

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

336B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
July 14, 2005

SUBJECT: APPEAL of (FTA) 2004-08, TENTATIVE TRACT MAP NO. 31243 - EA39586 - Appellant: Rober C. Johnson, Planning Director - Applicant: Boulder Springs Land Co. - Engineer/Representative: K & A Engineering - First Supervisorial District - Mead Valley Zoning District - Lake Mathews / Woodcrest Area Plan: Rural Community: Low Density Residential (RC-LDR) (1/2 Acre Minimum) - Location: Northerly of Cajalco Road and westerly of Alexander Street - 94.4 Acres - 192 Lots - Zoning: Specific Plan (SP) - REQUEST: Schedule A subdivision of 94.4 acres into 192 residential lots (with a mix of 12,000 square foot and 20,000 square foot lots), a 12.0 acre school site and a 2.4 acre park site. Will be completed in four phases: Phase 1 consists of 70 residential lots, Phase 2 consists of 37 residential lots, Phase 3 has 51 residential lots and there are 34 residential lots in the Final Phase.

RECOMMENDED MOTION:

CONSIDERATION of the above referenced appeal of the Planning Commission decision received on July 12, 2005.

THE PLANNING COMMISSION took the following actions on July 12, 2005:

ADOPTED a **MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. 39586**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment;

APPROVED TENTATIVE TRACT MAP NO. 31243, subject to the attached conditions of approval, and based upon the findings and conclusion incorporated in the staff report.

Robert C. Johnson
Robert C. Johnson
Planning Director

RCJ:sn

REVIEWED BY EXECUTIVE OFFICE
John C. Sargent
DATE 7/18/05

Departmental Concurrence

Policy

Consent

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

Prev. Agn. Ref.

District: First

Agenda Number:

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Planning Department

Tony Carstens
Agency Director

Robert C. Johnson
Director of Planning

APPLICATION FOR APPEAL

RE: CASE NO(S): TENTATIVE TRACT 31243

LIST ALL RELATED CASE NO(S):

APPELLANT'S NAME: ROBERT C. JOHNSON, PLANNING DIRECTOR

ADDRESS: 4080 LEMON STREET, 9TH FLOOR

CITY: RIVERSIDE

STATE: CA

ZIP: 92502-1409

TELEPHONE NUMBER: (951) 955-3265

PLEASE COMPLETE REVERSE SIDE OF THIS FORM STATING REASON(S) FOR APPEAL. THIS APPLICATION MUST BE ACCOMPANIED BY APPROPRIATE FILING FEES AND SURROUNDING PROPERTY OWNER'S LABELS. OBTAIN LABEL PACKAGE INSTRUCTIONS FROM INFORMATION SERVICES CENTER.

HEARING BODY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH:
Planning Director	<u>East Area Planning Council</u> for: Parcel Maps, Plot Plans, Accessory WECS, 18.45 Plot Plan (Kennels and Catteries), Temporary Use Permits, and Certificates of Historic Appropriateness in Eastern Riverside County. <u>Board of Supervisors</u> for: Temporary Outdoor Events and Substantial Conformance Determinations for WECS. <u>Planning Commission</u> for all other decisions.	<u>Planning Department</u> for appeals before the East Area Planning Council and the Planning Commission. <u>Clerk of the Board of Supervisors</u> for appeals before the Board of Supervisors.
East Area Planning Council	Board of Supervisors	Clerk of the Board of Supervisors
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

TYPE OF CASES BEING APPEALED	FILING DEADLINE
Change of Zone Denial by the Planning Commission Commercial WECS Permit Conditional Use Permit Hazardous Waste Facility Siting Permit Public Use Permit Variance Specific Plan denial by the Planning Commission Substantial Conformance Determination for WECS Surface Mining and Reclamation Permit	Within 10 days after the notice of decision appears on the Board of Supervisors' agenda.
Land Divisions (Tract Maps and Parcel Maps) Revised Tentative Map Minor Change to Tentative Map Extension of Time for Land Division (Not Vesting Map)	Within 10 days after the notice of decision appears on the Board of Supervisors' agenda.

Extension of Time for Vesting Tentative Map	Within 15 days after the notice of decision appears on the Board of Supervisors' agenda.
Large Family Day Care Home Permits	Within 10 days after the date of the mailing of the decision of the Planning Director.
Outdoor Advertising Displays (Off-site signs)	If no public hearing is held: Within 10 days after the notice of decision is mailed to the applicant by the Planning Director. If a public hearing is held: Within 10 days after the notice of decision appears on the Board's agenda.
General Plan or Specific Plan Consistency Determination Temporary Outdoor Event	Within 10 days after date of mailing or hand delivery of decision of the Planning Director.
Environmental Impact Report	Within 10 days of receipt by project sponsor of Planning Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.
TYPE OF CASES BEING APPEALED	FILING DEADLINE
Plot Plan Second Unit Permits Temporary Use Permits Accessory WECS Section 18.45 Plot Plan (Kennels and Catteries)	Within 10 calendar days after the date of mailing of the decision.
Letter of Substantial Conformance for Specific Plan	Within 7 days after the notice of decision appears on the Board of Supervisors' agenda.
Revised Permit	Same appeal deadline as for original permit
Certificate of Compliance	Within 10 calendar days after the date of the decision by Planning Director.
Revocation of Variances and Permits	Within 10 days following the mailing of the notice of revocation by the Director of Building and Safety, or within 10 days after the notice of decision of the Planning Commission or East Area Planning Council appears on the Board of Supervisors' agenda.

Please state the basis for the appeal and include any supporting evidence if applicable. If appealing one or more specific conditions of approval, indicate the number of the specific condition(s) being protested. In addition, please include all actions on related cases which might be affected if the appeal is granted. This will allow all changes to be advertised and modified at the same time. AN APPEAL OF ONE OR MORE CONDITIONS OF APPROVAL SHALL BE DEEMED AS AN APPEAL OF THE ACTION AS A WHOLE, AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER, AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

THE ABOVE - REFERENCED MATTER APPEARED ON THE BOARD OF SUPERVISORS' JULY 12, 2005 AGENDA AND WAS APPROVED. NOTWITHSTANDING THE APPROVAL, COUNTY ORDINANCE 460 PROVIDES THAT THE PLANNING COMMISSIONS' APPROVAL OF THE MATTER WILL BE CONSIDERED FINAL UNLESS AN "INTERESTED PERSON" APPEALS THE MATTER TO THE BOARD WITHIN TEN (10) DAYS OF THE DATE IT APPEARED ON THE BOARD'S AGENDA.

BECAUSE THE BOARD'S APPARENT INTENT IN APPROVING THE MATTER WAS NOT TO HAVE THE MATTER APPROVED BY OPERATION OF LAW, THE PLANNING DIRECTOR IS FILING THIS APPEAL SO THAT THE MATTER MAY BE HEARD BY THE BOARD. THE PLANNING DIRECTOR IS CONSIDERED AN "INTERESTED PERSON" FOR THE PURPOSES OF FILING AN APPEAL.

USE ADDITIONAL SHEETS, IF NECESSARY.

APPELLANT'S SIGNATURE:



for Robert Johnson
Planning Director

DATE:

7-12-05