

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

213B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
November 18, 2014

SUBJECT: CHANGE OF ZONE NO. 7839 and TENTATIVE TRACT MAP NO. 36337 - EA42410 – Applicant: Reinhart Canyon Assc LLC – Engineer/Representative: United Engineering Group - Third Supervisorial District - Hemet-San Jacinto Zoning District - San Jacinto Valley Area Plan: Community Development: Low Density Residential (CD-LDR) (1/2 Acre Minimum), Rural: Rural Mountainous (R:RM) (10 Acre Minimum) – Location: Northerly of Parry Drive, Southerly of Jelanie Lane and Westerly of California Avenue – 176.62 Gross Acres - Zoning: Controlled Development Areas (W-2) - REQUEST: receive and file the Planning Commission's denial recommendation.

RECOMMENDED MOTION: That the Board of Supervisors:

RECEIVE AND FILE the Planning Commission's November 17, 2014 decision recommending denial of Change of Zone No. 7839 and Tentative Tract Map No. 36337 (the "project").

Departmental Concurrence

(Continued on next page)

JCP:ms

Juan C. Perez, TLMA Director /
Interim Planning Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input checked="" type="checkbox"/> Policy <input type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: Deposit based funds

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the above matter is approved as recommended and is set for hearing on Tuesday, November 25, 2014 at 10:00 a.m.

Ayes: Jeffries, Stone, Benoit and Ashley
Nays: None
Absent: Tavaglione
Date: November 24, 2014
xc: Planning, COB

Kecia Harper-Ihem
Clerk of the Board

By:

Deputy

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.:

District: 3/3

Agenda Number:

2-26

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: CHANGE OF ZONE NO. 7839 and TENTATIVE TRACT MAP NO. 36337**

DATE: November 18, 2014

PAGE: Page 2 of 3

BACKGROUND:

Planning Commission Decision

The Planning Commission heard the above referenced project on October 29, 2014 and November 17, 2014. At the October 29, 2014 public hearing, the Planning Commission heard public testimony, discussed the project and continued the item to November 17, 2014. On November 17, 2014, the Commission heard public testimony, closed the public hearing and deliberated on the project. The Planning Department recommended that the Planning Commission recommend that the Board of Supervisors adopt the Mitigated Negative Declaration and approve the project.

A motion was made and seconded to adopt the Planning Department's recommendation of approval, including some changes made to the project's conditions of approval. The motion failed with four (4) Commissioners voting not to recommend approval of the project. Therefore, the project (Change of Zone No. 7839 and Tentative Tract Map No. 36337) was not recommended for approval by the Planning Commission.

The Commission's concerns with the project included land use compatibility with the surrounding area and the project's primary and secondary access.

Reviewing the Planning Commission's Decision

As set forth in Ordinance No. 348 Section 20.3.d. (2), when the Planning Commission recommends denial of a change of zone that changes a property's zoning classification, the decision shall be filed with the Clerk of the Board of Supervisors who shall place the decision on the next Board agenda held five or more days after the Clerk receives the decision. The Clerk of the Board received the Planning Commission's decision on November 18, 2014.

The Planning Commission's decision is considered final and no action by the Board of Supervisors is required unless any of the following occur:

- the applicant files an appeal within ten (10) days after the Commission's decision appears on the Board's agenda; or,
- the Board orders the matter set for public hearing.

Procedural Information

In accordance with Ordinance No. 348, this project would only come to the Board of Supervisors for a public hearing under the following situations:

- The Planning Commission recommended approval of the project, which did not occur here; or,
- The Planning Commission recommended denial of the project and the applicant filed a timely appeal; or,
- The Planning Commission recommended denial of the project and the Board, by its own action, ordered the matter set for public hearing.

The Planning Department anticipated the Planning Commission taking action on the project at the November 17th meeting, therefore, the Planning Department requested the Clerk of the Board to set a public hearing for November 25, 2014 and to mail and publish the attached public hearing notice. The hearing notice was published on Saturday November 15, 2014 and mailed to the surrounding property owners on Wednesday November 12, 2014. The hearing notice provided the time, date and place of the hearing. It also included a general description of the area, an explanation of the matter to be considered and that the public could speak on the item. Should the Board decide, by its own action, to order the matter set for a public hearing, the hearing can be set for November 25th at 10:30am in accordance with the attached noticed public hearing.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: CHANGE OF ZONE NO. 7839 and TENTATIVE TRACT MAP NO. 36337**

DATE: November 18, 2014

PAGE: Page 3 of 3

Alternatively, should the Board receive and file the Commission's decision and not order the matter set for a public hearing, the hearing on November 25th will be canceled and the item will be continued off calendar.

If the Board receives and files the Planning Commission's decision, the project's applicant would still have the opportunity to file a timely appeal of the Commission's decision. If such an appeal is filed, a new public hearing on the project would be noticed and scheduled before the Board of Supervisors at a later date and the November 25th hearing would be canceled.

Impact on Citizens and Businesses

The impacts of this project have been evaluated through the environmental review and public hearing process by Planning Department and the Planning Commission.

ATTACHMENTS (if needed, in this order):

- A. PLANNING COMMISSION STAFF REPORT**
- B. PLANNING COMMISSION MINUTES**
- C. PUBLIC HEARING NOTICE**

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: GARRY GRANT

Address: _____
(only if follow-up mail response requested)

City: _____ **Zip:** _____

Phone #: _____

Date: 24 Nov 07 **Agenda #** 094 2-26

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.