

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

358



FROM: Transportation and Land Management Agency-Transportation Department

SUBMITTAL DATE:
April 10, 2012

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

RECOMMENDED MOTION: That the Board of Supervisors:

1. Set Ordinance No. 499.13 Relating to Encroachments in County Highways and the proposed ordinance fees for public hearing on May 1, 2012 at 9:30 a.m.;
2. Direct the Clerk of the Board to advertise the public hearing pursuant to Government Code Section 6062a and to post and make available to the public at least ten days prior to the hearing Attachment A entitled Data Concerning New Fees Proposed In Ordinance No. 499.13 An Ordinance of the County of Riverside Amending Ordinance No. 499 Relating to Encroachments in County Highways;
3. At the conclusion of the public hearing, introduce and adopt in successive meetings Ordinance No. 499.13;

(continued on page 2)

Juan 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: N/A	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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and is set for hearing on Tuesday, May 1, 2012 at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: April 10, 2012
xc: Planning, COB

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

Prev. Agn. Ref.:

District: ALL

Agenda Number:

3.45

FORM APPROVED COUNTY COUNSEL

BY:
KATHERINE A. LIND
DATE: 04/03/12

Departmental Concurrence

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

4. 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.

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. In addition, the proposed amendment proposes two new deposit-based fees. Both new fees will serve to recover the actual costs of providing services. Data regarding these new fees is set forth in detail in Attachment A.

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 fees adopted by this ordinance are solely for the purpose of reimbursing the County for the actual costs of providing services and are therefore exempt under CEQA Guidelines section 15273. The purposes of the charges are 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 fees 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 fees to cover the actual costs of County services.

ATTACHMENT A

**DATA CONCERNING NEW FEES PROPOSED IN ORDINANCE NO. 499.13 AN ORDINANCE
OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 499 RELATING TO
ENCROACHMENTS IN COUNTY HIGHWAYS**

Ordinance No. 499.13 proposes the following new fees:

1. A deposit-based fee of \$20,000 payable to the Transportation Department for an application for a franchise for a public utility. A public utility may be allowed to encroach into County highways provided it has been granted a franchise. This fee will reimburse the County for the costs of reviewing, preparing, and processing such a franchise. This fee is a deposit and the final fee will be the actual costs of providing these services. No general fund revenues will be used to provide the services.

2. A deposit-based fee of \$20,000 payable to the Transportation Department for an application for a franchise for a project involving a solar power plant or other use not constituting a public utility use. Board Policy B-29 requires a franchise when an applicant requests encroachment into, and the use of, County right of way for a project involving a solar power plant. This fee will reimburse the County for the costs of reviewing, preparing, and processing such a franchise. This fee is a deposit and the final fee will be the actual costs of providing these services. No general fund revenues will be used to provide the services.