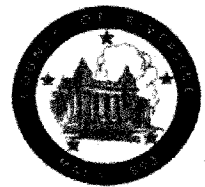


**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



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	<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 Tavaglione, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading.

Ayes: Buster, Tavaglione, Stone and Ashley
Nays: None
Absent: Benoit
Date: May 1, 2012
xc: Transp., COB

Kecia Harper-Ihem
Clerk of the Board
BY:
Deputy

Prev. Agn. Ref.:

District: ALL

Agenda Number:

9.6

FORM APPROVED COUNTY COUNSEL

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

Dep't Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

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

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

By: _____
Chairman, Board of Supervisors

ATTEST:
CLERK OF THE BOARD

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM

April 26, 2012

By: Katherine A. Lind
KATHERINE A. LIND
Assistant County Counsel

KAL:md
03/21/12
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