

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

103B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
September 28, 2005

SUBJECT: APPEAL of CHANGE OF ZONE NO. 6742 / TENTATIVE TRACT MAP NO. 31787 - EA39266 - Appellant: Robert C. Johnson - Applicant: Charles Beattie - Engineer/ Representative: A.J. Frick - Third Supervisorial District - Bautista Zoning Area - San Jacinto Valley Area Plan: Community Development: Medium Density Residential (CD-MDR) (2-5 Dwelling Units Per Acre) - Location: Easterly of Fairview Avenue, southerly of Mayberry Avenue, and westerly of Thacker Drive - 10.11 Gross Acres - Zoning Light Agricultural - 10 Acre Minimum (A-1-10) - REQUEST: Change zone from Light Agriculture-10 Acre Minimum (A-1-10) to One-Family Dwellings (R-1) zone. Schedule A subdivision of 10.11 acres into 34 residential lots with a minimum lot size of 7,200 square feet for seniors aged 55 years and older.

RECOMMENDED MOTION:

THE PLANNING DEPARTMENT RECOMMENDS:

CONSIDERATION of the above referenced appeal, received on September 28, 2005, of the Planning Commission decision.

THE PLANNING COMMISSION took the following actions on August 31, 2005.

DENIED CHANGE OF ZONE NO. 6742 from Light Agriculture-10 Acre Minimum (A-1-10) to One-Family Dwellings (R-1), in accordance with Exhibit #2; and,

DENIED TENTATIVE TRACT MAP NO. 31787, subject to the attached conditions of approval, and based upon the findings and conclusion incorporated in the staff report.


Robert C. Johnson
Planning Director

RCJ:sn

REVIEWED BY EXECUTIVE OFFICE
Charles Beattie
DATE 10/14/05

Departmental Concurrence

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

Prev. Agn. Ref.

District: Third

Agenda Number:

16.2

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): TRACT 31787, Change of Zone 06742

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)	<u>If no public hearing is held:</u> Within 10 days after the notice of decision is mailed to the applicant by the Planning Director. <u>If a public hearing is held:</u> 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' SEPTEMBER 27, 2005, AGENDA AND WAS APPROVED. NOTWITHSTANDING THE APPROVAL, COUNTY ORDINANCE 348 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:

DATE: 9/28/05

Board of Supervisors
Riverside County
4080 Lemon St. 1st Floor
Riverside, Ca. 925-2

October 7,2005

Dear Board of Supervisors,

This is in reference to the appeal being filed by one Charles Beattie for Change of Zone No. 6742 from light agriculture 10 acre min.(A-1-10) to one Family Dwellings R-1 and proposal on Tentative Tract Map No. 31787 to subdivide 10.11 acres into 34 residential lots for seniors 55 years and Older.

This project is right behind our home. We were the third home in this tract developed by Kent Thacker of ½ acre minimum lots. My family made great sacrifices to live and build in an area that was designed to be low density, rural living.

To build this project behind our home would devalue our property, greatly increase the traffic near the elementary school, create a bottle neck and potential fire access hazard and greatly impact my wife's health through increased air pollution behind our home. My wife suffers from Chronic lung disease and was forced to take a medical retirement from teaching. Putting approx. 70 additional automobiles directly behind our home would greatly impact our air quality.

PLEASE, DO NOT APPROVE THIS DEVELOPMENT AT THIS DENSITY LEVEL.

We understand that the property owner has a right to develop his land but leave it at ½ acre min. lots as the surrounding area remains. Mr. Thacker is not having any trouble developing and building on his property.

Sincerely,


Michael and Darlene Jordan

26325 Thacker Dr.

Hemet, Ca.

92544

951-927-4909

2005-10-047197