

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

517B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
November 21, 2006

SUBJECT: Planning Commission's Notice of Decision and Report of Proceedings Regarding Appeal of the Revocation of Conditional Use Permit No. 3172 – CEQA Exempt – Appellant: Vail Lake Resort – Engineer / Representative: Vail Lake Resort - Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Open Space - Rural (20 Acre Minimum) – Location: Northerly of Highway 79, southerly of Vail Lake, easterly of Pauba Road, and westerly of Sage Road – 834.88 Gross Acres - Zoning: Rural Residential (R-R) - Conditional Use Permit No. 3172 authorized the construction and the operation of a recreation vehicle park including a town hall, general store, cafe, laundromat, miniature golf course with associated building, arcade, 2 maintenance areas, 2 RV storage lots, swimming pool with water slide and restrooms, bike rental booth, propane station, basketball court, and 467 recreational vehicle sites.

RECOMMENDED MOTION:

RECEIVE AND FILE the Notice of Decision and Report of Proceedings for the above referenced case adopted by the Planning Commission on November 1, 2006.

THE PLANNING COMMISSION:

UPHELD the APPEAL and **REINSTATED** Conditional Use Permit No. 3172, subject to the findings incorporated in the Notice of Decision and Report of Proceedings.

Robert C. Johnson
Planning Director

RCJ:dm

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE

DATE 11/22/06 [Signature]

Policy

Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Third

Agenda Number:

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PLANNING COMMISSION
COUNTY OF RIVERSIDE

2006 NOV 16 PM 5: 21

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4 IN THE MATTER OF THE APPEAL OF THE)
5 REVOCATION OF CONDITIONAL USE)
6 PERMIT NO. 3172 (VAIL LAKE RESORT))

**NOTICE OF DECISION AND
REPORT OF PROCEEDINGS**

7 The Planning Commission of the County of Riverside (the "Commission") heard the above-
8 referenced matter (the "Appeal") during a regular meeting on October 18, 2006, after giving the required
9 notice. The Building and Safety Department, through the Office of County Counsel, made a presentation,
10 and the Appellant, Vail Lake Village and Resort, LLC and Vail Lake USA, LLC, (the "Appellant")
11 responded to that presentation through its counsel. The Commission heard oral testimony from a
12 representative of the Fire Department, from William P. Johnson, a principal of the Appellant, and from
13 members of the public (some of which testimony the Appellant objected to as improper, irrelevant and
14 inadmissible). The Commission also heard presentations related to this matter at properly noticed
15 meetings on June 28, 2006, August 23, 2006 and September 20, 2006. The Commission received and
16 considered letters from the Appellant's counsel dated August 23, 2006, September 19, 2006, and October
17 17, 2006, as well as several letters from members of the public.

18 Following the presentations and testimony, the Commission tentatively upheld the Appeal and
19 directed the Appellant's counsel to prepare this Notice and Report. The Appellant's counsel submitted
20 this Notice and Report to the Office of County Counsel for review. The Commission has reviewed this
21 Notice and Report and hereby upholds the Appeal based on the following findings which were adopted
22 November 1, 2006:

- 23
- 24 1. Conditional Use Permit No. 3172 was issued in 1993 for the purposes stated therein and for
25 the property described therein. Conditional Use Permit No. 3172 permits, among other things,
26 the operation of a recreational vehicle park at the Vail Lake Resort located in Southwest
27 Riverside County.
 - 28 2. The Director of the Building and Safety Department (the "Director") issued a January 25,
2006, Notice of Revocation and Findings of Fact in Support of Notice of Revocation
(collectively, the "Revocation Notice"). In the Revocation Notice, the Director revoked
Conditional Use Permit No. 3172 for the reasons stated therein based on the authority provided
in Riverside County Ordinance No. 348, Section 18.31. The Director cited several alleged
violations of the terms and conditions of Conditional Use Permit No. 3172, including the
Appellant's failure to pay fees, substandard buildings or other conditions, and apparently
unpermitted buildings.
 3. The Director also found that the property was, in his opinion, being used in two ways not
permitted by the terms of Conditional Use Permit No. 3172. First, the Director found that the
property is sometimes used as a venue for events such as "weddings, receptions, group dinners,
luncheons, banquets, galas, holiday parties, company picnics, training seminars, fund raisers,
triathlons, boat and car shows, fishing tournaments, wine tasting, group trail rides, or music
concerts." Second, the Director found that a pub is being operated on the property with on-site
alcoholic beverage sales and consumption.

- 1 4. The Appellant acted promptly and diligently in response to the Revocation Notice, and
2 cooperated fully with the County's investigation and enforcement efforts.
- 3 5. There is insufficient evidence to support the Director's decision to revoke Conditional Use
4 Permit No. 3172.
- 5 6. The unpaid fees in question were imposed before the Appellant owned the property, and the
6 Appellant has corrected any alleged violation related to non-payment of fees by paying them.
- 7 7. The Appellant has corrected any alleged violation based on substandard buildings or other
8 conditions, or unpermitted buildings, by demolishing the offending structures, correcting the
9 conditions, or closing the substandard facilities to public use until their rehabilitation can be
10 completed (which the permit holder is diligently pursuing).
- 11 8. There is insufficient evidence to support the Director's finding that the Appellant has held
12 events in violation of the terms and conditions of Conditional Use Permit No. 3172 or
13 Riverside County Ordinance No. 348. The Vail Lake Resort is an "established facility" within
14 the meaning of Section 19.52 of Riverside County Ordinance No. 348 and may currently hold
15 temporary events as a matter of right (subject to the limitations imposed on the holding of such
16 events in Riverside County Ordinance No. 348). Notwithstanding the above, on the effective
17 date of proposed Riverside County Ordinance No. 850, Vail Lake Resort shall instead be
18 subject to the temporary events provisions of that ordinance and shall fully comply therewith.
- 19 9. There is insufficient evidence to support the Director's finding that the Appellant has operated
20 a pub in violation of the terms and conditions of Conditional Use Permit No. 3172.
21 Conditional Use Permit No. 3172 does not prohibit the use of the small existing pub facility
22 for that purpose. This finding does not, however, excuse the Appellant from continuing to
23 meet all requirements generally applicable to the operation of pubs, including, without
24 limitation, the requirements of the State of California Department of Alcoholic Beverage
25 Control and the Riverside County Health Department.
- 26 10. Nothing contained in this Notice and Report shall be construed to prevent the Director from
27 continuing to monitor the Vail Lake Resort for compliance, and to take appropriate action
28 should any future violation be discovered.
11. The Appeal is upheld and the revocation is reversed. Conditional Use Permit No. 3172 is
hereby reinstated.
12. After issuing the Revocation Notice, the Director recorded a notice related to this action
against the title to the Appellant's property in the Office of the County Recorder. The Director
is instructed to record a release of any such notice in the Office of the County Recorder within
a reasonable time after the Commission's decision becomes final.

1 **PROOF OF SERVICE**

2 I, the undersigned, say I am a citizen of the United States and am employed in the County of Riverside,
3 over the age of 18 years and not a party to the within action or proceeding; that my business address is
3535 Tenth Street, Suite 300, Riverside, California 92501-3674.

4 I am readily familiar with the business practice for collection and processing of correspondence for
5 mailing with the United States Postal Service. Correspondence is deposited with the United States Postal
Service on the same day in the ordinary course of business.

6 That on the 16th day of November, 2006, I served a copy of the papers to which this proof of service is
7 attached:

8 NOTICE OF DECISION AND REPORT OF PROCEEDINGS IN THE MATTER OF THE
9 APPEAL OF THE REVOCATION OF CONDITIONAL USE PERMIT NO. 3172
(VAIL LAKE RESORT)

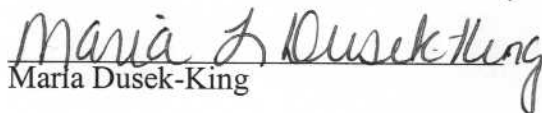
10 by placing a copy thereof in an envelope for deposit in the United States Postal Service addressed as
follows:

11 CRAIG COLLINS
12 BLUM COLLINS LLP
13 707 WILSHIRE BOULEVARD, SUITE 4880
LOS ANGELES, CALIFORNIA 90017

14 The envelope was sealed and placed for collection and mailing at 3535 Tenth Street, Suite 300, Riverside,
California, on the same date following ordinary business practices.

15 I certify under penalty of perjury that the foregoing is true and correct.

16 Executed this 16th day of November, 2006, at Riverside, California

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19 Maria Dusek-King
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