

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



1.1

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried, IT WAS ORDERED, FOUND AND DETERMINED that the following ordinances were duly published:

<u>ORDINANCE</u>	<u>DATE</u>	<u>NEWSPAPER</u>
No. 449.240	Aug. 26, 2010	The Press-Enterprise
No. 640.13	Aug. 8, 2010	The Press-Enterprise

Roll Call:

Ayes: Buster, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on September 28, 2010 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: September 28, 2010
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in and
for the County of Riverside, State of California.

(seal)

By: , Deputy

AGENDA NO.

1.1

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

THE PRESS-ENTERPRISE

3450 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
951-368-9018 FAX

**PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)**

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Adoption of Ord. No. 449.240

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

08-26-10

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Aug. 26, 2010
At: Riverside, California



BOARD OF SUPERVISORS

P.O. BOX 1147
COUNTY OF RIVERSIDE
RIVERSIDE CA 92502

Ad #: 10375445

PO #:

Agency #: _____

Ad Copy:

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

ORDINANCE NO. 449.240
AN ORDINANCE OF THE COUNTY OF RIVERSIDE EXTENDING URGENCY INTERIM ORDINANCE NO. 449.239

PROHIBITING PAROLEE-PROBATIONER HOMES
The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Pursuant to section 65858 of the Government Code and section 20.4 of Ordinance No. 348 and, notwithstanding any provision of Ordinance No. 348 to the contrary, Ordinance No. 449.239 is hereby extended for ten (10) months and fifteen (15) days from the date of its expiration, during which time parolee-probationer homes are prohibited in the unincorporated area of Riverside County because they may be in conflict with a contemplated zoning proposal that the Planning Department is studying and because they may subject County residents to the adverse effects described in Section 2. of this ordinance. Until this ordinance, or any extension hereof, expires or is repealed, the County shall not issue a land use approval, a building permit or any other entitlement for a parolee-probationer home and no person shall operate a parolee-probationer home in the County. As used in this ordinance, the following terms shall have the following meanings:

a. Parolee-Probationer Home. Any residential building, or portion thereof, owned or operated by any person which houses two (2) or more parolee-probationers, unrelated by blood, marriage, or legal adoption, in exchange for monetary or non-monetary consideration given or paid by the parolee-probationers, or given or paid by any person on behalf of the parolee-probationers, excluding any state-licensed residential care facility serving six (6) or fewer persons. In determining whether a state-licensed residential care facility serves six (6) or fewer persons, the licensee, members of the licensee's family and persons employed as facility staff shall not be counted.

b. Parolee. A person convicted of a federal crime and sentenced to a United States federal prison who has received conditional and revocable release in the community under the supervision of a federal parole officer; a person serving a period of supervised community custody as defined by Penal Code section 3000, following a term of imprisonment in a state prison, who is under the supervision of the California Department of Corrections and Rehabilitation, Division of Adult Parole Operations; or an adult or juvenile sentenced to a term in the California Department of Corrections and Rehabilitation, Division of Juvenile Facilities (formerly known as the "California Youth Authority") who has received conditional and revocable release in the community under the supervision of the California Department of Corrections and Rehabilitation, Division of Juvenile Parole Operations.

c. Probationer. A person convicted of a felony who has received a suspension of the imposition or execution of a sentence and an order of conditional and revocable release in the community under the supervision of a probation officer, or a person convicted of a misdemeanor who has received a suspension of the imposition or execution of a sentence and an order of revocable release in the community subject to conditions established by the court without the supervision of a probation officer, as provided in Penal Code section 1203.

d. State-Licensed Residential Care Facility. A facility licensed by the State of California to provide residential care services, including those facilities described in Health & Safety Code sections 1250 et seq., 1500 et seq., 1568.01 et seq., 1569 et seq., 1760 et seq., and 11834.20 et seq. and those facilities described in Welfare and Institutions Code section 5116.

Section 2. Pursuant to section 65858 of the Government Code and section 20.4 of Ordinance No. 348, this ordinance is hereby declared to be an urgency measure and shall take effect upon its adoption. It shall be of no further force or effect ten (10) months and fifteen (15) days from the date of expiration of Ordinance No. 449.239, unless extended pursuant to law. In adopting this ordinance, the Board finds that parolee-probationer homes pose a current and immediate threat to the public health, safety and welfare for the following reasons:

Parolee-probationer homes are proliferating in Riverside County as a result of new laws mandating the early release of certain state prisoners;

Riverside County can expect over 5,000 inmates to be paroled in the next twelve (12) months with ties to the area;

The California Department of Corrections and Rehabilitation is increasingly placing parolees and probationers in the County even when they committed crimes in other counties and have no ties to the area;

Based on reports generated by various public agencies throughout California, parolee-probationer homes often result in increased criminal activity and generate a disproportionate number of requests for law enforcement services; this adversely affects other segments of the community needing such services and unduly imposes a burden on law enforcement services in general;

Parolee probationer homes often result in parking and noise problems and have other harmful secondary effects, such as encouraging the illegal conversion of garages and living spaces into sleeping spaces;

The harmful secondary effects associated with parolee-probationer homes may negatively affect surrounding home values and result in increased foreclosures and resident displacement;

Existing zoning regulations do not adequately regulate parolee-probationer homes and absent this ordi-

nance, parolee-probationer homes could be located near schools, day care centers, parks, playgrounds and other sensitive uses.

Section 3. In adopting this ordinance, the Board finds each of the following: continued approval of the development of multi-family housing projects that parolee-probationers may occupy would have the specific, adverse impacts upon the public health or safety described in Section 2. of this ordinance; this ordinance is necessary to mitigate or avoid these specific, adverse impacts; and there is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impacts as well or better, with a less burdensome or restrictive effect, than the adoption of this ordinance.

Section 4. In adopting this ordinance, the Board reports that the following measures have been taken to alleviate the condition which led to its adoption and the adoption of Ordinance No. 449.239: the Planning Department, in consultation with the Office of County Counsel, is currently engaged in a comprehensive revision of the County's zoning ordinance. As part of this comprehensive revision, the Planning Department is studying and formulating regular zoning regulations, consistent with State law, that adequately address parolee-probationer homes and protect the public from their harmful secondary effects. Planning Commission workshops regarding the revised zoning ordinance have been scheduled in October and December of this year.

Section 5. The Clerk shall schedule a public hearing before the Board to consider any extension of this ordinance which shall normally be at its second regular meeting before expiration of the ten (10) month and fifteen (15) day period. The Clerk shall publish notice ten (10) days before the hearing. A public hearing need not, however, be scheduled if any of the following occurs: a regular zoning ordinance addressing parolee-probationer homes is adopted and effective before such expiration, this ordinance is repealed, or the Board otherwise orders.

Section 6. At or before the public hearing on any proposed extension, and at least ten (10) days prior to the expiration of this ordinance, the Board, in consultation with the Planning Director, shall issue a written report describing therein all measures taken to alleviate the condition which led to the adoption of this ordinance and Ordinance No. 449.239.

Marion Ashley, Chairman of the Board
I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on August 10, 2010, the foregoing Ordinance consisting of six (6) sections was adopted by said Board by the following vote:

AYES: Buster, Tavaglione, Stone, Benoit and Ashley
NAYS: None
ABSENT: None
Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

THE PRESS-ENTERPRISE

3450 Fourteenth Street
Riverside CA 92501-3878
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION
(2010, 2015.5 C.C.P.)

Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Adoption Ord 640.13

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper of general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673 and under date of August 25, 1995, Case Number 267864; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

08-08-10

I Certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: Aug. 8, 2010
At: Riverside, California

BOARD OF SUPERVISORS

P.O. BOX 1147
COUNTY OF RIVERSIDE
RIVERSIDE CA 92502

Ad #: 10357006

PO #:

Agency #: _____

Ad Copy:

BOARD OF SUPERVISORS OF THE COUNTY OF
RIVERSIDE, STATE OF CALIFORNIA
ORDINANCE NO. 640.13
AN ORDINANCE OF THE COUNTY OF RIVERSIDE,
AMENDING ORDINANCE NO. 640.12
ESTABLISHING
ENVIRONMENTAL HEALTH SERVICES FEES

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

Section 1. A new subsection D. shall be added to Section 6. of Ordinance No. 640.12 to read as follows:

"D. A receipt relating to a caterer shall be valid until the thirtieth day of June of the calendar year in which such receipt is issued."

Section 2. Existing subsections D., E., and F. of Section 6. of Ordinance No. 640.12 shall be re-lettered to E., F., and G., respectively.

Section 3. Section 9. of Ordinance No. 640.12 is amended to read as follows:

"Section 9. RECEIPT APPLICATIONS. Applications for receipts shall be filed with the Department on a form to be provided by the Department. Any individual person seeking to apply for a receipt with the Department shall provide proof of a valid Federal or State Government issued picture identification card with the application. Completed applications shall be accompanied by the required fee and penalty, if any. Unless otherwise provided in this chapter, such fees shall not be refundable."

Section 4. Subsection 5. of Section 13. of Ordinance No. 640.12 is amended to read as follows:

"5. Produce stand, as defined in Section 113879 of the California Health and Safety Code or Farm Stands, as defined in Section 113778.2 of the California Health and Safety Code."

Section 5. A new sub-subsection b. shall be added to subsection 5. of Section 13. of Ordinance No. 640.12 to read as follows:

"b. Per Farm Stand \$546.00"

Section 6. A new sub-subsection b. shall be added to subsection 15. of Section 13. of Ordinance No. 640.12 to read as follows:

"b. A State Surcharge pursuant to California Health and Safety Code section 116064.2 shall be assessed for each spa or pool. Per Code the Department shall retain \$1.00 of this fee for administrative costs and remit the remainder to the State. \$6.00"

Section 7. Sub-subsection a.(ix). of subsection 16. of Section 13. of Ordinance No. 640.12 is amended to read as follows:

"ix. Minor remodeling of existing food facilities; including, but not limited to, the addition of large reach-in refrigerators, walk-in refrigerators, exhaust hoods, self-serve beverage bars, or changes involving plumbing. \$400.00"

Section 8. Sub-subsection e.(iv). of subsection 16. of Section 13. of Ordinance No. 640.12 is amended to read as follows:

"iv. Minor remodeling of existing pool facilities; including, but not limited to, Virginia Graeme Baker upgrades (2 bodies of water per enclosure), new/changing of fencing, or changing/adding equipment. \$400.00"

Section 9. A new sub-subsection e.(v). shall be added to subsection 16. of Section 13. of Ordinance No. 640.12 to read as follows:

"v. Multiple minor changes (and some major changes, depending on scope of work) to pool. For example: fencing + equipment changes + replastering; equipment changes + replumbing; reviewing outdated plans where additional inspections are required, etc. \$700.00."

Section 10. Subsection 19. of Section 13. of Ordinance No. 640.12 is amended to read as follows:

"19. Mobilehome Park, Recreational Vehicle Park, Temporary Recreational Vehicle Park, and Incidental Camping Area, as defined, respectively, in Sections 18214, 18215, 18217, 18208 and 18502 of the California Health and Safety Code."

Section 11. Sub-subsection a. of subsection 19. of Section 13. of Ordinance No. 640.12 is amended to read as follows:

"a. Per mobilehome park or incidental camping area \$140.00
Per recreational vehicle park \$25.00"

Section 12. Sub-subsection a.(i). of subsection 19. of Section 13. of Ordinance No. 640.12 is amended to read as follows:

"i. For each mobilehome lot in a mobilehome park, add to fee \$11.00"

Section 13. A new sub-subsection e. shall be added to subsection 19. of Section 13. of Ordinance No. 640.12 to read as follows:

"e. Mobilehome Park State fees as set forth under the California Code of Regulations, Title 25, Section 1008:

Number of Lots	State Fees
2-19	\$40.00
20-49	\$75.00
50-99	\$175.00
100-249	\$400.00
250-499	\$800.00
500 or more	\$1,600.00"

Section 14. Sub-subsection a. of subsection 21. of Section 13. of Ordinance No. 640.12 is amended to read as follows:

"a. Administrative charge for placing or releasing the pendency \$13.00"

Section 15. Subsection 29. of Section 13. of Ordinance No. 640.12 is amended to read as follows:

"29. Solid waste facilities permit as defined in Section 40194 of the Public Resources Code:

- Privately owned or operated material recovery facility, Privately owned or operated transfer station, Green Waste (or Wood Waste) Chipping and Grinding, Construction and Demolition and Inert Debris (CDI) Processing or Recycling or Disposal facilities as defined in Sections 17850 et. seq., 17837 et. seq. and 17380 et. seq. of Title

14. CA
Code
of

Regulations

- b. Full Permit \$3,561.00
- c. Registration Tier \$926.00
- d. Notification Tier \$464.00
- e. Transfer of receipt \$15.00*

Section 16. A new subsection 31, shall be added to Section 13, of Ordinance No. 640.12 to read as follows:

"31. Hearing officer pursuant section 44308(d) of the California Public Resources Code. A deposit shall be submitted as part of the request to have a hearing concerning permit applications that may have been denied. The deposit shall be refunded if the hearing officer finds in favor of the applicant. \$150.00*

Section 17. A new subsection 32, shall be added to Section 13, of Ordinance No. 640.12 to read as follows:

"32. Solid Waste Transfer Vehicle, 1st \$153.00
a. Each Additional \$77.00*

Section 18. Existing subsections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, and 49, shall be renumbered 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51, respectively.

Section 19. Sub-subsection (a)(iii), of subsection 34, previously numbered subsection 32, of Section 13, of Ordinance No. 640.12 is amended to read as follows:

"iii. 100 to 199 service connections \$924.00*

Section 20. A new subsection 52, shall be added to Section 13, of Ordinance No. 640.12 to read as follows:

"52. Tobacco Retailing as defined in Ordinance 838
a. For each Tobacco Retail Facility \$350.00*

Section 21. This Ordinance shall take effect thirty (30) days after its adoption.

Marion Ashley, Chairman of the Board
I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on July 27, 2010, the foregoing Ordinance consisting of twenty-one (21) sections was adopted by said Board by the following vote:

AYES: Buster, Benoit and Ashley

NAYS: Stone

ABSENT: Tavaglione

Kecia Harper-Ihem, Clerk of the Board

By: Cecilia Gil, Board Assistant