convenient to facilitate development of the  
4 project. The permits or approvals which comprise the fast track project may include  
5 one or more of each of the following:

- 6 a. General plan amendment pursuant to Article 2 of this ordinance.
- 7 b. Specific plan or specific plan amendment pursuant to Article 2 of this  
8 ordinance.
- 9 c. Determination of project conformance with an adopted specific plan  
10 pursuant to Section 2.11 of this ordinance.
- 11 d. Zone change or other zoning ordinance amendment pursuant to  
12 Article 20 of this ordinance.
- 13 e. Conditional use permit pursuant to Section 18.28 of this ordinance.
- 14 f. Public use permit pursuant to Section 18.29 of this ordinance.
- 15 g. Variance pursuant to Section 18.27 of this ordinance.
- 16 h. Plot plan pursuant to Section 18.30 of this ordinance.
- 17 i. Modification to an approved permit, including a substantial  
18 conformance modification or a revised permit, pursuant to Section  
19 18.43 of this ordinance.
- 20 j. Tentative land division including a vesting tentative map, pursuant to  
21 County Ordinance No. 460.
- 22 k. Development agreement pursuant to Section 18.26b of this ordinance  
23 and Board of Supervisors Resolution No. 2012-047 (Establishing  
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REDLINE IN ITALICS SHOW THE CHANGES

Procedures and Requirements for the Consideration of Development  
Agreements), as now adopted or hereafter amended.

- l. Surface Mining Permit or Reclamation Plan pursuant to County Ordinance No. 555.*
- m. Modification to an approved Surface Mining Permit or Reclamation Plan, including a substantial conformance modification or a revised permit or plan, pursuant to Section 13 of Ordinance No. 555.*
- n. Commercial Wind Energy Conversion System Permit (Commercial WECS Permit) and Accessory Wind Energy Conversion System Permit (Accessory WECS Permit) pursuant to Sections 18.41 and 18.42 of this ordinance.*
- o. Modification to an approved Commercial WECS Permit or Accessory WECS Permit, including a substantial conformance modification or a revised permit, pursuant to Section 18.42a of this ordinance."*

Section 3. 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)



1 ORDINANCE NO. 555.19

2  
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE

4 AMENDING ORDINANCE NO. 555

5 IMPLEMENTING THE SURFACE MINING AND RECLAMATION ACT OF 1975

6  
7 The Board of Supervisors of the County of Riverside ordains as follows:

8 Section 1. Section 4. of Ordinance No. 555 is amended to add a subsection e. as  
9 follows:

10 “e. Notwithstanding the above, or any other provision herein to the  
11 contrary, the Board of Supervisors reserves exclusively to itself the duty to  
12 investigate, hear, approve, conditionally approve or disapprove all surface  
13 mining permits and reclamation plans including any modifications to said  
14 permits and plans included as part of a fast track project as defined by  
15 Section 21.34d of County Ordinance No. 348.”

16  
17 Section 2. This ordinance shall take effect thirty (30) days after its adoption.

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

20 By: \_\_\_\_\_  
21 Chairman

22 ATTEST:  
23 CLERK OF THE BOARD:

24 By: \_\_\_\_\_  
25 Deputy

26 (SEAL)