

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



215 B

**FROM:** TLMA – Planning Department

**SUBMITTAL DATE:**  
November 18, 2014

**SUBJECT:** CHANGE OF ZONE NO. 7839 and TENTATIVE TRACT MAP NO. 36337 – Intent to adopt a Mitigated Negative Declaration – 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:** The Change of Zone is proposing to change the properties zoning on the site from Controlled Development Areas (W-2) zoning to Planned Residential (R-4) zoning. The Map proposes a Schedule A subdivision of 176.62 acres into 332 residential lots with a minimum lot size of 3500 square feet and 29 lettered lots.

**RECOMMENDED MOTION :**

(CONTINUED ON NEXT PAGE)

Juan C. Perez  
TLMA Director/ Interim Planning  
Director

JCP:ms

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

<b>SOURCE OF FUNDS:</b> Deposit based funds	<b>Budget Adjustment:</b>
	For Fiscal Year:

**C.E.O. RECOMMENDATION:**

**APPROVE**

BY:   
Debra Cournoyer

County Executive Office Signature

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is tentatively denied and staff is directed to prepare and bring back the appropriate Findings.

Ayes: Jeffries, Benoit and Ashley  
Nays: Stone  
Absent: Tavaglione  
Date: November 25, 2014  
xc: Planning(2), Applicant, Co.Co., COB

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

Prev. Agn. Ref.: | District:3/3 | Agenda Number:

**16-7**

FORM APPROVED COUNTY COUNSEL  
BY: GREGORY P. PRIAMOS  
DATE: 11/19/14

Departmental Concurrence

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

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

**FORM 11: Tentative Tract Map No. 36337 and Change of Zone No. 7839**

**DATE: November 18, 2014**

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1. **The Planning Commission recommends that the Board of Supervisors:**
  - A. **DENY CHANGE OF ZONE NO. 7839** amending the zoning classification, for the subject property from Controlled Development Areas (W-2) to Planned Residential (R-4) in accordance with the attached Exhibit No. 3; and,
  - B. **DENY TENTATIVE TRACT MAP NO. 36337.**
2. **Alternatively, the Planning Department previously recommended that the Board of Supervisors:**
  - A. **ADOPT a MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. 42410** based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment through mitigation; and,
  - B. **APPROVE CHANGE OF ZONE NO. 7839** amending the zoning classification, for the subject property from Controlled Development Areas (W-2) to Planned Residential (R-4) in accordance with the attached Exhibit No. 3; and,
  - C. **ADOPT ORDINANCE NO. 348.4796** amending the zoning in the Hemet-San Jacinto District shown on Map No. 17.106 Change of Zone No. 7839 attached hereto and incorporated herein by reference; and,
  - D. **APPROVE TENTATIVE TRACT MAP NO. 36337**, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

**BACKGROUND:**

**Procedural Information**

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.

In accordance with Ordinance No. 348, the 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, orders the matter for public hearing.

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At the conclusion of the public hearing before the Board of Supervisors, the Board shall render its decision within a reasonable time and may approve, modify or disapprove the Planning Commission's recommendation.

The Planning Department anticipated that the Planning Commission would take action on the project at the November 17<sup>th</sup> meeting, therefore, the Planning Department requested the Clerk of the Board to publish a public hearing notice for November 25, 2014. 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.

**Project Background**

**TENTATIVE TRACT MAP NO. 36337** proposes a Schedule A subdivision of 176.62 acres into 332 clustered residential lots with a minimum lot size of 3,500 square feet. Lots 1 through 332 will occupy 33.42 acres of the project area. The designated lettered lots will be used for landscaping, water quality, storm drain, and open space purposes and encompass 126.12 acres of the project area. The project has been conditioned to build offsite improvements, dedicate over 218 acres of open space and has also been conditioned to be all single story and age restricted (55+).

**CHANGE OF ZONE NO. 7839** proposes to amend the zoning designation on the project area from Controlled Development Areas (W-2) to Planned Residential (R-4) zoning.

The Planning Commission denied the project citing concerns with primary and secondary access and land use compatibility.

Regarding access, the project is located in a high fire area. The primary access is along California Avenue. There are no other public roads into the canyon. Secondary access is proposed to assure the existing and proposed community can evacuate in the event of an emergency, including a fire. Two potential secondary access routes have been identified by the Riverside County Transportation Department, proposing only emergency ingress and egress access. A condition of approval has been added to the project that will require the applicant to secure either one of these two routes, or provide an alternative agreeable to the Director of Planning, prior to map recordation. One route proposes to go through the Four Seasons community located to the south, for emergency access only. The second route would go over the top of the canyon, creating a new road to be used for emergency access only with gates at both sides controlled by the County. This secondary access route, known as Beech Street extension, would provide an evacuation route that would also serve existing canyon residents.

Regarding land use compatibility, the Commission indicated that the compatibility with the Maze Stone mobile home park to the north, and the Four Seasons to the south was not a concern; however, the more regional compatibility with the existing larger lots in Reinhardt Canyon was an issue. The Commission requested that a condition of approval be added to address aspects of the potential incompatibility with the surrounding horse farms. This condition will notify future homeowners in the map of existing neighboring farms and the possible nuisances typically associated with them.

The project is clustering the units in order to preserve hillsides near the proposed lots. 'Clustering' means they are proposing to capture the density from other areas and use that density on the other sections of the map; in essence a density transfer. This is permitted by the General Plan as long as the area used to transfer density is dedicated to a permanent open space or other form of conservation. Additionally, the project is proposing to use improvements on a number of offsite properties, which requires the use of

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specific findings outlining that eminent domain proceedings *may* need to be instituted by the Riverside County Board of Supervisors in order the map to record, if the applicant cannot secure permission.

**Impact on Citizens and Businesses**

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

**ATTACHMENTS (in this order):**

- A. **Planning Commission Minutes**
- B. **Planning Commission Memo**
- C. **CEQA responses to comments**
- D. **ORDINANCE NO. 348.4796**
- E. **Planning Commission Staff Report**



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

Indian Wells  
(760) 568-2611  
Irvine  
(949) 283-2600  
Los Angeles  
(213) 617-8100  
Ontario  
(909) 989-8584

3390 University Avenue, 5th Floor, P.O. Box 1028, Riverside, CA 92502  
Phone: (951) 686-1450 | Fax: (951) 686-3083 | www.bbklaw.com

Sacramento  
(916) 325-4000  
San Diego  
(619) 525-1300  
Walnut Creek  
(925) 977-3300  
Washington, DC  
(202) 785-0600

**Michael Grant**  
(951) 826-8311  
michael.grant@bbklaw.com  
File No. 25038.00000

November 24, 2014

The Honorable Kevin Jeffries  
The Honorable John F. Tavaglione  
The Honorable Jeff Stone  
The Honorable John J. Benoit  
The Honorable Marion Ashley  
County of Riverside Board of Supervisors  
4080 Lemon Street, 5<sup>th</sup> Floor  
Riverside, CA 92501

Re: November 25, 2014 Agenda Item No. 16 -7  
(Zone Change No. 7839, Tentative Tract Map No. 36337)

Dear Supervisors Jeffries, Tavaglione, Stone, Beniot and Ashley:

This firm represents the Weyler Trust, Mrs. Camille McElhinney and Hilmer Weyler, the parties that ten years ago sold much of the property that is the subject of the above project. My clients are not opposed to the development of the property as generally contemplated by the zone change and the Tentative Tract Map. However, there are two recorded easements over the subject property that benefit my client's ten acre parcel located immediately to the north and we need to be certain that these easements are dealt with appropriately in any approval of the Tentative Tract Map.

Riverside County Ordinance 460 requires that recorded easements be accurately listed and depicted on Subdivision Maps. The Map considered by the Planning Commission listed only an access easement in favor of my client's ten acre parcel (located immediately north of the project) and omitted a second access easement from 2005. The Planning Department has recommended that if the Board of Supervisors approves the Tentative Tract Map, an additional condition be imposed that would require an amendment to the Map to add this 2005 Temporary Access Easement to the Map both as a listed easement and to be depicted on the face of the Map. The 2005 Temporary Access Easement states that it is a "temporary easement for pedestrian and vehicular access ingress and egress over and across an existing unimproved road" and further states: "This easement will automatically terminate upon the recording of a Parcel Map or Tract Map providing a pedestrian and vehicular access to such benefitted parcel by dedicated and accepted public streets."



**BEST BEST & KRIEGER**  
ATTORNEYS AT LAW

County of Riverside Board of Supervisors

November 24, 2014

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Reference in the 2005 easement to the recording of a Parcel Map or Tract Map showing “dedicated and accepted public streets” to replace the Temporary Access Easement is intentional and specific. It is very clear that this Temporary Access Easement is to be superseded by a right of way that is dedicated to and accepted as a public street. This means that the superseding easement must be depicted on the Map and should be of a width sufficient to allow it, once improved, to be accepted by the County as a public street. Attached to this letter is a suggested revision of the proposed new Condition of Approval dealing with this access issue.

The 1992 easement cuts through over 20 residential lots along the easterly boundary, adjacent to the mobile home park. Unless access rights in favor of my client over public streets within the project are adequately described and depicted on the Tract Map, the 1992 easement cannot be released, with the result that over 20 lots would not be available for development or sale within this project. This unfortunate result can be easily avoided if the 2005 easement is properly listed on the face of the Map and depicted in a manner that will allow it to be “dedicated and accepted” as a public street by the County.

On behalf of Mrs. McElhinney and Mr. Weyler, we appreciate the Board’s consideration of this very important matter.

Very truly yours,

Michael Grant  
of BEST BEST & KRIEGER LLP

MG:jo

cc: Ms. Camille McElhinney  
Mr. Hilmer Weyler  
Juan Perez, Riverside County Interim Planning Director  
Mr. Mike Naggar  
Mr. Greg Lansing

*Suggested Amendment to Current Condition:*

**CONDITIONS OF APPROVAL**

**20. PLANNING. 3            MAP - AMEND PER COND**

Within 10 days of the approval of the Tentative Map by the Board of Supervisors the applicant shall provide an amended version of the map for approval by the Director of Planning which shall incorporate the following changes:

-The map shall add the temporary easement for pedestrian and vehicular access as shown in the Document recorded April 15, 2005 as Instrument No. 0299551.

The map shall show access to APN 455-080-024 such that an access point near the intersection of Street "J" and Street "O" connects to the existing dirt road just north of the proposed lots as shown on the approved Tentative Tract Map. Said rights-of-way (described in the 2005 easement) shall be dedicated for public use and utility purposes along the approximate alignment of the existing dirt road to the 10 acre parcel (APN 455 008 024). The map revision may cause the shifting, elimination and/or relocation of one or more the lots.



November 21, 2014

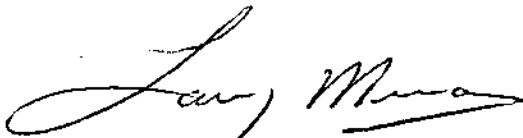
To The Honorable Riverside County Board of Supervisors,

Be advised that I have reviewed the project being proposed by the Lansing Companies on the property located just north of the Four Seasons project. As most of you know, my family has roots in the region going way back. In fact, I used to farm the land where the Four Seasons project is now built.

I stand firm in my support of the Reinhardt Canyon project being put before you. It is so similar to the Four Seasons development that I don't see how anyone from that project can oppose this project. I know that area probably better than just about anyone, and the Lansing Project will make the area safer from fire and floods.

Unfortunately, I cannot be there on Tuesday but please consider my support as if I were present. As I understand it, the project conforms to your own county General plan, and this project should be approved.

Thank you for your consideration.

  
Larry Minor  
President



11-25-14



11-7 2014-11-125084



**Aparicio, Ashley**

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**From:** Nick Orlandos <happydays5157@yahoo.com>  
**Sent:** Monday, November 24, 2014 2:19 PM  
**To:** COB  
**Subject:** <Supervisors Riverside County>;Reinhardt Canyon

My name is Nick Orlandos and my wife's name is Stacey Orlandos. We reside at 8231 Carnoustie Ave. Hemet California 92545. While we feel a few builders will benefit monetarily from the Reinhardt Canyon Project, we most definitely feel it will not enhance the quality of life in and around the Four Seasons area, and ultimately will not benefit the City of Hemet as a whole.