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COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

DATE: May 11, 2010

TO: Clerk of the Board of Supervisors

FROM: Planning Department - Riverside Office

SUBJECT: SPECIFIC PLAN NO. 265, SUBSTANTIAL CONFORMANCE NO. 2 – CEQA Exempt
(Charge your time to these case numbers)

The attached item(s) require the following action(s) by the Board of Supervisors:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Place on Administrative Action (Receive & File; EOT) | <input type="checkbox"/> Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA) |
| <input type="checkbox"/> Labels provided If Set For Hearing | <input type="checkbox"/> Publish in Newspaper: |
| <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day | **SELECT Advertisement** |
| <input type="checkbox"/> Place on Consent Calendar | <input type="checkbox"/> **SELECT CEQA Determination** |
| <input type="checkbox"/> Place on Policy Calendar (Resolutions; Ordinances; PNC) | <input type="checkbox"/> 10 Day <input type="checkbox"/> 20 Day <input type="checkbox"/> 30 day |
| <input type="checkbox"/> Place on Section Initiation Proceeding (GPIP) | <input type="checkbox"/> Notify Property Owners (app/agencies/property owner labels provided) |
| | Controversial: <input type="checkbox"/> YES <input type="checkbox"/> NO |

Designate Newspaper used by Planning Department for Notice of Hearing:
(3rd Dist) Press Enterprise and The Californian

Please schedule on the May 25, 2010 BOS Agenda

BOS SCAT 5/13/10.

*Ron
5-11-10*

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



FROM: TLMA - Planning Department

SUBMITTAL DATE:
May 13, 2010

SUBJECT: SPECIFIC PLAN NO. 265, SUBSTANTIAL CONFORMANCE NO. 2 – CEQA Exempt– Applicant: French Valley Airport Center LLC – Engineer/Representative: Stanley D. Heaton, P.E. - Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Community Development: Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio), Commerical Office (CD: CO) (0.25-1.0 Floor Area Ratio), Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio), Business Park (CD: BP) (0.25-0.60 Floor Area Ratio), Open Space: Conservation (OS: C) – Location: Northerly of Technology Drive, southerly of Benton Road, easterly of Winchester Road and westerly of Leon Road – 708.99 Gross Acres - Zoning: Specific Plan No. 265 - **REQUEST: The specific plan substantial conformance proposes to remove condition of approval 10.PLANNING.11 of Specific Plan No. 265, to eliminate the 15 year validity date condition in the Specific Plan. Condition of approval 10.PLANNING.11 requires that a specific plan amendment be required for any portion of the project which has not been constructed within 15 years. – APN: 957-320-001, -005 thru 007, -011, -012, -014, -016, -018, -021, -023 thru -024, 963-030-002 thru -006, 963-070-018, -020, -021, -033, 963-080-002 thru 012. – Related Cases: SP00265**

RECOMMENDED MOTION:

RECEIVE AND FILE The Notice of Decision by the Planning Commission on May 5, 2010.

The Planning Department recommended Approval; and,
THE PLANNING COMMISSION:

APPROVED SPECIFIC PLAN NO. 265, SUBSTANTIAL CONFORMANCE NO. 2, subject to

Ron Goldman
Planning Director

Initials:
RG:ve
RJM

(continued on attached page)

REVIEWED BY EXECUTIVE OFFICER
DATE
Tina Grande
Departmental Concurrence
Dept't Re
Per Exec. Ofc.
Consent
Policy

Prev. Agn. Ref.

District: Third

Agenda Number:

The Honorable Board of Supervisors

Re: **SPECIFIC PLAN NO. 265, SUBSTANTIAL CONFORMANCE NO. 2**

Page 2 of 2

the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

**PLANNING COMMISSION
MINUTE ORDER MAY 5, 2010
RIVERSIDE COUNTY ADMINISTRATIVE CENTER**

- I. AGENDA ITEM 4.2: SPECIFIC PLAN NO. 265, SUBSTANTIAL CONFORMANCE NO. 2 - CEQA Exempt** - Applicant: French Valley Airport Center LLC - Engineer/Representative: Stanley D. Heaton, P.E. - Third Supervisorial District - Rancho California Zoning Area - Southwest Area Plan: Community Development: Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio), Commercial Office (CD: CO) (0.25-1.0 Floor Area Ratio), Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio), Business Park (CD: BP) (0.25-0.60 Floor Area Ratio), Open Space: Conservation (OS: C) - Location: Northerly of Technology Drive, southerly of Benton Road, easterly of Winchester Road and westerly of Leon Road - 708.99 Gross Acres - Zoning: Specific Plan No. 265 - **APNs:** 957-320-001, 957-320-005, 957-320-006, 957-320-007, 957-320-011, 957-320-012, 957-320-014, 957-320-016, 957-320-018, 957-320-021, 957-320-023, 957-320-024, 963-030-002, 963-030-003, 963-030-004, 963-030-005, 963-030-006, 963-070-018, 963-070-020, 963-070-021, 963-070-033, 963-080-002, 963-080-003, 963-080-004, 963-080-005, 963-080-006, 963-080-007, 963-080-008, 963-080-009, 963-080-010, 963-080-011 and 963-080-012 - (Continued from 1/13/10 and 4/07/10) - (Legislative)
- II. PROJECT DESCRIPTION**
The specific plan substantial conformance proposes to remove condition of approval 10.PLANNING.11 of Specific Plan No. 265, to eliminate the 15 year validity date condition in the Specific Plan. Condition of approval 10.PLANNING.11 requires that a specific plan amendment be required for any portion of the project which has not been constructed within 15 years.
- III. MEETING SUMMARY**
The following staff presented the subject proposal:
Project Planner: Kinika Hesterly, Ph: (951) 955-1888 or E-mail khesterl@rctlma.org
- The following did not wish to speak, but is in favor of the subject proposal:
Larry Markham, Applicant's Representative, 41635 Enterprise Circle, Temecula, CA 92590
- No one spoke in a neutral position or in opposition of the subject proposal.
- IV. CONTROVERSIAL ISSUES**
NONE
- V. PLANNING COMMISSION ACTION**
The Planning Commission, by a vote of 4-0 (Commissioner Zuppardo absent); recommended to the Board of Supervisors;
- APPROVAL of SPECIFIC PLAN NO. 265, SUBSTANTIAL CONFORMANCE NO. 2**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.
- VI. CD**
The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Chantell Griffin, Planning Commission Secretary, at (951) 955-3251 or E-mail at cgriffin@rctlma.org.

Agenda Item No.:
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: Third
Project Planner: Kinika Hesterly
Planning Commission: May 5, 2010
Continued From: 4/07/10, 10/21/09, 11/04/09,
12/02/09 and 1/13/10

Specific Plan No. 265, Substantial
Conformance No. 2
CEQA Exempt
Applicant: French Valley Airport Center LLC
Engineer: Stanley D. Heaton, P.E.

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Specific Plan No. 265, Substantial Conformance No. 2 proposes to delete condition of approval 10.PLANNING.11 of Specific Plan No. 265, which provides that "Specific Plan No. 265 shall remain void for 15 years as indicated in the Phasing portion of the specific plan text. Should the entire project not be built out in that period of time, a specific plan amendment will be required for any portion of the project which has not been constructed within 15 years."

The project is located within the French Valley community within the Southwest Area Plan of Western Riverside County; more specifically, northerly of Technology Drive, southerly of Benton Road, easterly of Winchester Road and westerly of Leon Road.

FURTHER PLANNING CONSIDERATIONS:

On April 7, 2010, the Planning Commission continued the project based on the concern that the specific plan would exist indefinitely with the removal of the validity date condition. However, the removal of condition of approval 10.PLANNING.11 will not necessarily allow the specific plan to continue indefinitely since the general plan calls for periodic reviews of specific plans.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #5): Community Development: Commercial Office (CD:CO) (0.25-1.0 Floor Area Ratio), Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio), Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio), Open Space: Conservation (OS:C)
2. Surrounding General Plan Land Use (Ex. #5): Community Development: Commercial Retail (CD:CR) (0.20-0.35 Floor Area Ratio), Light Industrial (CD:LI) (0.25-0.60 Floor Area Ratio), Business Park (CD: BP) (0.25-0.60 Floor Area Ratio), Public Facilities (CD: PF) (<0.60 Floor Area Ratio) Community Development: Public Facilities (CD:PF) (<0.60 Floor Area Ratio) to the north, Community Development: Business Park (CD: BP) (0.25-0.60 Floor Area Ratio), Medium Density Residential (CD: MDR) (2-5 Dwelling Units Per Acre), Medium High Density Residential (CD: MHDR) (5-8 Dwelling Units Per Acre), and Open Space: Conservation Habitat (OS: CH) to the east, Community Development: Business Park (CD: BP) (0.25-0.60 Floor Area Ratio), Medium Density Residential (CD: MDR) (2-5 Dwelling Units Per

- | | |
|-----------------------------------|--|
| 3. Existing Zoning (Ex. #2): | Acre), and Open Space: Conservation (OS: C) to the south, and the City of Murrieta to the west. |
| 4. Surrounding Zoning (Ex. #2): | Specific Plan Zone No. 265
Scenic Highway Commercial (C-P-S), Industrial Park (I-P), Manufacturing-Service Commercial (M-SC), Light Agriculture-10 Acre Minimum (A-1-10) to the north, Specific Plan No. 184 (SP 184) Rancho Bella Vista, Light Agriculture - 5 and 10 Acre Minimum (A-1-5 and A-1-10) to the east, Specific Plan No. 213 (SP 213) Winchester Properties to the south, and City of Murrieta limits to the west. |
| 5. Existing Land Use (Ex. #1): | Vacant |
| 6. Surrounding Land Use (Ex. #1): | Commercial and Industrial to the north, vacant land, scattered residences and single family residential to the east, commercial, industrial, vacant land and single family residential to the south, and City of Murrieta limits to the west. |
| 7. Project Data: | Total Acreage: 708.99 |
| 8. Environmental Concerns: | CEQA Exempt Per 15305 |

RECOMMENDATIONS:

APPROVAL of **SPECIFIC PLAN NO. 265, SUBSTANTIAL CONFORMANCE NO. 2**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

CONCLUSIONS:

1. The proposed project is in conformance with the Community Development: Commercial Office (CD:CO) (0.25-1.0 Floor Area Ratio), Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio), Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio), Open Space: Conservation (OS:C) Land Use Designations, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Specific Plan Zone No. 265 (SP00265) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is clearly compatible with the present and future logical development of the area.
5. The proposed project will not have a significant effect on the environment.

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, which is incorporated herein by reference.

1. The project site is designated Community Development: Commercial Office (CD:CO) (0.25-1.0 Floor Area Ratio), Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio), Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio), Open Space: Conservation (OS:C) in the Southwest Area Plan.
2. The proposed project is allowed in the Community Development: Commercial Office (CD:CO) (0.25-1.0 Floor Area Ratio), Commercial Retail (CD: CR) (0.20-0.35 Floor Area Ratio), Light Industrial (CD: LI) (0.25-0.60 Floor Area Ratio), Open Space: Conservation (OS:C) land use designation.
3. The project site is surrounded by properties which are designated Community Development: Commercial Retail (CD:CR) (0.20-0.35 Floor Area Ratio), Light Industrial (CD:LI) (0.25-0.60 Floor Area Ratio), Business Park (CD: BP) (0.25-0.60 Floor Area Ratio), Public Facilities (CD: PF) (<0.60 Floor Area Ratio) Community Development: Public Facilities (CD:PF) (<0.60 Floor Area Ratio) to the north, Community Development: Business Park (CD: BP) (0.25-0.60 Floor Area Ratio), Medium Density Residential (CD: MDR) (2-5 Dwelling Units Per Acre), Medium High Density Residential (CD: MHDR) (5-8 Dwelling Units Per Acre), and Open Space: Conservation Habitat (OS: CH) to the east, Community Development: Business Park (CD: BP) (0.25-0.60 Floor Area Ratio), Medium Density Residential (CD: MDR) (2-5 Dwelling Units Per Acre), and Open Space: Conservation (OS: C) to the south, and the City of Murrieta to the west.
4. The zoning for the subject site is Specific Plan Zone No. 265.
5. The proposed project is consistent with the development standards set forth in the Specific Plan No. 265 zone.
6. The project site is surrounded by properties which are zoned Scenic Highway Commercial (C-P-S), Industrial Park (I-P), Manufacturing-Service Commercial (M-SC), Light Agriculture-10 Acre Minimum (A-1-10) to the north, Specific Plan No. 184 (SP 184) Rancho Bella Vista, Light Agriculture - 5 and 10 Acre Minimum (A-1-5 and A-1-10) to the east, Specific Plan No. 213 (SP 213) Winchester Properties to the south, and City of Murrieta limits to the west.
7. Government Code Section 65359 provides that any specific plan of the county that is applicable to the same areas or matters affected by a general plan amendment shall be reviewed and amended as necessary to make the specific plan consistent with the general plan.
8. The County of Riverside's General Plan was amended in 2003; therefore, it is appropriate to review SP 265 for consistency with the General Plan.
9. 10. PLANNING.11 provides that "Specific Plan No. 265 shall remain valid for 15 years as indicated in the Phasing portion of the specific plan text. Should the entire project not be built out in that period of time, specific plan amendment will be required for any portion of the project which has not been constructed within 15 years." ("Condition")
10. The first sentence of the Condition appears to create an automatic expiration date.
11. The second sentence of the Condition, however, would be rendered meaningless if the Specific Plan were construed to have expired because an expired Specific Plan cannot be amended.

12. As a result, it is reasonable to conclude that the Condition is to establish a 15 year review period for the Specific Plan.
13. The County of Riverside's General Plan contains policy LU 1.7 which requires, in conjunction with each Foundation General Plan Amendment (five-year) cycle, that a report be prepared on specific plan implementation addressing all specific plans, with particular attention to specific plans that have reached their twentieth anniversary.
14. The Condition is inconsistent with General Plan policy LU 1.7 because the Condition imposes a 15 year review period, but General Plan policy LU 1.7 requires specific plans to be reviewed every 5 years.
15. Pursuant to Section 2.11 of Ordinance No. 348, a condition of approval may be deleted through a substantial conformance if the deletion will not substantially or adversely affect the underlying purpose for which the condition was initially required.
16. Specific Plan No. 265 would still have to be reviewed in accordance with General Plan Policy LU 1.7 even if the Condition were deleted.
17. The deletion of the Condition, therefore, would not substantially or adversely affect the underlying purpose of the Condition because there would still be a review period for Specific Plan No. 265 as required by General Plan Policy LU 1.7.
18. CEQA Guideline Section 15305 provides an exemption for minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.
19. Specific Plan No. 265 is a land use limitation because it sets forth the permitted and unpermitted uses within its boundaries.
20. The proposed project is a minor alteration of Specific Plan No. 265 because it proposes the deletion of the review period only and will not change the allowable uses or densities within the Specific Plan.
21. The Specific Plan is in area with an average slope of less than 20%.
22. The proposed project is exempt from CEQA pursuant to CEQA Guidelines Section 15305.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. A Fault Zone.
 - b. A County Service Area.
 - c. A High Fire Area.
3. The project site is locate within:

- a. The boundaries of the Temecula Valley Unified School District
 - b. The Sphere of Influence of the City of Temecula.
 - c. The Valley Wide Recreation and Parks District.
 - d. An Area of High Paleontological Sensitivity.
 - e. An Area Susceptible to Subsidence.
 - f. The Stephens Kangaroo Rat Fee Area.
 - g. A low to moderate liquefaction Area.
4. The subject site is currently designated as Assessor's Parcel Number 957-320-012.
 5. This project was filed with the Planning Department on 7/13/09.
 6. Deposit Based Fees charged for this project, as of the time of staff report preparation, total \$9,214.73.

KH:kh

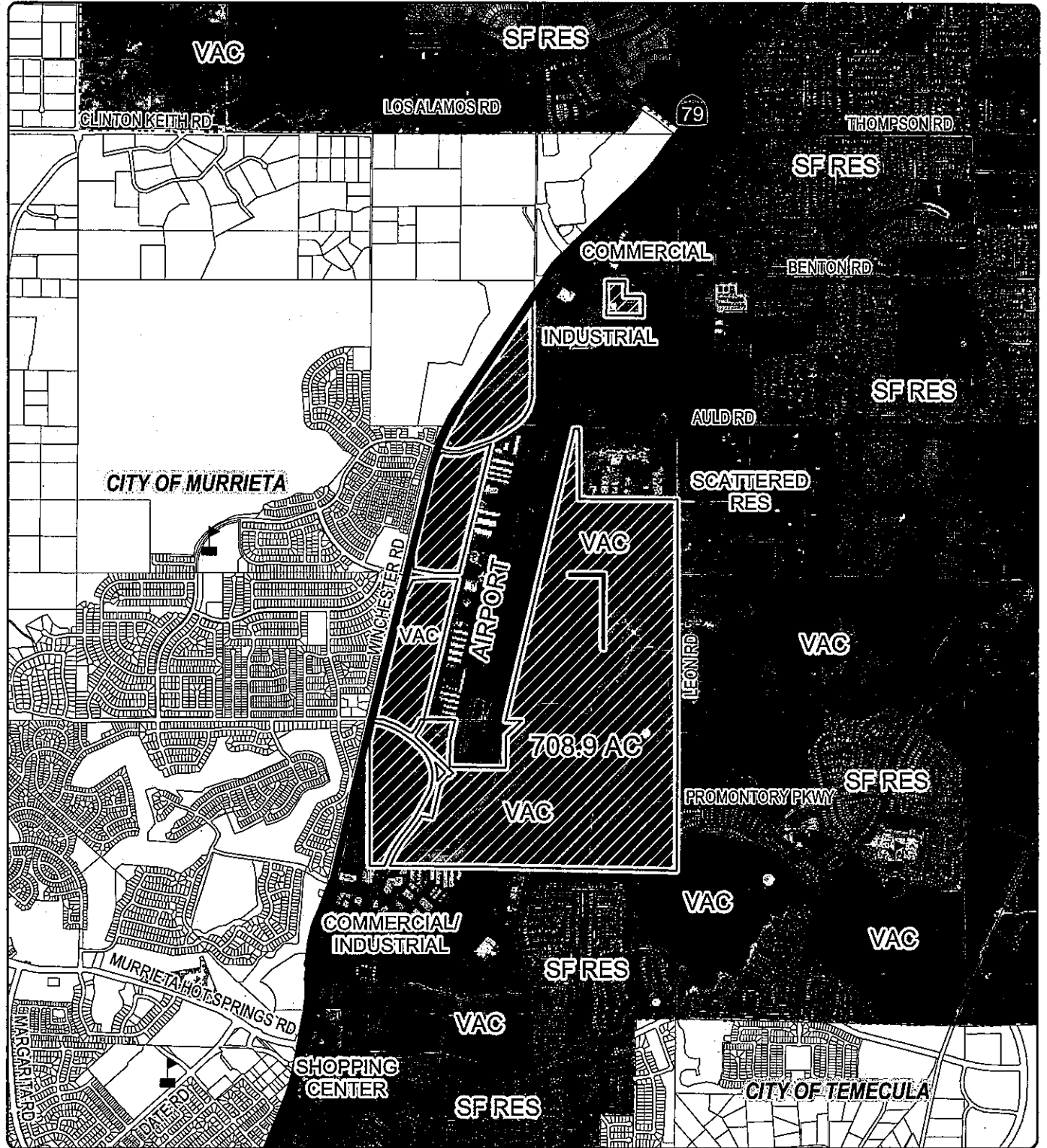
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Date Revised: 05/04/10

RIVERSIDE COUNTY PLANNING DEPARTMENT
SP00265S2
LAND USE

Supervisor Stone
 District 3

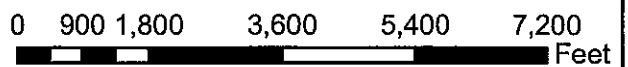
Date Drawn: 8/24/09
 Exhibit 1



Zoning Area: Rancho California
 Township/Range: T7SR2W
 Section: 7

Assessors Bk. Pg. 957-32, 963-30, 963-08
 Thomas Bros. Pg. 929 A3
 Edition 2009

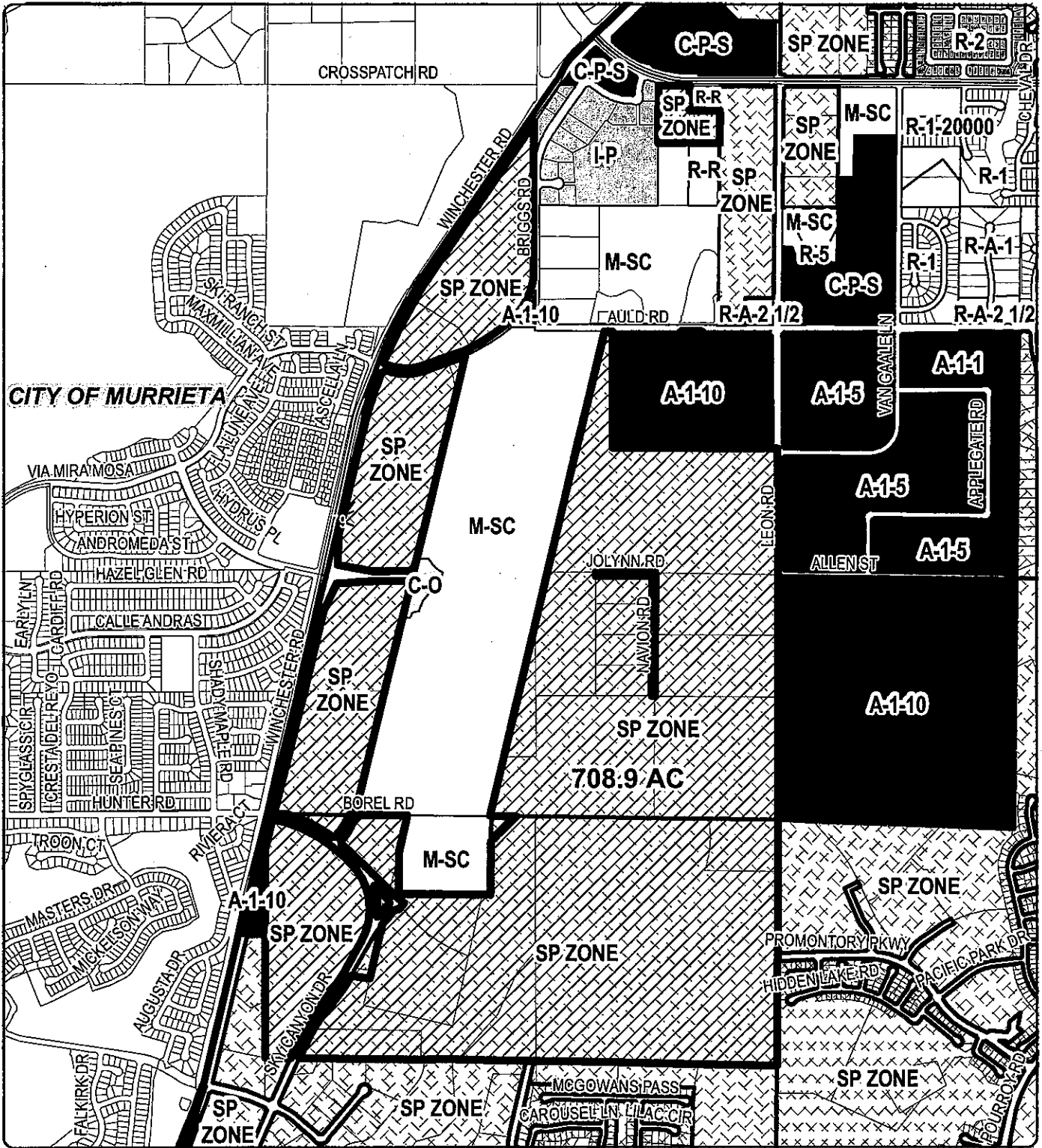
DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.tlra.co.riverside.ca.us/index.html>



RIVERSIDE COUNTY PLANNING DEPARTMENT
SP00265S2
EXISTING ZONING

Supervisor Stone
 District 3

Date Drawn: 8/24/09
 Exhibit 2



Zoning Area: Rancho California
 Township/Range: T7SR2W
 Section : 7

Assessors Bk. Pg. 957-32, 963-30, 963-08
 Thomas Bros. Pg. 929 A3
 Edition 2009

DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different types of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951) 955-3200 (Western County), or in Indio at (760) 863-8277 (Eastern County) or website at <http://www.tlma.co.riverside.ca.us/index.html>



RIVERSIDE COUNTY PLANNING DEPARTMENT

SP00265S2

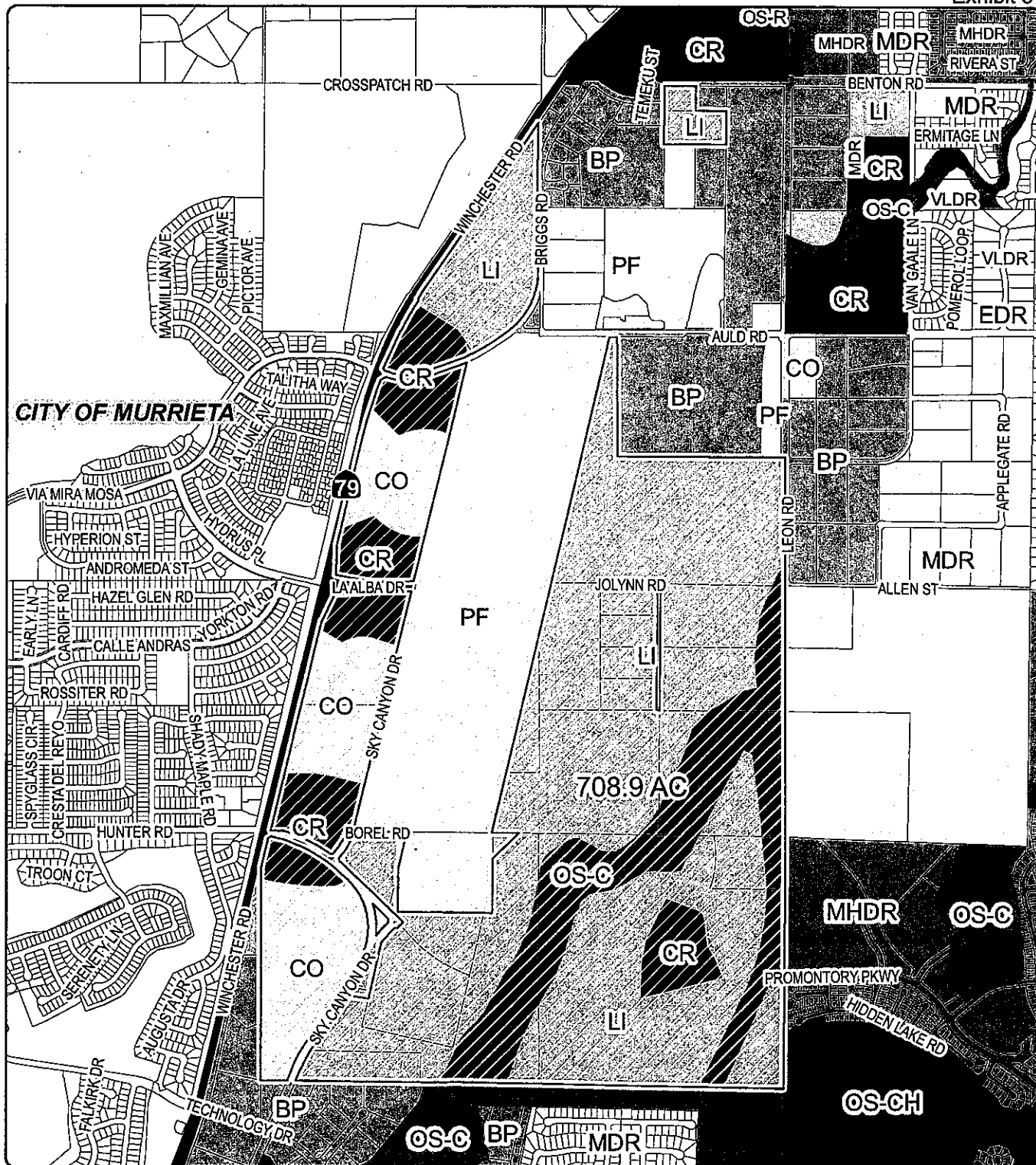
EXISTING GENERAL PLAN

Date Drawn: 8/24/09

Exhibit 5

Supervisor Stone

District: 3



Zoning Area: Rancho California
Township/Range: T7SR2W
Section: 7

Assessors Bk. Pg. 957-32,963-30, 963-08
Thomas Bros. Pg. 929 A3
Edition 2009



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ST CONFORMANCE - SP Case #: SP00265S2

Parcel: 963-080-012

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1 SPSC- SPSC description

DRAFT

The specific plan substantial conformance will remove condition of approval 10.PLANNING.11 of Specific Plan No. 265. Condition of approval 10.PLANNING.11 requires a specific plan amendment application to be filed concurrently when a development project is submitted 15 years after the original specific plan was approved. This requirement will be eliminated.

The expiration date/validity date of Specific Plan No. 265 was October 4, 2009.

10. EVERY. 2 SPSC- Definitions

RECOMMND

The words identified in the following list that appear in all capitals in the attached conditions of Specific Plan No. 265, Substantial Conformance No. 2 shall be henceforth defined as follows:

SPECIFIC PLAN = Specific Plan No. 265.

SPECIFIC PLAN SUBSTANTIAL CONFORMANCE = Substantial Conformance No. 2 to Specific Plan No. 265.

10. EVERY. 3 SPSC - Hold Harmless

RECOMMND

The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside (COUNTY), its agents, officers, or employees from any claim, action, or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the SPECIFIC PLAN SUBSTANTIAL CONFORMANCE NO. 2. The COUNTY will promptly notify the subdivider of any such claim, action, or proceeding against the COUNTY and will cooperate fully in the defense. If the COUNTY fails to promptly notify the subdivider of any such claim, action, or proceeding or fails to cooperate fully in the defense, the subdivider shall not, thereafter, be responsible to defend, indemnify, or hold harmless the COUNTY.

ST CONFORMANCE - SP Case #: SP00265S2

Parcel: 963-080-012

10. GENERAL CONDITIONS

PLANNING DEPARTMENT

10.PLANNING. 1 SP - LC LANDSCAPING PLANS

RECOMMND

All landscaping plans shall be prepared in accordance with Ordinance No. 859 (as adopted and any amendments thereto), the Riverside County Guide to California Landscaping, and Ordinance No. 348, Section 18.12. In the event conflict arises between Ordinance No. 859 and the SPECIFIC PLAN, then the requirements of Ordinance No. 859 shall prevail.

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 1 SP - SC DOCUMENT TO BE PREPAR

RECOMMND

Within ninety (90) days of the approval of the SPECIFIC PLAN SUBSTANTIAL CONFORMANCE, the applicant shall provide to the Planning Department fifteen (15) copies of the final SPECIFIC PLAN SUBSTANTIAL CONFORMANCE document. The document shall illustrate the differences between the current proposal and the SPECIFIC PLAN. The final documents shall provide substitution pages for the SPECIFIC PLAN.

20.PLANNING. 4 SC- CONDITION DELETED

DRAFT

Within thirty (30) days after the approval of the SUBSTANTIAL CONFORMANCE, the Planning Department shall delete condition 10.PLANNING.11 of the SPECIFIC PLAN.

30. PRIOR TO ANY PROJECT APPROVAL

PLANNING DEPARTMENT

30.PLANNING. 1 SP - LC COMMON AREA MAINTENANC

RECOMMND

Prior to the approval of any implementing land division project within the SPECIFIC PLAN (i.e. tract map or parcel map), the following condition shall be placed on the implementing application:

"PRIOR TO MAP RECORDATION, the following procedures for common area maintenance procedures shall be complied with:
a. A permanent master maintenance organization shall be established for the specific plan area to assume ownership and maintenance responsibility for all common recreation,

ST CONFORMANCE - SP Case #: SP00265S2

Parcel: 963-080-012

30. PRIOR TO ANY PROJECT APPROVAL

30.PLANNING. 1

SP - LC COMMON AREA MAINTENANC (cont.)

RECOMMND

open space, circulation systems and landscaped areas. The organization may be public or private. Merger with an area-wide or regional organization shall satisfy this condition provided that such organization is legally and financially capable of assuming the responsibilities for ownership and maintenance. If the organization is a private association then neighborhood associations shall be established for each residential development, where required, and such associations may assume ownership and maintenance responsibility for neighborhood common areas.

b.Unless otherwise provided for in these conditions of approval, common open areas shall be conveyed to the maintenance organization as implementing development is approved or any subdivision as recorded.

c.The maintenance organization shall be established prior to or concurrent with the recordation of the first land division. Any agreements with the maintenance organization shall stipulate that maintenance of landscaped areas will occur in accordance with Ordinance No. 859 (as adopted and any amendments thereto) and the Riverside Guide to California Friendly Landscaping.

d.Covenants, Conditions, and Restrictions for the SPECIFIC PLAN shall prohibit the use of water-intensive landscaping and require the use of low water use landscaping pursuant to the provisions of Ordinance No. 859 (as adopted and any amendments thereto).

Covenants, Conditions, and Restrictions for the SPECIFIC PLAN shall incorporate provisions concerning landscape irrigation system management and maintenance for the purpose of facilitating the water-efficient landscaping requirements of Ordinance No. 859 (as adopted and any amendments thereto). The common areas to be maintained by the master maintenance organization shall include, but not be limited to, the following: Planning Area(s) _____"

TRANS DEPARTMENT

30.TRANS. 1

SP - R & B B D

RECOMMND

Prior to the occupancy of a building permit, the project proponent shall pay fees in accordance with Zone D of the Southwest Area Road and Bridge Benefit District. All fees are based upon the fee schedule in effect at the time of issuance of the permit.

**ORIGINAL SP00265 CONDITIONS
FOR YOUR REFERENCE**

10/01/09
09:10

Riverside County LMS
CONDITIONS OF APPROVAL

Page: 1

Specific PLAN Case #: SP00265

Parcel: 914-460-012

10. GENERAL CONDITIONS

PLANNING DEPARTMENT

10.PLANNING. 11 SP -VALIDITY DATES

INEFFECT

Specific Plan No. 265 shall remain valid for 15 years as indicated in the Phasing portion of the specific plan text. Should the entire project not be built out in that period of time, a specific plan amendment will be required for any portion of the project which has not been constructed within 15 years.

S SPECIFIC PLAN Case #: SP00265

Parcel: 914-460-012

10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1 SP - HOLD HARMLESS INEFFECT

The applicant or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside COUNTY), its agents, officers, or employees from any claim, action, or proceeding against the COUNTY, its agents, officers, or employees to attack, set aside, void or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning e SPECIFIC PLAN. The COUNTY will promptly notify the subdivider of any such claim, action, or proceeding against the COUNTY and will cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the COUNTY.

E HEALTH DEPARTMENT

10.E HEALTH. 1 SP -DUAL WATER SYSTEMS INEFFECT

Dual water systems shall be provided in common open space areas for the use of reclaimed water when made available by the water district.

PLANNING DEPARTMENT

10.PLANNING. 1 SP -SP 265 CONSISTS OF INEFFECT

The following conditions of approval are for SPECIFIC PLAN NO. 265 and consist of Conditions 1 through 26 inclusive.

Specific Plan No. 265 shall consist of the following:

- a. Exhibit "A": Specific Plan Text
- b. Exhibit "B": Specific Plan Conditions of Approval.
- c. Exhibit "C": Mitigation Reporting/Monitoring Program.

10.PLANNING. 2 SP -CONFORM TO ORD/STATE LAW INEFFECT

The development of the property shall be in accordance with the mandatory requirements of all Riverside County ordinances including Ordinances Nos. 348 and 460 and state laws; and shall conform substantially with adopted Specific

8 SPECIFIC PLAN Case #: SP00265

Parcel: 914-460-012

10. GENERAL CONDITIONS

10.PLANNING. 2 SP -CONFORM TO ORD/STATE LAW (cont.) INEFFECT

Plan No. 265 as filed in the office of the Riverside County Planning Department, unless otherwise amended.

10.PLANNING. 3 SP -CHANGE, WAIVE OR MODIFY INEFFECT

No portion of the specific plan which purports and proposes to change, waive or modify any ordinance or other legal requirement for the development shall be considered to be part of the adopted specific plan.

10.PLANNING. 4 SP -PROP OWNERS ASSOC ESTAB INEFFECT

The property owners' association established herein shall, manage and continuously maintain the 'common area', more particularly described on Exhibit '___' attached hereto, and shall not sell or transfer the 'common area' or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County successor-in-interest.

10.PLANNING. 5 SP -ENVIRONMENT ASSESSMENT INEFFECT

An environment assessment shall be conducted for each tract, change of zone, plot plan, specific plan amendment, or any other discretionary permit required to implement the specific plan. At a minimum, the environmental assessment shall utilize the evaluation of impacts addressed in the Environmental Impact Report prepared for Specific Plan No. 265.

10.PLANNING. 6 SP -CEQA REQUIREMENTS INEFFECT

EXHIBIT C MITIGATION REPORTING/MONITORING PROGRAM

An amendment to the California Environmental Quality Act (CEQA), codified as Public Resources Code Section 21081.6, required the preparation of a program to ensure that all mitigation measures are fully and completely implemented. The Environmental Impact Report prepared for Specific Plan No. 265, imposes certain mitigation measures on the project. Certain conditions of approval for Specific Plan No. 265 constitute self contained reporting/monitoring programs for certain mitigation measures. At the time of approval of subsequent development applications, further environmental reporting/monitoring programs will be established to ensure that all mitigation measures are

S JIFIC PLAN Case #: SP00265

Parcel: 914-460-012

10. GENERAL CONDITIONS

10.PLANNING. 12 SP -ENVIRONMENT ASSESSMENT (cont.) INEFFECT

specific plan. At a minimum, the environmental assessment shall utilize the evaluation of impacts addressed in the Environmental Impact Report prepared for Specific Plan No. 265.

10.PLANNING. 13 SP -COMMON AREA MAINTENANCE INEFFECT

Common areas identified in the specific plan shall be owned and maintained as follows:

- a. A permanent master maintenance organization shall be established for the specific plan area, to assume ownership and maintenance responsibility for all common recreation, open space, circulation systems and landscaped areas. The organization may be public or private. Merger with an area-wide or regional organization shall satisfy this condition provided that such organization is legally and financially capable of assuming the responsibilities for ownership and maintenance. If the organization is a private association then neighborhood associations shall be established for each residential development, where required, and such associations may assume ownership and maintenance responsibility for neighborhood common areas.
- b. Unless otherwise provide for in these conditions of approval, common areas shall be conveyed to the maintenance organization as implementing development is approved or any subdivision is recorded.
- c. The maintenance organization shall be established prior to or concurrent with the recordation of the first land division, or issuance of any building permits for any approved development permit (use permit, plot plan, etc.)

20. PRIOR TO A CERTAIN DATE

PLANNING DEPARTMENT

20.PLANNING. 1 SP -CC&R'S RECORDED W/FIN MAP INEFFECT

Once approved, the declaration of covenants, conditions and restrictions shall be recorded at the same time that the final map is recorded.

SPIFIC PLAN Case #: SP00265

Parcel: 914-460-012

30. PRIOR TO ANY PROJECT APPROVAL

BS GRADE DEPARTMENT

30.BS GRADE. 1 SP -CONDITIONS INEFFECT

Prior to any project approval the development standards of Specific Plan No. 265 shall be reviewed and complied with.

30.BS GRADE. 2 SP -FISH AND WILDLIFE DRAFT

THE FOLLOWING CONDITION SHOULD BE CONSIDERED FOR PRIOR TO GRADING PERMIT ISSUANCE.

Prior to the issuance of any grading permit or recordation of the final map, the applicant shall obtain written approval from the United States Fish and Wildlife Service to "take" habitat occupied by the California Gnatcatcher (*Polioptila californica californica*). Said approval shall be obtained through the initiation of a consultation with the United States Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973; approved by the Secretary of the Interior of a 10 (a) Permit pursuant to Section 10 of the Endangered Species Act of 1973; or participation in the Natural Community Conservation Planning program established by the State of California.

30.BS GRADE. 3 SP -STEPHENS KANG RAT IMPACT DRAFT

THE FOLLOWING CONDITION SHOULD BE CONSIDERED FOR PRIOR TO GRADING PERMIT ISSUANCE.

Impacts to the Stephen's Kangaroo Rat shall be mitigated through the payment of mitigation fees pursuant to Ordinance 663 and participation in the County's Habitat Conservation Plan (HCP) program. Incidental take of the species shall be allowed provided an allocation of take is approved by the County as required by the HCP and Section 10(a) Permit issued to the County by the U.S. Fish and Wildlife Service.

30.BS GRADE. 4 SP -MURR VALL SCHOOL IMPACT DRAFT

THE FOLLOWING CONDITION SHOULD BE CONSIDERED PRIOR TO BLDG PERMIT ISSUANCE.

Impacts to the Murrieta Valley Unified School District shall be mitigated at the development application stage in accordance with State law.

Specific PLAN Case #: SP00265

Parcel: 914-460-012

30. PRIOR TO ANY PROJECT APPROVAL

30.BS GRADE. 5 SP -CLEARANCE FROM PLANNING DRAFT

THE FOLLOWING CONDITION SHOULD BE CONSIDERED FOR PRIOR TO
BLDG PERMIT ISSUANCE.

Prior to issuance of a building permit for the construction
of any use contemplated by this approval, the applicant
shall first obtain clearance from the Riverside County
Planning Department that all pertinent conditions of
approval have been satisfied with the specific plan for the
phase of development in question.

E HEALTH DEPARTMENT

30.E HEALTH. 1 SP -CONDITIONS INEFFECT

Prior to any project approval the development standards of
Specific Plan No. 265 shall be reviewed and complied with.

FIRE DEPARTMENT

30.FIRE. 1 SP -CONDITIONS INEFFECT

Prior to any project approval the development standards of
Specific Plan No. 265 shall be reviewed and complied with.

PARKS DEPARTMENT

30.PARKS. 1 SP -CONDITIONS INEFFECT

Prior to any project approval the development standards of
Specific Plan No. 265 shall be reviewed and complied with.

PLANNING DEPARTMENT

30.PLANNING. 1 SP -CONDITIONS INEFFECT

Prior to any project approval the development standards of
Specific Plan No. 265 shall be reviewed and complied with.

30.PLANNING. 2 SP -LANDS AND IRRIGATION INEFFECT

Development applications which incorporate common areas
shall be accompanied by design plans for the common area.
Such plans shall specify the location and extent of
landscaping and irrigation systems as specified in
Ordinance 348, Section 18.12, and 19.300 through 19.304.
Additionally, all proposed structures, and circulation

§ JIFIC PLAN Case #: SP00265

Parcel: 914-460-012

30. PRIOR TO ANY PROJECT APPROVAL

30.PLANNING. 2 SP -LANDS AND IRRIGATION (cont.) INEFFECT

components (vehicular, pedestrian and/or equestrian) shall be shown.

30.PLANNING. 3 SP -SPECIAL STUD/REPORT INEFFECT

The following special studies/reports shall accompany implementing development applications in the planning areas listed below:

Study/Report	Planning Area
a. Hazardous Waste Investigation Study	All Planning Areas
b. Slope Stability Plan	All Planning Areas as required
c. Erosion and Sedimentation Control Plan	All Planning Areas as required

30.PLANNING. 4 SP -CA FISH AND GAME FEE INEFFECT

In accordance with Section 711.4 of the Fish and Game Code, the applicant/subdivider is obligated to pay a filing fee to defray cost incurred by the Department of Fish and Game in managing and protecting fish and wildlife trust resources. The applicant/subdivider is also obligated to pay a documentary handling fee to defray costs incurred by the County of Riverside in implementing the Department of Fish and Game filing fee program. The filing fee is \$1,250.00 for a project for which a negative declaration has been prepared and the filing fee is \$850.00 for a project for which an environmental impact report has been prepared. The documentary handling fee is \$50.00 in all cases. These fees shall be paid to the County Clerk if the County of Riverside at the time of filing a notice of determination pursuant to Section 21152 of the Public Resources Code. If these fees are not paid, the project in question shall not be operative, vested, or final. Accordingly, until the fees are paid, no subsequent approval will be given, no subsequent permits will be issued and the property involved may not be used in the manner approved.

9 JIFIC PLAN Case #: SP00265

Parcel: 914-460-012

30. PRIOR TO ANY PROJECT APPROVAL

30.PLANNING. 5 SP -10 COPIES OF SP FOR DIST INEFFECT

Prior to the submittal of any applications or the issuance of any permits 10 copies of the final specific plan document shall be submitted to the Planning Department for distribution. The documents shall include the final Board of Supervisors resolution, the final specific plan conditions of approval and zoning ordinance, and the Final EIR. A detailed list of required items and their order can be obtained from the Planning Department.

30.PLANNING. 6 SP -CONFORMANCE W/SP AND ZONE INEFFECT

THE FOLLOWING CONDITION SHOULD BE CONSIDERED FOR PRIOR TO MAP RECORDATION.

Prior to recordation of any final maps or approval of any plot plan or use permit, Specific Plan No. 265, Comprehensive General Plan Amendment No. 240, Change of Zone No. 5615 shall be approved by the Board of Supervisors and shall be effective. Lots created by land divisions within Specific Plan No. 265 shall be in conformance with the development standards of the zone ultimately applied to the property.

30.PLANNING. 7 SP -PUBLIC MAST MAINT ORGANI INEFFECT

THE FOLLOWING CONDITION SHOULD BE CONSIDERED FOR PRIOR TO MAP RECORDATION.

If the permanent master maintenance organization referenced in Condition of Approval No. 12 is a public organization, the developer shall comply with the following condition:

a. Prior to the recordation of any final subdivision map, or issuance of building permits in the case of use permits and plot plans, the applicant shall convey to the County fee simple title, to all common or common open space areas, free and clear of all liens, taxes, assessments, leases (recorded and unrecorded) and easement, except those easements which in the sole discretion of the County are acceptable. As a condition precedent to the County accepting title to such areas, the subdivider shall submit the following documents to the Planning Department and the office of the County Counsel.

1. A declaration of covenants, conditions and

CIFIC PLAN Case #: SP00265

Parcel: 914-460-012

30. PRIOR TO ANY PROJECT APPROVAL

30.PLANNING. 7 SP -PUBLIC MAST MAINT ORGANI (cont.)

INEFFECT

restrictions; and

2. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference.

b. The declaration of covenants, conditions and restrictions submitted for review shall (a) provide for a term of 60 years, (b) provide for the establishment of a property owners' association comprised of the owners of each individual lot or unit and (c) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

1. The property owners' association established herein shall, if dormant, be activated, by incorporation or otherwise, at the request of the County of Riverside, and the property owner's association shall unconditionally accept from the County of Riverside, upon the County's demand, title to all or any part of the 'common area', more particularly described on Exhibit '___' attached hereto. The decision to require activation of the property owners' association and the decision to require that the association unconditionally accept title to the 'common area' shall be at the sole discretion of the County of Riverside.

2. In the event that the common area, or any part thereof, is conveyed to the property owners' association, the association, thereafter shall own such 'common area', shall manage and continuously maintain such 'common area' and shall not sell or transfer such 'common area', or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. The property owners' association shall have the right to assess the owners who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

3. This Declaration shall not be terminated,

4 CIFIC PLAN Case #: SP00265

Parcel: 914-460-012

30. PRIOR TO ANY PROJECT APPROVAL

30.PLANNING. 7 SP -PUBLIC MAST MAINT ORGANI (cont.) (cont.) INEFFECT

'substantially' amended or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area'.

4. In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control."

c. Once approved, the declaration of covenants, conditions and restrictions shall be recorded at the same time that the final map is recorded.

30.PLANNING. 8 SP -PRIVATE MAST MAINT ORGANI INEFFECT

THE FOLLOWING CONDITIONS SHOULD BE CONSIDERED FOR PRIOR TO MAP RECORDATION.

a. Prior to recordation of any final subdivision map or issuance of building permits in the case of use permits and plot plans, the subdivider shall submit the following documents to Planning Department for review, which documents shall be subject to the approval of that department and the Office of the County Counsel:

1. A declaration of covenants, conditions and restrictions; and

2. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference.

b. The declaration of covenants, conditions and restrictions submitted for review shall (a) provide for a term of 60 years, (b) provide for the establishment of a property owners' association comprised of the owners of each individual lot or unit and (c) provide for ownership of the common area by either the property owners' association of the owners of each individual lot or unit as tenants in common and (d) contain the following provisions verbatim:

CIFIC PLAN Case #: SP00265

Parcel: 914-460-012

30. PRIOR TO ANY PROJECT APPROVAL

30.PLANNING. 8 SP -PRIVATE MAST MAINT ORGANI (cont.) INEFFECT

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

1. The property owners' association established herein shall, manage and continuously maintain the 'common area', more particularly described on Exhibit '___' attached hereto, and shall not sell or transfer the 'common area' or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County successor-in-interest.
2. The property owners' association shall have the right to assess the owners of each individual lot or unit for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.
3. This Declaration shall not be terminated, 'substantially' amended or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area'.
4. In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if nay, this Declaration shall control."

c. Once approved, the declaration of covenants, conditions and restrictions shall be recorded at the same time that final map is recorded.

30.PLANNING. 9 SP -LEGAL DESCRIPTIONS INEFFECT

THE FOLLOWING CONDITION SHOULD BE CONSIDERED PRIOR TO MAP RECORDATION.

SIFIC PLAN Case #: SP00265

Parcel: 914-460-012

30. PRIOR TO ANY PROJECT APPROVAL

30.PLANNING. 9 SP -LEGAL DESCRIPTIONS (cont.) INEFFECT

Prior to the recordation of any final map or issuance of any building permit within Specific Plan 265, the first applicant or their successor-in-interest for a subdivision or building permit within a Planning Area shall submit to the Planning Department, correct legal descriptions for the planning area(s) within which the proposed project is located.

TRANS DEPARTMENT

30.TRANS. 1 SP -CONDITIONS INEFFECT

Prior to any project approval the development standards of Specific Plan No. 265 shall be reviewed and complied with.

50. PRIOR TO MAP RECORDATION

PLANNING DEPARTMENT

50.PLANNING. 1 SP- CONFORMANCE W/SP AND ZONE DEFERRED

Prior to recordation of any final maps or approval of any plot plan or use permit, Specific Plan No. 265, Comprehensive General Plan Amendment No. 240, Change of Zone No. 5615 shall be approved by the Board of Supervisors and shall be effective. Lots created by land divisions within Specific Plan No. 265 shall be in conformance with the development standards of the zone ultimately applied to the property.

50.PLANNING. 2 SP- PUBLIC MAST MAINT ORGAN DEFERRED

If the permanent master maintenance organization referenced in Condition of Approval No. 12 is a public organization, the developer shall comply with the following condition:

- a. Prior to the recordation of any final subdivision map, or issuance of building permits in the case of use permits and plot plans, the applicant shall convey to the County fee simple title, to all common or common open space areas, free and clear of all liens, taxes, assessments, leases (recorded and unrecorded) and easement, except those easements which in the sole discretion of the County are acceptable. As a condition precedent to the County accepting title to such areas,

§ CIFIC PLAN Case #: SP00265

Parcel: 914-460-012

50. PRIOR TO MAP RECORDATION

50.PLANNING. 2

SP- PUBLIC MAST MAINT ORGAN (cont.)

DEFERRED

the subdivider shall submit the following documents to the Planning Department and the office of the County Counsel.

1. A declaration of covenants, conditions and restrictions; and
2. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference.

- b. The declaration of covenants, conditions and restrictions submitted for review shall (a) provide for a term of 60 years, (b) provide for the establishment of a property owners' association comprised of the owners of each individual lot or unit and (c) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

1. The property owners' association established herein shall, if dormant, be activated, by incorporation or otherwise, at the request of the County of Riverside, and the property owner's association shall unconditionally accept from the County of Riverside, upon the County's demand, title to all or any part of the 'common area', more particularly described on Exhibit '___' attached hereto. The decision to require activation of the property owners' association and the decision to require that the association unconditionally accept title to the 'common area' shall be at the sole discretion of the County Riverside.
2. In the event that the common area, or any part thereof, is conveyed to the property owners' association, the association, thereafter shall own such 'common area', shall manage and continuously maintain such 'common area' and shall not sell or transfer such 'common area', or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. The property owners' association shall have the right to assess the owners

§ ZONING PLAN Case #: SP00265

Parcel: 914-460-012

50. PRIOR TO MAP RECORDATION

50.PLANNING. 2 SP- PUBLIC MAST MAINT ORGAN (cont.) (cont.) DEFERRED

who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.

3. This Declaration shall not be terminated, 'substantially' amended or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area'.

4. In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control."

c. Once approved, the declaration of covenants, conditions and restrictions shall be recorded at the same time that the final map is recorded.

50.PLANNING. 3 SP- PRIVATE MAST MAINT ORGAN DEFERRED

If the permanent master maintenance organization referenced in Condition of Approval No. 12 is a private organization, the developer shall comply with the following condition:

a. Prior to recordation of any final subdivision map or issuance of building permits in the case of use permits and plot plans, the subdivider shall submit the following documents to Planning Department for review, which documents shall be subject to the approval of that department and the Office of the County Counsel:

1. A declaration of covenants, conditions and restrictions; and

2. A sample document conveying title to the purchaser of an individual lot or unit which provides that the declaration of covenants, conditions and restrictions is incorporated therein by reference.

b. The declaration of covenants, conditions and restrictions submitted for review shall (a) provide for

SP-00265
SP-00265

Parcel: 914-460-012

50. PRIOR TO MAP RECORDATION

50.PLANNING. 3

SP- PRIVATE MAINT ORGANI (cont.)

DEFERRED

a term of 60 years, (b) provide for the establishment of a property owners' association comprised of the owners of each individual lot or unit and (c) provide for ownership of the common area by either the property owners' association of the owners of each individual lot or unit as tenants in common and (d) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

1. The property owners' association established herein shall, manage and continuously maintain the 'common area', more particularly described on Exhibit '___' attached hereto, and shall not sell or transfer the 'common area' or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County successor-in-interest.
 2. The property owners' association shall have the right to assess the owners of each individual lot or unit for the reasonable cost of maintaining such 'common area', and shall have the right to lien the property of any such owner who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.
 3. This Declaration shall not be terminated, 'substantially' amended or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area'.
 4. In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if nay, this Declaration shall control."
- c. Once approved, the declaration of covenants, conditions and restrictions shall be recorded at the same time the

Specific PLAN Case #: SP00265

Parcel: 914-460-012

50. PRIOR TO MAP RECORDATION

50.PLANNING. 3 SP- PRIVATE MAST MAINT ORGANI (cont.) (cont.) DEFERRED

final map is recorded.

50.PLANNING. 4 SP- LEGAL DESCRIPTIONS DEFERRED

Prior to the recordation of any final map or issuance of any building permit within Specific Plan 265, the first applicant or their successor-in-interest for a subdivision or building permit within a Planning Area shall submit to the Planning Department, correct legal descriptions for the planning area(s) within which the proposed project is located.

60. PRIOR TO GRADING PRMT ISSUANCE

BS GRADE DEPARTMENT

60.BS GRADE. 1 SP -FISH AND WILDLIFE DEFERRED

Prior to the issuance of any grading permit or recordation of the final map, the applicant shall obtain written approval from the United States Fish and Wildlife Service to "take" habitat occupied by the California Gnatcatcher (*Polioptila californica californica*). Said approval shall be obtained through the initiation of a consultation with the United States Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973; approved by the Secretary of the Interior of a 10(a) Permit pursuant to Section 10 of the Endangered Species Act of 1973; or participation in the Natural Community Conservation Planning program established by the State of California.

60.BS GRADE. 2 SP -STEPHENS KANG RAT IMPAC DEFERRED

Impacts to the Stephen's Kangaroo Rat shall be mitigated through the payment of mitigation fees pursuant to Ordinance 663 and participation in the County's Habitat Conservation Plan (HCP) program. Incidental take of the species shall be allowed provided an allocation of take is approved by the County as required by the HCP and Section 10(a) Permit issued to the County by the U.S. Fish and Wildlife Service.

CIFIC PLAN Case #: SP00265

Parcel: 914-460-012

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 1 SP -PUBLIC MAST MAINT ORGAN (cont.) DEFERRED

a term of 60 years, (b) provide for the establishment of a property owners' association comprised of the owners of each individual lot or unit and (c) contain the following provisions verbatim:

"Notwithstanding any provision in this Declaration to the contrary, the following provisions shall apply:

1. The property owners' association established herein shall, if dormant, be activated, by incorporation or otherwise, at the request of the County of Riverside, and the property owner's association shall unconditionally accept from the County of Riverside, upon the County's demand, title to all or any part of the 'common area', more particularly described on Exhibit '___' attached hereto. The decision to require activation of the property owners' association and the decision to require that the association unconditionally accept title to the 'common area' shall be at the sole discretion of the County Riverside.
2. In the event that the common area, or any part thereof, is conveyed to the property owners' association, the association, thereafter shall own such 'common area', shall manage and continuously maintain such 'common area' and shall not sell or transfer such 'common area', or any part thereof, absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. The property owners' association shall have the right to assess the owners who defaults in the payment of a maintenance assessment. An assessment lien, once created, shall be prior to all other liens recorded subsequent to the notice of assessment or other document creating the assessment lien.
3. This Declaration shall not be terminated, 'substantially' amended or property deannexed therefrom absent the prior written consent of the Planning Director of the County of Riverside or the County's successor-in-interest. A proposed amendment shall be considered 'substantial' if it affects the extent, usage or maintenance of the 'common area'.

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Riverside County LMS
CONDITIONS OF APPROVAL

Page: 19

SP00265
SP00265

Parcel: 914-460-012

80. PRIOR TO BLDG PRMT ISSUANCE

80.PLANNING. 1 SP -PUBLIC MAST MAINT ORGAN (cont.) (cont.) DEFERRED

4. In the event of any conflict between this Declaration and the Articles of Incorporation, the Bylaws, or the property owners' association Rules and Regulations, if any, this Declaration shall control."

c. Once approved, the declaration of covenants, conditions and restrictions shall be recorded at the same time the final map is recorded.

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY
Planning Department
Ron Goldman · Planning Director

**REQUEST FOR DETERMINATION OF SUBSTANTIAL
CONFORMANCE WITH A SPECIFIC PLAN**

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: SP002652 DATE SUBMITTED: 7-13-09

APPLICATION INFORMATION

Applicant's Name: FRENCH VALLEY AIRPORT CENTER, LLC
Joe Poon E-Mail: joe@edwardproperties.com

Mailing Address: 515 S. Figueroa Street, #1028
Los Angeles Street 90071
CA
City State ZIP

Daytime Phone No: (213) 891-1928 Fax No: (213) 891-9029

Engineer/Representative's Name: Stanley D. Heaton, P.E. E-Mail: stan.heaton@verizon.net

Mailing Address: 29377 Rancho California Road, Suite 202
Temecula Street 92591
CA
City State ZIP

Daytime Phone No: (951) 676-1018 Fax No: (951) 676-2294

Property Owner's Name: French Valley Airport Cntr, LLC E-Mail: joe@edwardproperties.com

Mailing Address: 515 S. Figueroa Street, #1028
Los Angeles Street 90071
CA
City State ZIP

Daytime Phone No: (213) 891-1928 Fax No: (213) 891-9029

If the property is owned by more than one person, attach a separate page that reference the application case number and lists the names, mailing addresses, and phone numbers of all persons having an interest in the real property or properties involved in this application.

The Planning Department will primarily direct communications regarding this application to the person identified above as the Applicant. The Applicant may be the property owner, representative, or other assigned agent.

AUTHORIZATION FOR CONCURRENT FEE TRANSFER

The signature below authorizes the Planning Department and TLMA to expedite the refund and billing process by transferring monies among concurrent applications to cover processing costs as necessary.

REQUEST FOR DETERMINATION OF SUBSTANTIAL CONFORMANCE WITH A SPECIFIC PLAN

Fees collected in excess of the actual cost of providing specific services will be refunded. If additional funds are needed to complete the processing of your application, you will be billed, and processing of the application will cease until the outstanding balance is paid and sufficient funds are available to continue the processing of the application. The applicant understands the deposit fee process as described above, and that there will be NO refund of fees which have been expended as part of the application review or other related activities or services, even if the application is withdrawn or the application is ultimately denied.

Stan Heaton

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

JOE POON, VICE PRESIDENT

PRINTED NAME OF APPLICANT

SIGNATURE OF APPLICANT

AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

JOE POON, VICE PRESIDENT

FOR PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

FRENCH VALLEY AIRPORT CENTER, LLC

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

If the subject property is owned by persons who have not signed as owners above, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

PROJECT INFORMATION:

Description of Substantial Conformance Request (Reference the existing Planning Area(s), and/or Policies, and/or Conditions that are proposed to be modified, and clearly state the proposed modifications) (if lengthy, extra pages may be attached):

SPECIFIC PLAN 265

10. PLANNING 11

AMEND CONDITIONS OF APPROVAL No. 21 TO REPLACE 15 YEARS WITH 30 YEARS

REQUEST FOR DETERMINATION OF SUBSTANTIAL CONFORMANCE WITH A SPECIFIC PLAN

Related cases filed in advance of, or concurrently with, this request:

PROPERTY INFORMATION:

Assessor's Parcel Number(s): SEE ATTACHED LIST FOR ALL PROPERTIES

Section: Portion 6; 7; 18 Township: 7 SOUTH Range: 2 WEST

Approximate Gross Acreage: 708.99 ACRES

General location (nearby or cross streets): North of TECHNOLOGY DRIVE, South of BENTON, East of WINCHESTER, West of LEON

Thomas Brothers map, edition year, page number, and coordinates: SEE ATTACHED

Have there been any prior requests for substantial conformance? Yes No

If yes, of what nature? _____

PROPERTY INFORMATION FOR ALL AFFECTED PROPERTIES

APN	OWNER	ADDRESS
957-320-001	Alexander Borel and Alexander Ray Borel	36371 Briggs Road Murrieta, CA 92563
957-320-005	R/S Investment Holdings Ltd	484 Prospect Street La Jolla, CA 92037
957-320-006	Agate Real Estate, Inc.	11350 McCormick Rd,#200 Hunt Valley, MD 21031
957-320-007	Rancho California Water District	P O BOX 9017, Temecula, CA 92589
957-320-011	Alexander Borel and Alexander Ray Borel	36371 Briggs Road Murrieta, CA 92563
957-320-012	County of Riverside	3525 14 th Street Riverside, CA 92501
957-320-014	County of Riverside	3525 14 th Street Riverside, CA 92501
957-320-016	County of Riverside	3525 14 th Street Riverside, CA 92501
957-320-018	County of Riverside	3525 14 th Street Riverside, CA 92501
957-320-021	Alexander Borel	36371 Briggs Road Murrieta, CA 92563
957-320-023	Coronado Prop. Inc.	38040 Borel Road Murrieta, CA 92563
957-320-024	Alexander Borel and Alexander Ray Borel	36371 Briggs Road Murrieta, CA 92563
963-030-002	Fleming Family Limited Partnership	16782 Oak View Drive Encino, CA 91436
963-030-003	Bel Air Family Ltd Partnership	16782 Oak View Drive Encino, CA 91436
963-030-004	Wal Mart Stores, Inc.	1301 SE 10th Street Bentonville, AR 72716
963-030-005	Melissa Lippert	39865 Calle Medusa Temecula, CA 92591
963-030-006	Alexander Borel and Clay Borel	36371 Briggs Road Murrieta, CA 92563
963-070-018	Help Hospitalized Veterans	36585 Penfield Lane Winchester, CA 92596
963-070-020	Petru and Sylvia Tivadar	40156 Provost Court Murrieta, CA 92563
963-070-021	Help Hospitalized Veterans	36585 Penfield Lane Winchester, CA 92596
963-070-033	Arlene Borel	36371 Briggs Road Murrieta, CA 92563

PROPERTY INFORMATION FOR ALL AFFECTED PROPERTIES

APN	OWNER	ADDRESS
963-080-002	French Valley Airport Center, LLC	515 S. Figueroa St#1028 Los Angeles, CA 90071
963-080-003	Micheal Flynn and Lavone Flynn	PO BOX 982 Rancho Santa Fe, CA 92067
963-080-004	David and Evelyn Harney	3167 Vista Del Rio Fallbrook, CA 92028
963-080-005	David and Evelyn Harney	3167 Vista Del Rio Fallbrook, CA 92028
963-080-006	David and Evelyn Harney	3167 Vista Del Rio Fallbrook, CA 92028
963-080-007	David and Evelyn Harney	3167 Vista Del Rio Fallbrook, CA 92028
963-080-008	Peter Amendola and Karl Hesper	PO BOX 667 Woodlands Hills, CA 91365
963-080-009	20 Acres French Valley	27431 Enterprise Cir. W. Temecula, CA 92590
963-080-010	Benjamin and Genevieve Fleming	16782 Oak View Drive Encino, CA 91436
963-080-011	Benjamin and Genevieve Fleming	16782 Oak View Drive Encino, CA 91436
963-080-012	Alexander Borel	36371 Briggs Road Murrieta, CA 92563

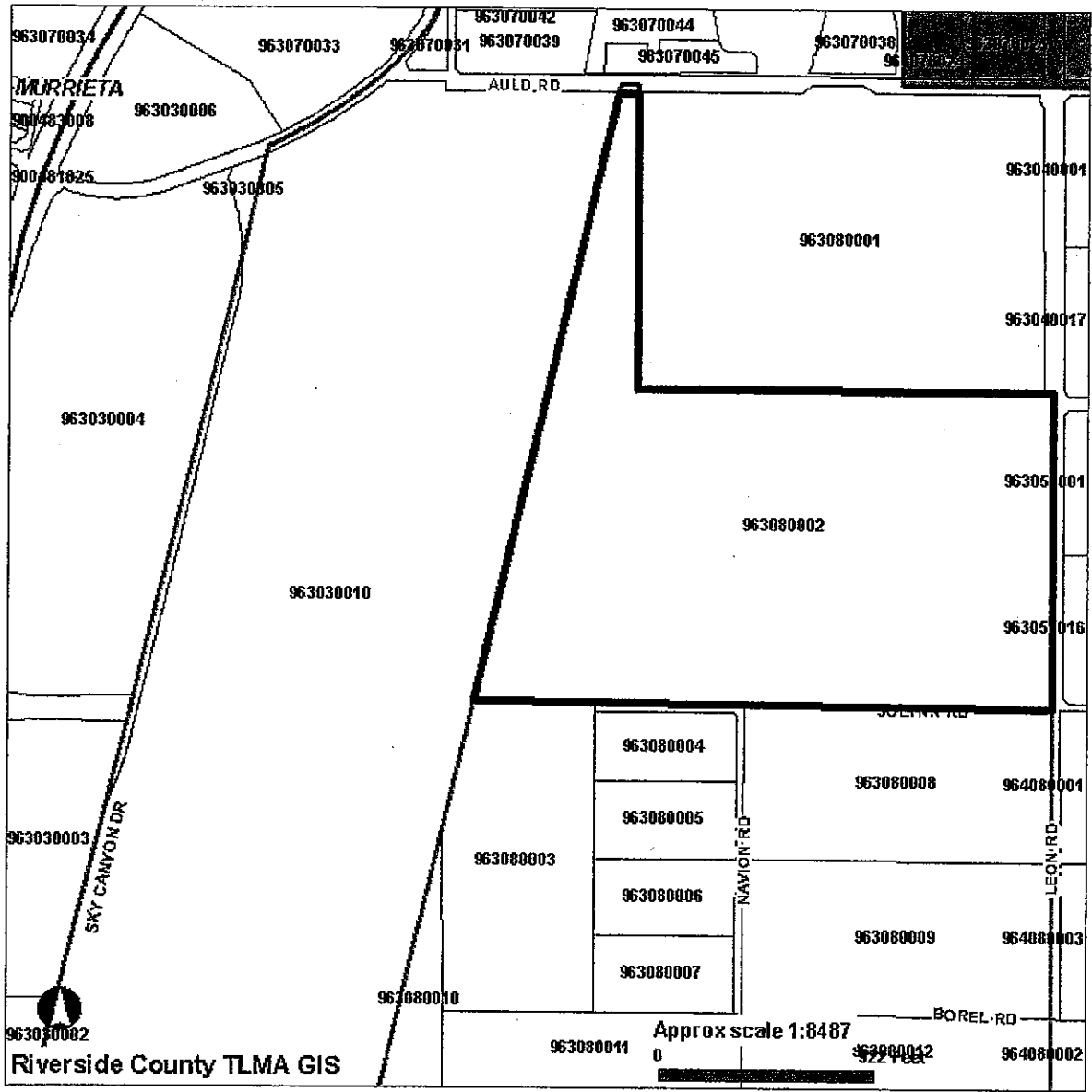
Thomas Brothers map, edition year, page number and coordinates:

2006 p.929 A-2; A-3; A-4; A-5

2006 p.929 B-1; B-2; B-3; B-4; B-5

2006 p.929 C-2; C-3; C-4; C-5

RIVERSIDE COUNTY GIS



Selected parcel(s):
963-080-002

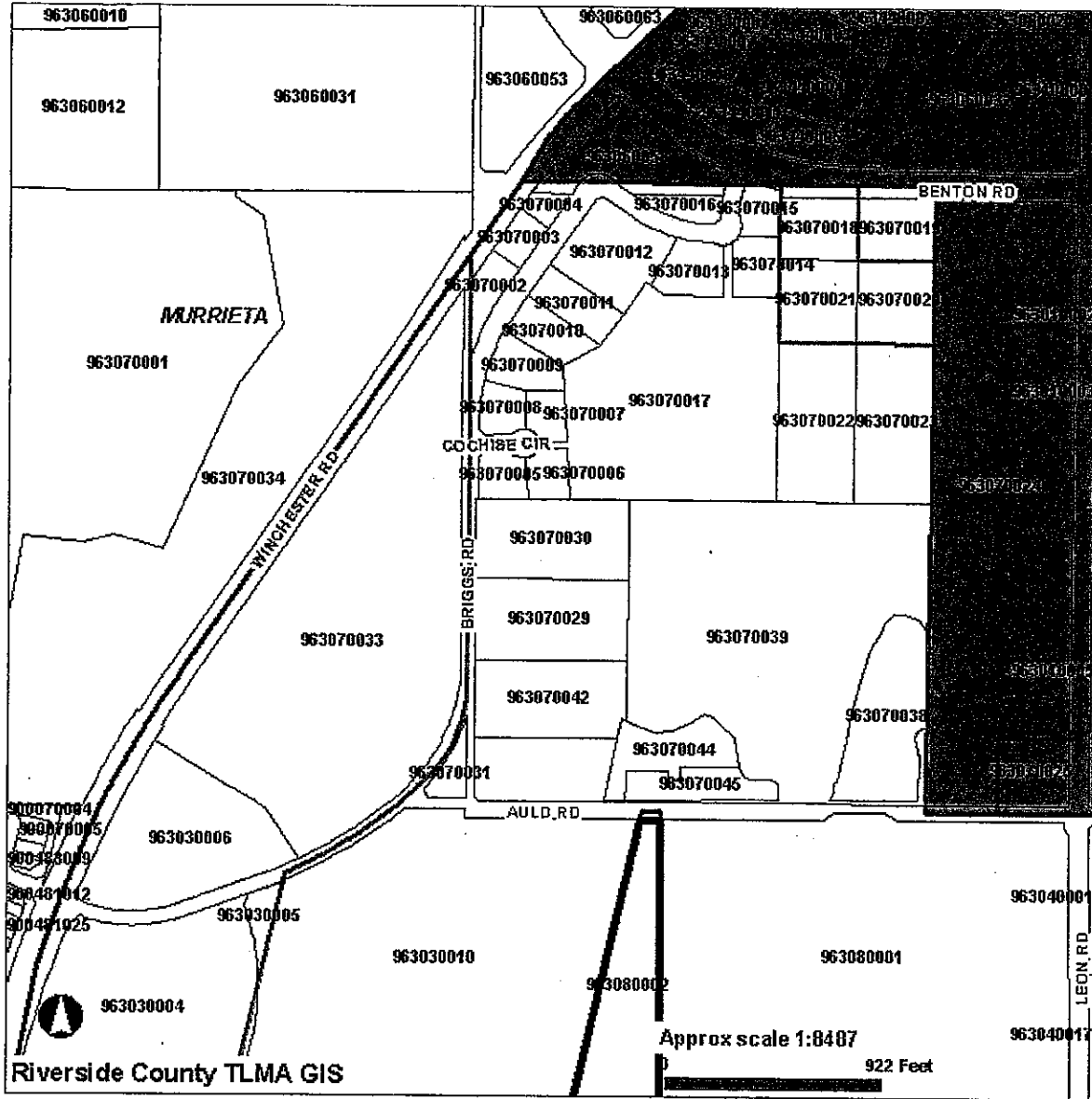
SPECIFIC PLAN

- SELECTED PARCEL
- PARCELS
- PLANNING AREA BOUNDARY
- DUTCH VILLAGE
PLAN NUMBER: #106
PLANNING AREA: NOT AVAILABLE
ADOPTED DATE: 10/14/1986
- QUINTA DO LAGO
PLAN NUMBER: #284
PLANNING AREA: NOT AVAILABLE
ADOPTED DATE: 08/30/1994
- CITY BOUNDARY

BOREL AIRPARK CENTER
PLAN NUMBER: #265
PLANNING AREA: NOT AVAILABLE
ADOPTED DATE: 10/4/1994

IMPORTANT
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RIVERSIDE COUNTY GIS



Selected parcel(s):
963-080-002

SPECIFIC PLAN

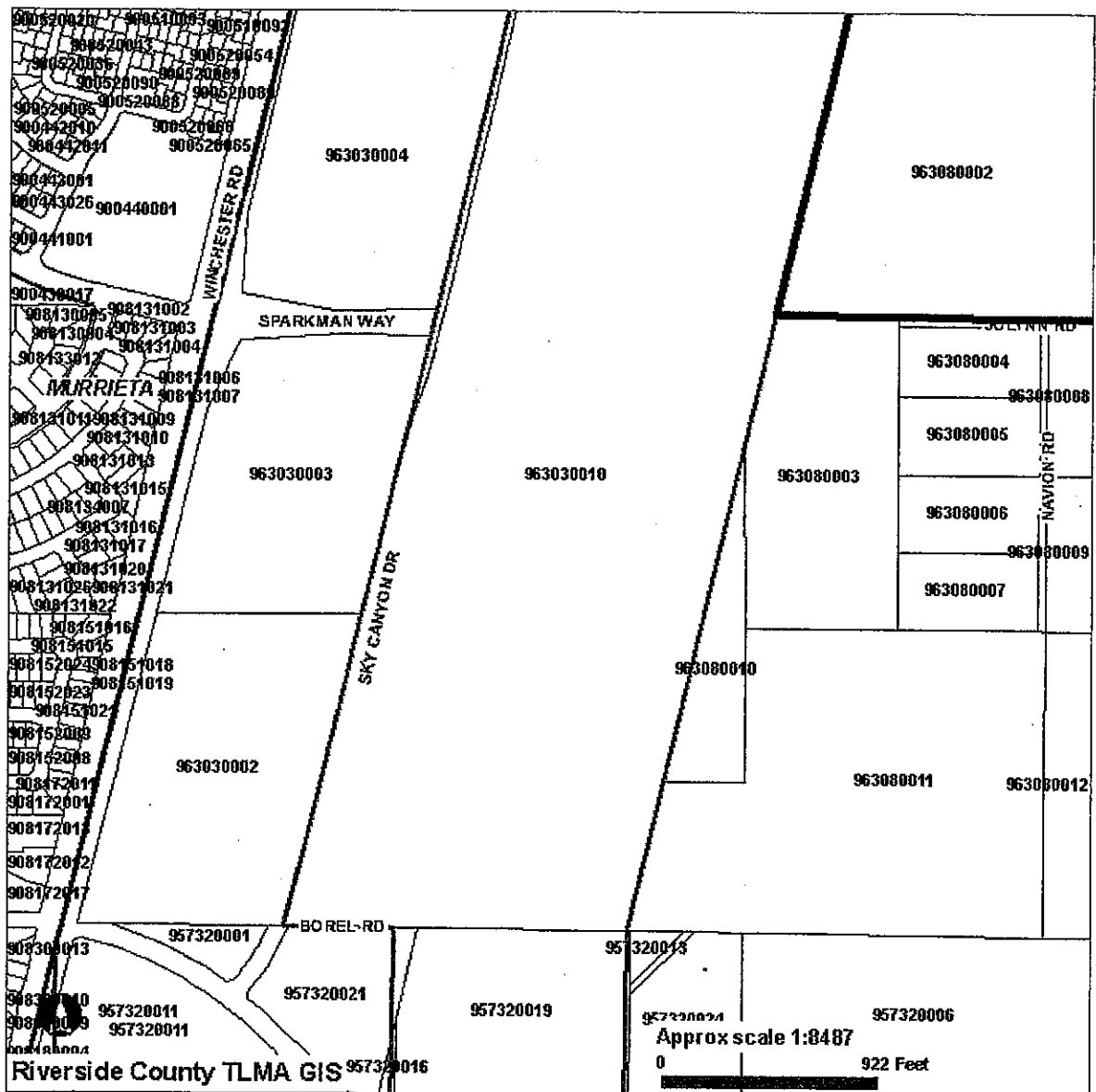
- SELECTED PARCEL
- PARCELS
- PLANNING AREA BOUNDARY
- DUTCH VILLAGE
PLAN NUMBER: #106
PLANNING AREA: NOT AVAILABLE
ADOPTED DATE: 10/14/1986
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...ORT PRINTED ON...Thu Jun 18 2009 09:18:15 GMT-0700 (Pacific Daylight Time)

RIVERSIDE COUNTY GIS



Selected parcel(s):
963-080-002

SPECIFIC PLAN

- SELECTED PARCEL
- PARCELS
- PLANNING AREA BOUNDARY
- CITY BOUNDARY

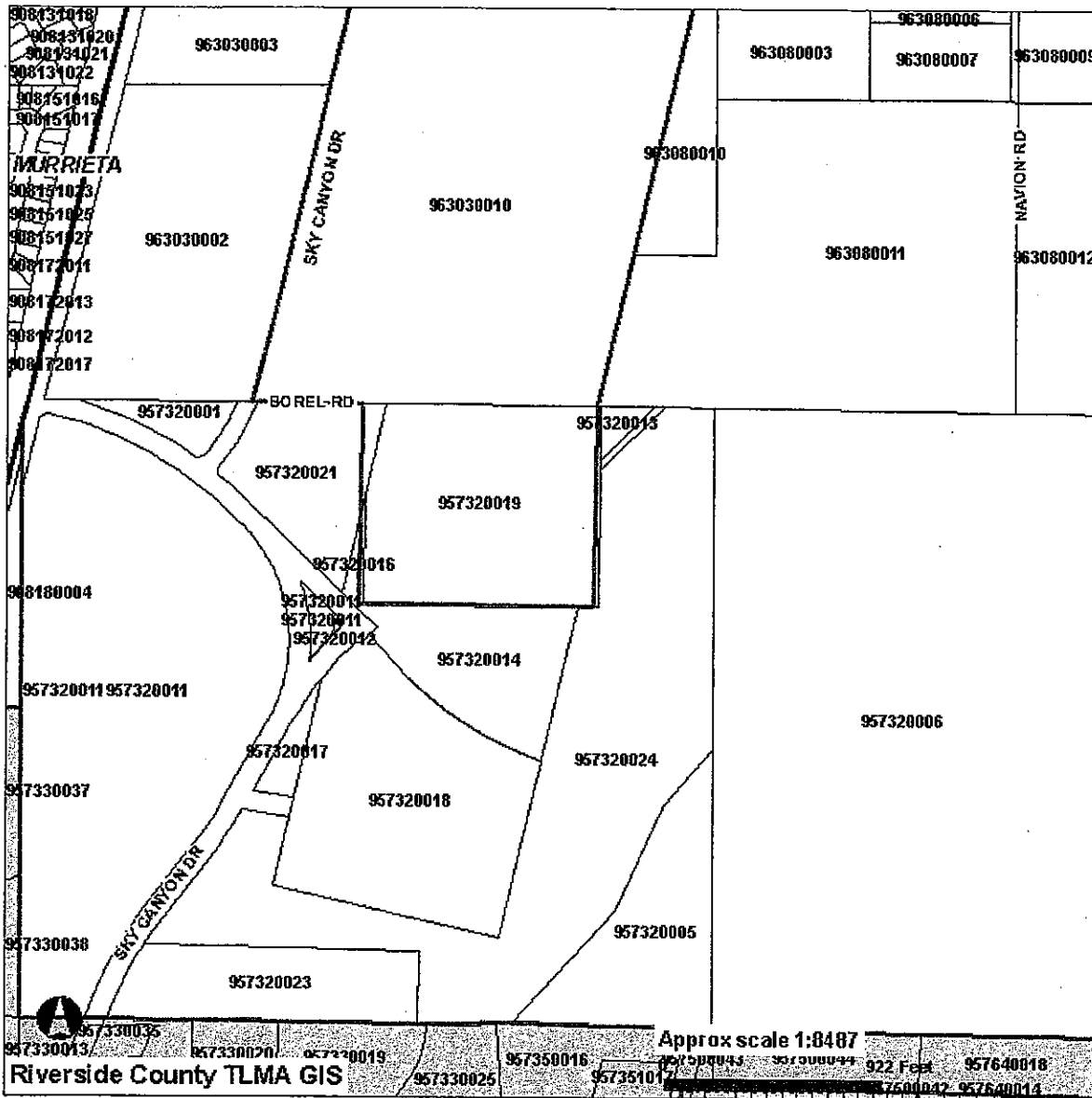
BOREL AIRPARK CENTER
 PLAN NUMBER: #265
 PLANNING AREA: NOT
 AVAILABLE
 ADOPTED DATE: 10/4/1994

IMPORTANT

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REPORT PRINTED ON...Thu Jun 18 2009 09:27:23 GMT-0700 (Pacific Daylight Time)

RIVERSIDE COUNTY GIS



Selected parcel(s):
963-080-002

SPECIFIC PLAN

□ PARCELS

□ PLANNING AREA BOUNDARY

■ WINCHESTER PROPERTIES
PLAN NUMBER: #213
PLANNING AREA: 7
ADOPTED DATE: 09/27/1988

■ WINCHESTER PROPERTIES
PLAN NUMBER: #213
PLANNING AREA: NOT
AVAILABLE
ADOPTED DATE: 09/27/1988

□ CITY BOUNDARY

BOREL AIRPARK CENTER
PLAN NUMBER: #265
PLANNING AREA: NOT
AVAILABLE
ADOPTED DATE: 10/4/1994

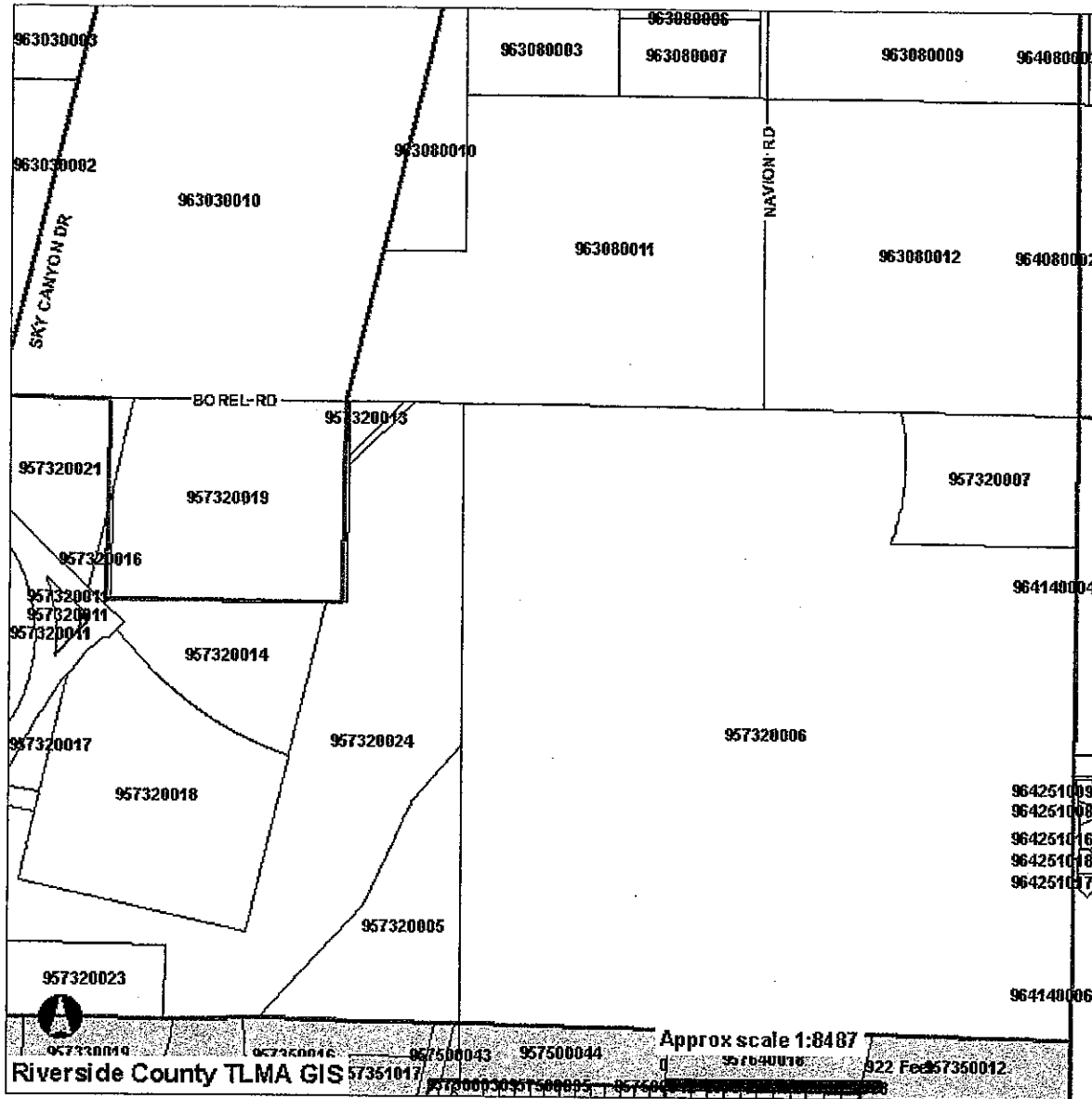
■ WINCHESTER PROPERTIES
PLAN NUMBER: #213
PLANNING AREA: 6
ADOPTED DATE: 09/27/1988

IMPORTANT

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PRINTED ON...Thu Jun 18 2009 09:28:39 GMT-0700 (Pacific Daylight Time)

RIVERSIDE COUNTY GIS



Selected parcel(s):
963-080-002

SPECIFIC PLAN

□ PARCELS

□ PLANNING AREA BOUNDARY

■ WINCHESTER PROPERTIES
PLAN NUMBER: #213
PLANNING AREA: 6
ADOPTED DATE: 09/27/1988

■ WINCHESTER PROPERTIES
PLAN NUMBER: #213
PLANNING AREA: 7
ADOPTED DATE: 09/27/1988

■ WINCHESTER PROPERTIES
PLAN NUMBER: #213
PLANNING AREA: NOT
AVAILABLE
ADOPTED DATE: 09/27/1988

BOREL AIRPARK CENTER
PLAN NUMBER: #265
PLANNING AREA: NOT
AVAILABLE
ADOPTED DATE: 10/4/1994

RANCHO BELLA VISTA
PLAN NUMBER: #184
PLANNING AREA: NOT
AVAILABLE
ADOPTED DATE: 10/6/1998

□ CITY BOUNDARY

IMPORTANT

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ORT PRINTED ON...Thu Jun 18 2009 09:13:27 GMT-0700 (Pacific Daylight Time)

REQUEST FOR DETERMINATION OF SUBSTANTIAL CONFORMANCE WITH A SPECIFIC PLAN

BACKGROUND

Whenever an application for an implementing project varies from, and is not in substantial conformance with, an adopted specific plan, a Specific Plan Amendment application shall be submitted, reviewed, approved, and subsequently adopted pursuant to the provisions of Section 2.5 of Ordinance No. 348, prior to the approval of the implementing project.

However, when an application for an implementing project varies from, but is in substantial conformance with an adopted specific plan, an application for Request for Determination of Substantial Conformance with a Specific Plan shall be submitted, reviewed, and approved pursuant to the provisions of Section 2.7 of Ordinance No. 348 prior to the approval of the implementing project.

Ordinance No. 348 defines the term "Substantial Conformance," as it relates to Section 2.7, to mean "a non-substantial modification of a condition of approval, diagram, or text of the specific plan that does not change the basic design or improvements required and is consistent with the original resolution adopting the specific plan, the conditions of approval, the specific plan text and the adopted environmental document." A Substantial Conformance may include the following:

1. A modification or deletion of a condition which will not substantially or adversely affect the underlying purpose for which the condition was initially required,
2. Construction of an implementing project out of phase so long as all infrastructure and public facilities required for the intervening phases are provided,
3. A modification of the approved land uses in a phase which does not increase the land use density or intensity in any phase or planning area; or,
4. A modification of the project design that improves circulation, protects topographic features, minimizes grading, improves drainage, or improves infrastructure.

A Request for a Determination of Substantial Conformance with a Specific Plan application must be made on forms provided by the Planning Department, shall be accompanied by a deposit-base fee set forth in County Ordinance No. 671, and must include 1) an accurate and complete description of the modification and how it affects the adopted specific plan, along with any necessary exhibits or diagrams, and 2) any other information, exhibits, or drawings the Planning Department may require.

The Planning Department must transmit all Request for Determination of Substantial Conformance with a Specific Plan applications to the appropriate development review agencies for review and comment and shall then forward them, along with a recommendation, to the Planning Commission for decision. A copy of the Planning Commission's notice of decision will be mailed to the applicant and to any person who has made a written request to receive said decision. Additionally, the Planning Department shall also file a copy of the notice of decision with the Clerk of the Board of Supervisors, together with a report of the proceedings, not more than 15 days after the decision. The Clerk of the Board shall place the notice of decision on the next agenda of the Board of Supervisors held five or more days after the Clerk receives the notice from the Planning Department. The decision of the Planning Commission shall be considered final unless the applicant or an interested party files an appeal with the Clerk of the Board of Supervisors accompanied by the fee set forth in County Ordinance No. 671 within ten days after the notice of decision appear on the Board's agenda. If a timely appeal is filed, the Clerk shall place the matter on the

REQUEST FOR DETERMINATION OF SUBSTANTIAL CONFORMANCE WITH A SPECIFIC PLAN

next available agenda, and the Board of Supervisors shall determine whether the letter of substantial conformance should issue.

A Request for a Determination of Substantial Conformance with a Specific Plan application may be approved only if the following findings are made:

1. That the project as modified meets the intent and purpose of the adopted specific plan; and,
2. That the project as modified is consistent with the findings and conclusions contained in the resolution adopting the specific plan.

However, if the Specific Plan, for which a Request for Determination of Substantial Conformance with a Specific Plan application is filed, is located within the boundaries of Assessment District Nos. 159 or 161, or Community Facilities District Nos. 84-2, 86-1, 87-1, 87-5 or 88-8, the Planning Department will transmit the Request application to the appropriate development review agencies for review and comment, and then forward the application, along with a recommendation, directly to the Board of Supervisors for decision.

A Request for a Determination of Substantial Conformance with a Specific Plan application shall not require a noticed public hearing; however, if the Planning Department, the Commission, or the Board determines that notice of the Request should be given, notice shall be given at the applicant's expense in the manner provided for by Section 2.5 of Ordinance No. 348. Whenever such a determination is made, no further action shall be taken on the request until proper notice has been given. The Planning Commission or Board of Supervisors may, at their discretion, allow testimony to be given on the proposed modification.

Note however that even if the Request for a Determination of Substantial Conformance with a Specific Plan application could otherwise be approved in accordance with Section 2.7 of Ordinance No. 348, an applicant may be required to process a Specific Plan Amendment application pursuant to the provisions of Section 2.5 of Ordinance No. 348 if it is determined that an amendment to the specific plan is required.

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

George A. Johnson · Agency Director

Planning Department

Ron Goldman · Planning Director

NOTICE OF EXEMPTION

TO: Office of Planning and Research (OPR) FROM: Riverside County Planning Department
P.O. Box 3044 4080 Lemon Street, 9th Floor 38686 El Cerrito Road
Sacramento, CA 95812-3044 P. O. Box 1409 Palm Desert, CA 92201
 County of Riverside County Clerk Riverside, CA 92502-1409

Project Title/Case No.: Specific Plan No. 265, Substantial Conformance No. 2

Project Location: The project is located within the French Valley community within the Southwest Area Plan of Western Riverside County; more specifically, northerly of Technology Drive, southerly of Benton Road, easterly of Winchester Road and westerly of Leon Road.

Project Description: The specific plan substantial conformance proposes to remove condition of approval 10.PLANNING.11 of Specific Plan No. 265, to remove the expiration date of the Specific Plan. Condition of approval 10.PLANNING.11 requires a specific plan amendment application to be filed concurrently when a development project is submitted 15 years after the original specific plan was approved. The proposed change to the condition would remove that requirement.

Name of Public Agency Approving Project: Riverside County Planning Department

Project Sponsor: French Valley Airport Center, LLC.

Exempt Status: (Check one)

- Ministerial (Sec. 21080(b)(1); 15268) Categorical Exemption (15301)
 Declared Emergency (Sec. 21080(b)(3); 15269(a)) Statutory Exemption ()
 Emergency Project (Sec. 21080(b)(4); 15269 (b)(c)) Other: _____

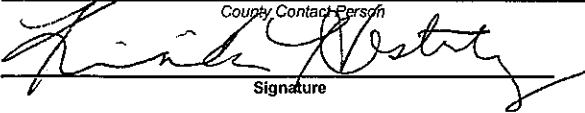
1. Reasons why project is exempt: The proposed project is in accordance with Section 15301. This project involves negligible or no expansion of an existing use. Therefore, this project is exempt from the requirements of CEQA.

Kinika Hesterly

(951) 955-1888

County Contact Person

Phone Number



Signature

Urban Regional Planner IV

Title

3/02/10

Date

Date Received for Filing and Posting at OPR: _____

Please charge deposit fee case#: ZEA

ZCFG

FOR COUNTY CLERK'S USE ONLY

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

R1002530

4080 Lemon Street
Second Floor
Riverside, CA 92502
(951) 955-3200

39493 Los Alamos Road
Suite A
Murrieta, CA 92563
(951) 600-6100

38686 El Cerrito Road
Palm Desert, CA 92211
(760) 863-8277

Received from: FRENCH VALLEY AIRPORT CENTER LLC \$64.00
paid by: CK 1608
paid towards: CFG05646 CALIF FISH & GAME: DOC FEE
CA F&G FEE FOR SP0000265S2
at parcel #: 38720 VIA VISTA GRANDE MURR
appl type: CFG3

By _____ Mar 10, 2010 11:42
SBROSTRO posting date Mar 10, 2010

Account Code	Description	Amount
658353120100208100	CF&G TRUST: RECORD FEES	\$64.00

Overpayments of less than \$5.00 will not be refunded!

Additional info at www.rctlma.org