

Charles W. Binder

From: Abbott, Mark <MAbbott@rivcocha.org>
Sent: Thursday, May 26, 2016 3:21 PM
To: Charles W. Binder
Cc: Watkins, John; Dierking, Bonnie
Subject: Thomas Mountain Ranch TMF response
Attachments: TMR TMF- Addendum.pdf

Hello Chuck,

Our Department received a revised TMF submittal (see attached) from Thomas Mountain Ranch (TMR) to address the corrections in our letter dated February 16, 2016, and your letter regarding the Water Rights section.

In the TMF response, there are statements that the proposed wells will go down over 200 feet into "basement complex". We are interested to know if the depth is consistent with, and if the site overlays, basement complex. Further, if that is true, can you approve the water draw as indicated in the new documentation to a point that the TMF can be approved for Section 8?

We look forward to your response on this matter.

Thank you,



Mark Abbott
Supervising REHS, MPH
Riverside County Dept. of Environmental Health
Environmental Protection & Oversight Division
47950 Arabia Street, Suite A
Indio, CA. 92201
Phone #: 760-863-7570
Fax #: 760-863-8303
E-mail: mabbott@rivcocha.org
www.rivcoeh.org

From: Robert Burnett [<mailto:robert.tmrllc@gmail.com>]
Sent: Monday, May 23, 2016 7:37 AM
To: Dierking, Bonnie
Cc: triciatmrllc@gmail.com; Gregory Burnett; Benjamin Daniel Egan PE, PLS; John Schatz
Subject: Re: TMF Application

Hi Bonnie,

Attached is the response for the review and corrections sent on Feb. 16. Thank you for working with us through this tedious process. Would you please respond with confirmation that you've received this email and the attachment? Also, Tricia Napalitano will be delivering three copies of

this to the Riverside office tomorrow, 5/24. Is there a specific person she should ask to speak with at the counter?

Best regards,

Rob Burnett
(951) 609-4726

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ATTACHMENT 2

WATERMASTER
SANTA MARGARITA RIVER WATERSHED
P.O. Box 631
Fallbrook, California 92088
(760) 728-1028
FAX (760) 728-1990

May 9, 2016

Via E-Mail (letter only) and U.S. Mail (letter and enclosure)

Ms. Jackuelyn Jones
Environmental Health Specialist III
Department of Environmental Health
County of Riverside
47-950 Arabia Street, Suite A
Indio, CA 92201

Re: Review and Comments Regarding Thomas Mountain Ranch Domestic Water Supply Permit Application & Technical-Managerial-Financial (TMF) Assessment for a Community Water System, Anza, California, *U.S.A. v. Fallbrook Public Utility District, et al.*, Civil No. 51-cv-1247-GPC-RBB

Dear Ms. Jones:

In accordance with your e-mail request of January 25, 2016, this letter is to provide formal review and comments by the Santa Margarita River Watershed Watermaster ("Watermaster") regarding the Thomas Mountain Ranch ("TMR") Domestic Water Supply Permit Application & Technical-Managerial-Financial ("TMF") Assessment for a Community Water System, Anza, California. Pursuant to the County of Riverside's request, the Watermaster has agreed, as required by the TMF Assessment Form, to provide review of the documentation of the Watermaster's terms of the adjudication as they relate to the water system's right to extract water from the adjudicated basin.

The Watermaster has determined that the lands comprising the TMR development are within the jurisdiction of the Federal Court and Watermaster as part of the adjudication in *U.S.A. v. Fallbrook Public Utility District, et al.*, Civil No. 51-cv-1247-GPC-RBB ("*Fallbrook Case*") and are located within the Anza Groundwater Basin. The Anza Groundwater Basin is part of the Anza-Cahuilla Groundwater Basin, which is subject to Interlocutory Judgment No. 33.

Enclosed on CD are PDF copies of the principal documents in the *Fallbrook Case* pertaining to the subject TMR properties and the Anza Groundwater Basin:

1. Interlocutory Judgment No. 33A – Part 1 –Wilson and Coahuilla Creeks Sub-Watershed Interlocutory Judgment No. 33A (Docket No. 4322, Filed 08/04/1961)

WATERMASTER
SANTA MARGARITA RIVER WATERSHED

Ms. Jackuelyn Jones

Review and Comments Regarding Thomas Mountain Ranch Domestic Water Supply
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2. Interlocutory Judgment No. 33A – Part 2 –Wilson and Coahuilla Creeks Sub-Watershed Interlocutory Judgment No. 33A (Docket No. 4322-1, Filed 08/04/1961)
3. Amendments to Interlocutory Judgments No. 29A, 31A, 32A, 33A and 34A (Docket No. 4361, Filed 12/07/1961)
4. Amendments to Interlocutory Judgments No. 29A, 31A, 32A, 33A and 34A (Docket No. 4376, Filed 02/08/1962)
5. Interlocutory Judgment No. 41 – Findings of Fact, Conclusion of Law and Interlocutory Judgment No. 41 Concerning the Rights to the Use of Waters of Santa Margarita River Stream System held in Trust by the U.S.A. in Connection with the Ramona, Cahuilla and Pechanga Indian Reservations (Docket No. 4430, Filed 11/08/1962)
6. Interlocutory Judgment No. 33 – Findings of Fact, Conclusion of Law and Interlocutory Judgment No. 33 Pertaining to Anza and Cahuilla Ground Water Basins and Cahuilla and Wilson Creeks (Docket No. 4436, Filed 12/11/1962)
7. Amendment to Interlocutory Judgment No. 33A – Order Amending IJ 33A (Docket No. 4478, Filed 04/09/1963)
8. Exhibit 211-C to Interlocutory Judgment No. 33A, Exhibit A – Map, Wilson Creek Watershed Land Ownership and Geology
9. Exhibit 278 to Interlocutory Judgment No. 33 – Anza-Cahuilla Geology
10. Exhibit Hamilton A (Topographical Map) to Interlocutory Judgment No. 33
11. Exhibit Hamilton B (Mosaic Map) to Interlocutory Judgment No. 33
12. Final Judgment and Decree (Docket No. 4489, Filed 05/08/1963)
13. Ninth Circuit Decision (Docket No. 4761, Filed 11/29/65)
14. Modified Final Judgment and Decree (Docket No. 4768, Filed 04/06/1966)
15. Order for the Appointment of a Watermaster; Powers and Duties (Docket No. 4809, Filed 03/13/1989)

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16. Ramona Band of Cahuilla's Second Amended Complaint in Intervention
(Docket No. 5181, Filed 09/18/2009)
17. Cahuilla Band of Indians' Second Amended Complaint in Intervention
(Docket No. 5182, Filed 09/18/2009)

The Watermaster determined that the subject properties for the TMR development are part of two parcels identified in Exhibit Nos. A, B, and C of Interlocutory Judgment No. 33: (1) Parcel No. 203 (then-apparent landowner Southern Pacific Land Co.), and (2) Parcel No. 206 (then-apparent landowner Richard E. Kellogg). Parcel Nos. 203 and 206 are also shown on Exhibit 211-C. These two parcels were determined to be subject to the continuing jurisdiction of the Court and the various provisions contained in Interlocutory Judgment No. 33 describe the water rights for Parcel Nos. 203 and 206, as determined in the *Fallbrook Case*.

The Court, in Interlocutory Judgment No. 33, did not quantify or apportion the water rights for those lands determined to have water rights in the *Fallbrook Case*. Rather, the Court identified the then-apparent land owners and type(s) of water rights for the lands determined to be within jurisdiction of the Court pursuant to Interlocutory Judgment No. 33, and retained continuing jurisdiction to hear additional evidence regarding the issue of quantification and apportionment if necessary. Thus, the issue of quantification and apportionment remains under the Court's jurisdiction to be litigated when in the future it becomes necessary to do so.

Such litigation is currently in process as noted that the Cahuilla Band of Indians' Second Amended Complaint in Intervention (Docket No. 5182) requests the Court to enjoin defendants (property owners) from diverting surface water and withdrawing groundwater in the sub-basin underlying the Cahuilla Reservation that is in conflict with the senior Federal Reserved Water Rights of the Cahuilla Tribe and its members as declared in Interlocutory Judgment No. 41. The Ramona Band of Cahuilla filed a similar Second Amended Complaint in Intervention (Docket No. 5181) for the Ramona Reservation. The previous owner of the subject properties included in the TMR development was served with the second amended complaints. It is noted, the proceedings for these complaints are presently subject to a Stay of Litigation to permit continued settlement efforts.

WATERMASTER
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The principal section of the TMF reviewed by the Watermaster is Section 8—Water Rights. The applicant has provided incorrect information in completion of Section 8 as described below:

1. The section on Groundwater—Adjudicated Basin incorrectly shows the box checked as “NA” or not applicable. The subject properties are clearly located within the lands determined to be within the continuing jurisdiction of the Court under Interlocutory Judgment No. 33 and thus the subject properties are within an adjudicated groundwater basin.
2. The supplemental information provided in Section 8 consists of a brief description of water rights asserting the basis of the water rights as an assignment of rights pursuant to the Land Patent No. 110 issued by an Act of Congress dated March 3, 1871. The patent does not provide specific provisions for any water rights and the patent has not been incorporated into the provisions of Interlocutory Judgment No. 33 in the *Fallbrook Case*. Thus, the land patent provides no basis for the water rights presently adjudicated in the *Fallbrook Case*.
3. The supplemental information does not contain any reference to or acknowledgement of the water rights being subject to Interlocutory Judgment No. 33. The description only includes a statement that the applicant has retained a water rights attorney and the applicant is collaborating with the Watermaster and the Federal Court. The statement concerning such collaboration is unclear and not sufficient for providing any meaningful information concerning the water rights for the TMR development.

In conclusion, the Court and Watermaster have not made any determination whether the proposed water system and subject properties have a legal right to the quantity of water necessary to assure an adequate and reliable water supply to meet the requirements of Section 8—Water Rights of the TMF Criteria and Assessment Form. The attorney for the Watermaster continues to advise Watermaster that any quantification or apportionment of water rights for lands subject to the continuing jurisdiction of the Court, requires Court action.

WATERMASTER
SANTA MARGARITA RIVER WATERSHED

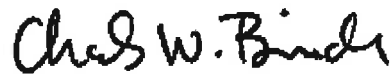
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May 9, 2016

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If you have any questions or need additional information, please do not hesitate to
call.

Sincerely,



Charles W. Binder, P.E.
Watermaster

CWB:aen
Enclosure

cc (w/ Encl.):

Eric Stopher (Riverside County Office of County Counsel)
Robert G. Burnett (Thomas Mountain Ranch, LLC)
John J. Schatz (Attorney at Law)
William J. Brunick (Brunick, McElhaney & Kennedy)



County of Riverside
DEPARTMENT OF ENVIRONMENTAL HEALTH

P.O. BOX 7909 • RIVERSIDE, CA 92513-7909

STEVE VAN STOCKUM, DIRECTOR

RESPONSE TMF REVIEW AND CORRECTIONS

Date: June 22, 2016

To: Thomas Mountain Ranch, LLC
C/O Robert G. Burnett
PO Box 391111
Anza, Ca 92539

Re: **Thomas Mountain Ranch, LLC Technical, Managerial, and Financial (TMF) review**

The Department of Environmental Health has conducted a follow up review of your TMF addendum dated May 23, 2016, which is in response to the Department's TMF Review and Corrections dated February 2, 2016. After careful review of all documentation, and review with counsel, it was determined that the TMF is incomplete and has not demonstrated capacity in the following areas:

- **Section 2- System Description**

1. Include a water source assessment of the wells and aquifer by a registered hydrogeologist or equivalent to ascertain the long range sustainability of the ground water (see section 64554 of the CA Waterworks Standards). Additional pump testing and recovery rates may be required. **This condition must be met as part of the TMF review process. Ensure the hydrogeologist classifies the wells (drilled in alluvial soils or bedrock formation) and submits a report which determines the capacity of the wells as specified in the regulations.**
2. Take confirmation samples for secondary Maximum Contaminant Level (MCL) exceedances. Both wells exceeded the secondary standard for iron. Well #2 also exceeded the secondary MCL for aluminum and manganese. **The Department acknowledges that treatment will be provided as you stated in your response, however, it is a requirement to obtain confirmation samples and submit the results to this Department (your response states that sampling is not required due to treatment).**
3. Provide documentation that proper easements are in place for the distribution system and all other water system constituents. **It appears that an easement will be needed for the transmission line on lots 44 and 45.**

- **Section 7- Ownership**

1. Clarify that there will be a home owners association, and provide an organizational chart which includes the responsibilities of the decision makers and shows the chain of command.


- **Section 8- Water Rights**

1. See attached letter from Watermaster dated June 13, 2016. Absent a determination by the Watermaster or the Court that the applicant/property owners have a “legal right to the quantity of water necessary to assure an adequate and reliable water supply” pursuant to this section, the County is unable to act on this application.

Please contact this Department with additional questions at 951-955-8980

Agenda Item No.:
Area Plan: REMAP
ZoningArea: Anza and Cahuilla
Supervisorial District: Third
Project Planner: Matt Straite
Board of Supervisors: January 12, 2016

**APPEAL OF AMENDMENT NO. 1 TO TRACT
MAP NO. 36327**
Applicant: Robert Burnett
Engineer/Representative: Ron Moreno


Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

This appeal concerns the Planning Commission's denial of Amendment No. 1 to Tract Map No. 36327 which proposes to modify a notation and condition of the final recorded Tract Map No. 36327 to allow a community water system for the project site. The project was denied by the Planning Commission (4-1) on November 4, 2015. The Commission based its decision on the findings contained in the Planning Commission staff report and testimony presented during the public hearing.

The Project is located in the Anza/Cahuilla area of the Third Supervisorial District, northerly of Upper Valley Road, easterly of Bautista Road and westerly of Pollwog Road.

The original tentative tract map was approved as a Schedule "C" subdivision of 265.2 gross acres into 46 single-family residential lots arranged in a clustered development with a lot size ranging from two to four gross acres, and one approximately 180 gross acre common lot for open space with an overall density of 0.173 dwelling units per acre (or an average of 1 dwelling unit per 5.89 acres.) The tentative tract map was approved by the Board of Supervisors on January 31st 2012 (refer to attachment). The approved map reflects individual wells on each site. The applicant recorded the final map on December 26, 2013.

During the processing of the original tentative tract map Staff received several letters from the Ramona Band of Cahuilla Indians Tribe expressing concerns related to water rights. Their letters indicate that the Tribe has federally reserved rights to groundwater and the tentative tract map is premature given that the water rights for the proposed project and the individual parcels have yet to be determined.

The original final tract map was processed with a written statement (Land Division form SAN-53) from the health officer pursuant to the requirements of Ordinance No. 460 section 5.1 which indicated that individual wells would be used for the site. The applicant's proposed amendment would allow for a community water system which is inconsistent with the approved map's form SAN-53. Thus, the proposed change is inconsistent with the identified water system unless a revised SAN-53 is submitted indicating the community water system is acceptable. To date, the applicant/appellant has failed to identify that a community water system is a viable alternative since he has not 1) applied for the water system, 2) shown proof of financial assurances and other technical requirements to assure that a system can be operated that protects public health and welfare, and 3) does not appear to have clear water rights based on the Anza litigation and determination from the State Water Master. The Department of Environmental Health is the permitting agency for small water systems and could not approve any such a system without approval from the watermaster.

The appeal application, staff reports, and memorandum provided to the Planning Commission are attached hereto and incorporated herein by reference.

APPELLANT/APPLICANT'S APPEAL

The appeal application cited the following reasons for the appeal:

1. The County used the wrong application.
2. The request in the staff report was not the applicant's actual request.
3. The applicant was not provided proper notice and was therefore not provided with an opportunity to correct the inaccurate and misrepresented request of the applicant.
4. The result was a confusing hearing.
5. The appeal explains that the actual request of the application was to challenge condition of approval 80.E Health.3 and propose a change in the wording that would allow the Department of Environmental Health to accept an application for a community water system.
6. An "appendix A" to the application explains the same as above.

PLANNING DEPARTMENT RESPONSES

1. The County used the application that was filed by the applicant and signed by the applicant. A copy of the application is attached hereto and was also included in the Planning Commission staff report.
 2. The request analyzed in the staff report was based on the applicant's application, which was a request for a community water system.
 3. Please see the reasons set forth above. Additionally, the applicant was provided notice of the Land Development Committee's review (LDC) and was sent corrections from the LDC. The Planning Commission public hearing was properly noticed in accordance with Ordinance No. 460 which requires a 10 day notice.
 4. The application presented at the Planning Commission hearing was based on the project description provided in the applicant's application which was attached to the staff report and signed by the applicant. Pursuant to Section 9.15.D. of Ordinance No. 460, the public hearing was confined to consideration of and action on the proposed modification.
- 5&6. Appendix A explains in more detail what the applicant is looking to accomplish. The applicant would like to revise the text of Condition of Approval 80.E Health.003 to read:

"Each parcel shall require an individual domestic water well to provide a potable supply of water to the structure. The well shall meet requirements set forth in Ordinance 682 and the California Well Standards, and/or obtain permits for communal, common and/or public water system(s) to

provide life sustaining water for the benefit of the property owners." (applicant proposed bold text)

In response to the applicant's request, the applicant is proposing to change the final map's existing Condition of Approval 80 E. Health 003 (COA). This requested change must comply with the requirements of Ordinance No. 460. One of the requirements is that there are changes in circumstances which make any or all of the conditions of the map no longer appropriate or necessary. The COA requires individual domestic water wells for each parcel. The applicant has failed to show changes in circumstances that make this COA no longer appropriate or necessary.

Additionally, the original final tract map was processed with a written statement (Land Division form SAN-53) from the health officer pursuant to the requirements of Ordinance No. 460 section 5.1 which indicated that individual wells would be used for the site. The applicant's proposed amendment would allow for a community water system which is inconsistent with the approved map's form SAN-53. Thus, the proposed amendment is inconsistent with the identified water system unless a revised SAN-53 is submitted indicating the community water system is acceptable.

PLANNING DEPARTMENT RECOMMENDATION

Planning Staff recommends the Board of Supervisors deny the appeal and uphold the Planning Commission's denial based on the findings set forth herein. Specifically, the applicant/appellant has failed to explain what circumstances or conditions have changed since the approval of the original map that make the COA no longer appropriate or necessary. Tract Map No. 36327 was approved with individual wells on each parcel because it could not meet the requirements at that time for a community water system. As a result, to the knowledge of Planning Staff and Environmental Health Staff, nothing has changed regarding the possibility of a community water system in the Anza area. Therefore, the proposed modification does not comply with Section 9.15.C. of Ordinance No. 460 because there are no changes in circumstances which make Condition of Approval 80. E. Health 003 no longer appropriate or necessary.

IMPACT IF APPEAL DENIED

The applicant recorded the final map on December 26, 2013. Denying the appeal and upholding the Planning Commission's denial does not prevent the applicant from developing the project site in accordance with the recorded final map.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #5): Open Space: Rural (OS-RUR), Community Development: Rural Residential (RR)
2. Surrounding General Plan Land Use (Ex. #5): Open Space: Rural (OS-RUR), Community Development: Rural Residential (RR) to the north, east and west, Rural Community: Estate Density Residential (RC-EDR), Rural Residential to the South (RR)
3. Existing Zoning (Ex. #2): Open Area Combining Zone Residential

- | | |
|-----------------------------------|---|
| 4. Surrounding Zoning (Ex. #2): | Developments (R-5), Rural Residential – 4 acre minimum (R-R-4), Rural Residential – 2 acre minimum (R-R-2) |
| 5. Existing Land Use (Ex. #1): | Rural Residential – 20 acre minimum (R-R-20) to the north, Rural Residential – 5 acre minimum (R-R-5), Rural Residential – 10 acre minimum (R-R-10) to the west, Rural Residential- 20 acre minimum (R-R-20), Natural Assets-160 acre minimum (N-A-160) to the east, and Residential Agriculture – 2 acre minimum (R-A-2), Residential Agriculture – 4 acre minimum (R-A-4), Rural Residential – 5 acre minimum (R-R-5) |
| 6. Surrounding Land Use (Ex. #1): | Vacant Land |
| 7. Project Data: | Scattered single family residential, and vacant land
Total Acreage: 265.02 |
| 8. Environmental Concerns: | Pursuant to State CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves |

RECOMMENDATIONS:

DENY the appellant's request for the Board of Supervisors to overturn the Planning Commission's denial of Amendment No.1 to Final Tract Map No. 36327 on November 4, 2015; and

UPHOLD the Planning Commission's denial of Amendment No. 1 to Final Tract Map No. 36327 based on the findings and conclusions set forth in this staff report.

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

1. The applicant is requesting to modify recorded Tract Map No. 36327 by allowing a community water system for the project site.
2. This modification requires a change to existing Condition of Approval 80. E. Health 003 which provides that each parcel shall require an individual domestic water well to provide a potable supply of water to the structure and each well shall meet requirements set forth in Ordinance No. 682 and the California Well Standards.
3. Pursuant to Section 9.15.D. of Ordinance No. 460, the public hearing shall be confined to consideration of and action on the proposed modification.
4. Section 9.15.C of Ordinance No. 460 provides that no Amended Map shall be approved unless it complies with the following standards:
 - a. There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary.
 - b. The modifications do not impose any additional burden on the present fee owner of the property;

- c. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map;
 - d. The County Surveyor finds that the map as modified conforms to the provision of Section 7.1 of this ordinance.
5. The proposed modification does not impose any additional burden on the present fee owner of the property, as the proposed modification is being requested by the present owner. The proposed modification, allowing a community water system, does not alter any right, title, or interest in the real property reflected on the recorded map. The County Surveyor finds that the map as modified conforms to the provisions of Section 7.1 of Ordinance No. 460.
 6. However, the amendment application materials and the appeal application do not explain what circumstances or conditions have changed since the approval of the original map. Tract Map No. 36327 was approved with individual wells on each parcel because it could not meet the requirements at that time for a community water system. As a result, to the knowledge of Planning Staff and Environmental Health Staff, nothing has changed regarding the possibility of a community water system in the Anza area. Therefore, the proposed modification does not comply with Section 9.15.C. of Ordinance No. 460 because there are no changes in circumstances which make Condition of Approval 80. E. Health 003 no longer appropriate or necessary.
 7. Based on the above, the proposed modification fails to comply with the first standard set forth in Section 9.15.C. of Ordinance No. 460 and cannot be approved because an amended map can only be approved if it complies with all of the standards.
 8. Additionally, the amendment application remains incomplete. As of the date of this staff report, the applicant has not provided a completed community water system application, which includes a technical, managerial and financial assessment form (TMF) pursuant to California Health and Safety Code section 116540(a).
 9. Also, the original map was processed with a written statement (Land Division form SAN-53) from the health officer pursuant to the requirements of Ordinance No. 460 section 5.1 which indicated that individual wells would be used for the site. The applicant's proposed amendment would allow for a community water system which is inconsistent with the approved map's SAN-53. Thus, the proposed change is inconsistent with the identified water system unless a revised SAN-53 is submitted indicating the community water system is acceptable.
 10. An environmental assessment was not prepared as part of this amendment because pursuant to State CEQA Guidelines section 15270(a) CEQA does not apply to projects which a public agency rejects or disapproves.
 11. The applicant has a final recorded map for the project site. Denying this proposed modification does not prevent the applicant from developing the project site in accordance with the recorded final map.

CONCLUSIONS:

1. The application for Tract Map No. 36327 Amendment No. 1 is incomplete.

2. The proposed modification does not meet the standards required by Section 9.15 of Ordinance No. 460 due to the applicant's failure to submit the required documentation and there are no changes in circumstances which make Condition of Approval 80. E. Health 003 no longer appropriate or necessary.

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 city sphere of influence;
 - b. The boundaries of the a city;
 - c. The Stephens Kangaroo Rat Fee Area or Core Reserve Area; or,
 - d. California Gnatcatcher, Quino Checkerspot Butterfly habitat.
3. The project site is located within:
 - a. Open Space- Rural, and Rural Residential Land Use Designations;
 - b. Rural Residential- Two (2) and Four (4) Acre Minimum (R-R-2 and R-R-4), and Open Area Combining Zone- Residential (R-5) zoning classifications;
 - c. The Riverside County Recreation and Parks District;
 - d. A 100-year flood plain, an area drainage plan, or dam inundation area;
 - e. A high fire area; and,
 - f. A moderate liquefaction area
4. The subject site is currently designated as Assessor's Parcel Numbers 573040054, 573040015, 573040049, 573040050, 573040020, 573040019, 573040028, 573040029 573040034, 573040039, 573040053, 573040052, 573040047, 573040016, 573040051, 573040012 573040032, 573040021, 573040036, 573040009, 573040045, 573040038, 573040026, 573040027, 573040022, 573040046, 573040044, 573040023, 573040043, 573040024, 573040031, 573040014, 573040010, 573040017, 573040048, 573040033, 573040041, 573040040, 573040013, 573040011, 573040018, 573040018, 573040037, 573040025, 573040042, 573040030, 573040035, and 573040055.

MS

Y:\Planning Case Files-Riverside office\TR36327A1\DH-PC-BOS Hearings\APPEAL\Staff Report.docx

Date Prepared: 01/01/01

Date Revised: 12/30/15



Carolyn Syms Luna
Director

RIVERSIDE COUNTY PLANNING DEPARTMENT

RIVERSIDE COUNTY
CLERK OF THE BOARD
OF SUPERVISORS

PAID

DATE: 12/11/2015
AMOUNT: \$ 592.62
REC'D BY: Candace Lauthorn

APPLICATION FOR APPEAL

DATE SUBMITTED: 11/23/2015

Appeal of application case No(s): TR36327-A1

Name of Advisory Agency: Planning Commission
List all concurrent applications

Date of the decision or action: 11/4/2015

Appellant's Name: Robert Burnett E-Mail: robert.tmrllc@gmail.com

Mailing Address: Po Box 391111

Anza Street CA 92539

City State ZIP

Daytime Phone No: (951) 609-4726 Fax No: () N/A

ADVISORY AGENCY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	<ul style="list-style-type: none"> Board of Supervisors for: Temporary Outdoor Events, Substantial Conformance Determination for WECS, Variances, and Fast Track Plot Plans. Planning Commission for: all other decisions. 	<ul style="list-style-type: none"> Clerk of The Board for: Appeals before the Board of Supervisors. Planning Department for: Appeals before the Planning Commission.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors

TYPE OF CASES BEING APPEALED	FILING DEADLINE
<ul style="list-style-type: none"> Change of Zone denied by the Planning Commission Commercial WECS Permit Conditional Use Permit Hazardous Waste Facility Siting Permit Public Use Permit Variance Specific Plan denied by the Planning Commission Substantial Conformance Determination for WECS Surface Mining and Reclamation Permit 	Within 10 days after the notice of decision appears on the Board of Supervisors Agenda.

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 38686 El Cerrito Road
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7555

"Planning Our Future... Preserving Our Past"

APPLICATION FOR APPEAL

<ul style="list-style-type: none"> • Land Division (Tentative Tract Map or Tentative Parcel Map) • Revised Tentative Map • Minor Change to Tentative Map • Extension of Time for Land Division (not vesting map) 	<p>Within 10 days after the notice of decision appears on the Board of Supervisor's Agenda.</p>
<ul style="list-style-type: none"> • Extension of Time for Vesting Tentative Map 	<p>Within 15 days after the notice of decision appears on the Board of Supervisor's agenda.</p>
<ul style="list-style-type: none"> • General Plan or Specific Plan Consistency Determination • Temporary Outdoor Event 	<p>Within 10 days after date of mailing or hand delivery of decision of the Planning Director.</p>
<ul style="list-style-type: none"> • Environmental Impact Report 	<p>Within 10 days of receipt of project sponsor or Planning Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.</p>
<ul style="list-style-type: none"> • Plot Plan • Second Unit Permit • Temporary Use Permits • Accessory WECS 	<p>Within 10 calendar days after the date of mailing of the decision.</p>
<ul style="list-style-type: none"> • Letter of Substantial Conformance for Specific Plan 	<p>Within 7 days after the notice of decision appears on the Board of Supervisor's agenda.</p>
<ul style="list-style-type: none"> • Revised Permit 	<p>Same appeal deadline as for original permit.</p>
<ul style="list-style-type: none"> • Certificate of Compliance • Tree Removal Permit 	<p>Within 10 days after the date of the decision by the Planning Director.</p>
<ul style="list-style-type: none"> • Revocation of Variances and Permits 	<p>Within 10 days following the mailing of the notice of revocation by the Director of Building and Safety, or within 10-days after the notice of decision of the Planning Commission appears on the Board of Supervisor's agenda.</p>

PLEASE STATE THE REASONS FOR APPEAL.

Please state the basis for the appeal and include any supporting evidence if applicable. If appealing one or more specific conditions of approval, indicate the number of the specific condition(s) being protested. In addition, please include all actions on related cases, which might be affected if the appeal is granted. This will allow all changes to be advertised and modified at the same time. AN APPEAL OF ONE OR MORE CONDITIONS OF APPROVAL SHALL BE DEEMED AS AN APPEAL OF THE ACTION AS A WHOLE, AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER, AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

APPLICATION FOR APPEAL

Basis for appeal: The riverside county planning commission was presented with a staff report that does not reflect the correct and accurate purpose of the applicant's amendment request. The applicant was not provided proper notice in order to provide evidence to support the planner's inaccurate understanding and representation of the amendment request. The result was a confusing and unfocused hearing. The applicant will provide a clear argument for the board of supervisors consideration with evidence and supporting facts.

Challenged Condition: 80.E.Health.3

Our request to amend the map was not to modify the map to allow a community water system, but as instructed by county staff , change the wording of the stated condition allowing the department of health to accept an application for a community water system.

Included as Appendix A and Appendix B is a letter from the owner to the Board of Supervisors and an email supporting our request.

Use additional sheets if necessary.

ROBERT BURNETT

PRINTED NAME OF APPELLANT



SIGNATURE OF APPELLANT

12/3/15

DATE

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

1. One completed and signed application form.
2. Public Hearing Notice Label Requirements mailing address labels for notification of the appeal hearing.
3. All appropriate filing fees (the base fee, plus other fees specifically for the Department of Building and Safety, Fire Department, Flood Control District and/or Transportation Department conditions, if applicable).

PLEASE NOTE: Obtain surrounding property owners label package/instructions (Form 295-1051) from a County Public Information Services Center or download it from the Planning Department web page.

APPENDIX A



Greg V. Burnett | Founder

Thomas Mountain Ranch
P.O. Box 391111 or 36750 Upper Valley Road, Anza, CA 92539
M (818) 426-0900 | F (951) 346-4009 | gregtmrlc@gmail.com | www.TMRanza.com

November 23, 2015

Board of Supervisors
Riverside County
4080 Lemon Street, 12th Floor
Riverside, CA 92502-1409
p. (951) 955-3200
f. (951) 955-1811

Re: TR3327 A-1 Appeal

Riverside County Board of Supervisors,

Riverside County Staff and Applicant have been at conflict for over a year regarding the meaning and interpretation of Health Condition 80 from TRACT 36327 recorded December 13, 2013.

Health Condition 80 (hereafter referred as the "words") reads, *"Each parcel shall require an individual domestic water well to provide a potable supply of water to the structure. The well shall meet requirements set forth in Ordinance 682 and the California Well Standards."* Based on the recommendation and advice of the Riverside County Planning Director and Building Official, the applicant filed TR36327A-1 on August 3, 2015, a correction amendment request application to change the aforementioned "words" to the words below. The Applicant's sole objective and purpose of the public hearing is to have the existing Health Condition 80 amended to read:

*"Each parcel shall require an individual domestic water well to provide a potable supply of water to the structure. The well shall meet requirements set forth in Ordinance 682 and the California Well Standards, **and/or obtain permits for communal, common and/or public water system(s) to provide life sustaining water for the benefit of the property owners**".*

The words in "bold" represent the correction of words requested in TR36327 A-1.

Following procedure, a public hearing was convened November 4, 2015 with the Riverside County Planning Commission. The Planning Director and Staff failed to state, review, or even discuss the requested correction itself. The Planning Director incorrectly informed the Commissioners that the Applicant had not submitted any correction "words". The Planning Commission appeared confused did not understand what they were even voting on – what a mess!

The Riverside County Board of Supervisors can understand why the Applicant is very frustrated after paying \$8,500 to Riverside County Planning for the correction amendment, only to have the correction words omitted from the public hearing discussion. Instead, the Planning Director made up a story that the Applicant was in front of the Commissioners to seek approval and a permit for a Small Water System (SWS). The Applicant understands the Planning Commission does not receive, process, condition, or permit an application to the State of California for a SWS. Apparently the Planning Director does not.

The Applicant asks the Riverside County Board of Supervisors to vote yes for the correction. This yes vote will allow the Applicant to apply for any legal, permitted water delivery system it so chooses to apply for. It is that simple. Whether the Applicant receives a permit someday for a SWS for Tract 36327 is beyond the scope of this public hearing.

This issue has become a CRISIS for the Applicant as we have been "shutdown". House permitting and inspections have been denied - placed on hold by RCDEH and the RC Building Official - all stemming from RC Staff's interpretation of Health Condition 80.

Sincerely,

Gregory V. Burnett
Founder/Owner

APPENDIX B

From: Greg Burnett <burnettgv@yahoo.com>
To: Steven Weiss <sweiss@rctlma.org>
Cc: Juan Perez <jcperez@rctlma.org>; Verne Lauritzen <vlauritzen@rcbos.org>; Olivia Balderrama <obalderrama@rcbos.org>; Steve Van Stockum <svanstoc@rivcocha.org>; Mike Lara <mlara@rctlma.org>
Sent: Tuesday, October 6, 2015 10:56 AM
Subject: TMR - anza - amendment

We have not received **any** written schedule, update, explanation or finding from Planning, nada.

Steve Van Stockum (whom I have never met or spoken with - ever), refuses to meet w/ us to discuss this issue. We are a formal applicant, fees paid - very interesting Mr. Van Stockum does not even have a working attitude of solving problems, finding solutions. What is he doing in an executive position - a County employee afraid to review issues w/ an applicant? Why is he hiding, unavailable?

As a reminder, the entire amendment application is for the addition of a few words:

80. Health condition reads:

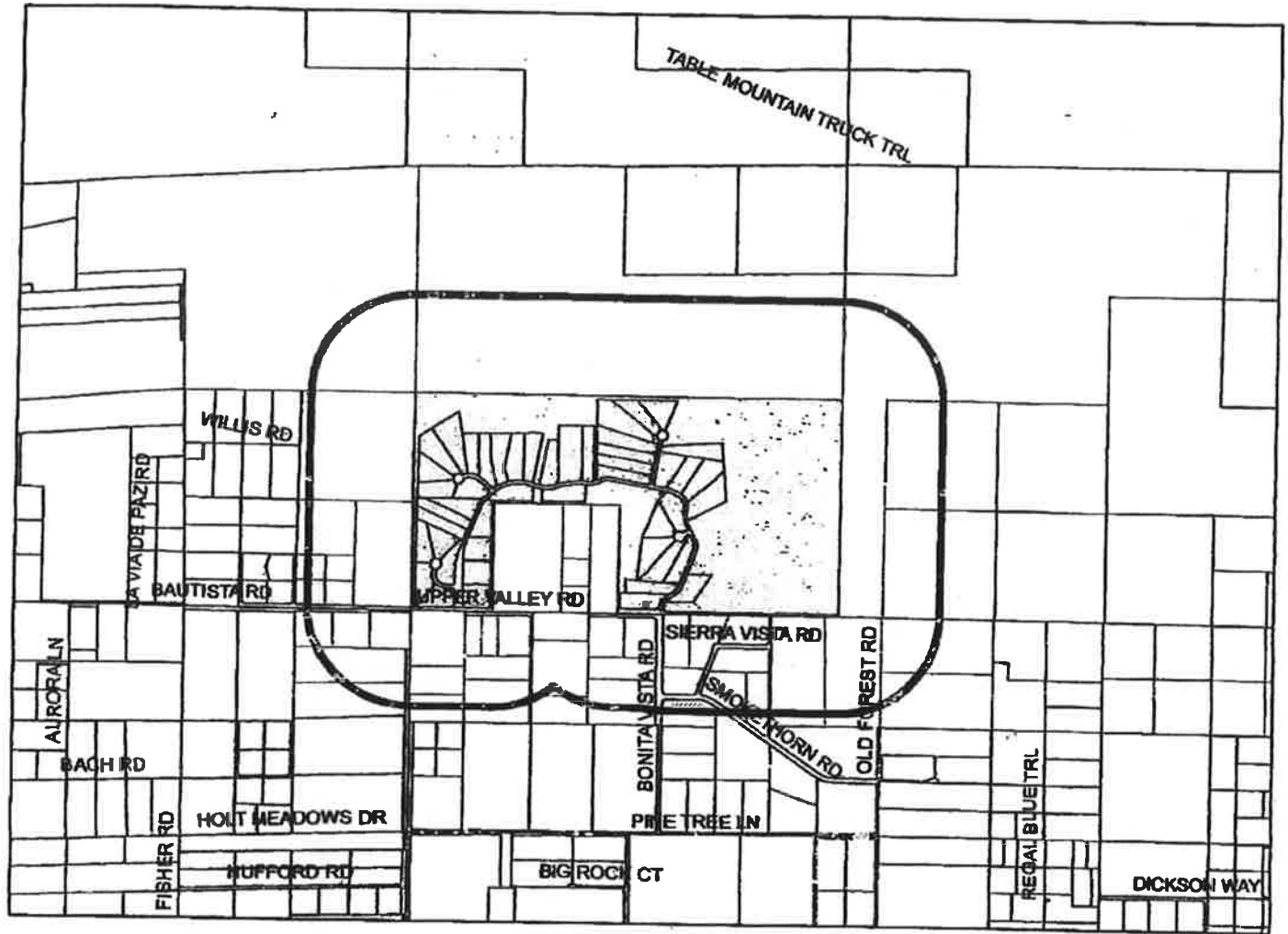
"Each parcel shall require an individual domestic water well to provide a portable supply of water to the structure. The well shall meet requirements set forth in Ordinance 682 and the California Well Standards."

The TMR amendment application solely is limited to the following change (an addition to that condition):

", and/or to obtain permits for communal, common and/or public water system(s) to provide life sustaining water for the benefit of the property owners."

Please, if this is all such a big deal, why is not the solution as prescribed by Mike Lara, Steve Weiss and Verne Lauritzen moving forward???

TR36327A1 (1200 feet buffer)



Selected Parcels

573-110-025	573-080-058	573-030-050	573-060-051	573-080-063	573-080-013	573-080-006	573-080-049	573-030-041	573-030-042
573-040-003	573-080-062	573-080-005	573-060-052	573-050-001	573-040-005	573-060-049	573-080-053	573-080-057	573-080-072
573-080-071	573-080-050	573-080-001	573-080-003	573-040-007	573-030-049	573-030-051	573-030-052	573-080-051	573-110-026
573-080-007	573-050-015	573-050-016	573-080-055	573-080-056	573-080-032	573-030-044	573-080-050	573-080-012	573-080-004
573-040-004	573-080-053	573-080-061	573-040-006	573-080-058	573-080-054	573-080-060	573-040-009	573-040-010	573-040-011
573-040-012	573-040-013	573-040-014	573-040-015	573-040-016	573-040-017	573-040-018	573-040-019	573-040-020	573-040-021
573-040-022	573-040-023	573-040-024	573-040-025	573-040-026	573-040-027	573-040-028	573-040-029	573-040-030	573-040-031
573-040-032	573-040-033	573-040-034	573-040-035	573-040-036	573-040-037	573-040-038	573-040-039	573-040-040	573-040-041
573-040-042	573-040-043	573-040-044	573-040-045	573-040-046	573-040-047	573-040-048	573-040-049	573-040-050	573-040-051
573-040-052	573-040-053	573-040-054	573-040-055	573-040-056	573-080-046	573-020-015	573-050-010		



ASMT: 573060051, APN: 573060051
 JEAN LAYNE, ETAL,
 2920 BAVARIA DR
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 72775 FRANK SINATRA STE B
 RANCHO MIRAGE CA 92270

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RYALL STEWART
P O BOX 391640
ANZA CA 92539

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ROBERT DUNHAM
41917 PLUM ST
MURRIETA CA 92562

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LENG VUE
9557 JAMES AVE
BROOKLYN PARK MN 55444

ASMT: 573080062, APN: 573080062
KIM WILLIAMS, ETAL
P O BOX 390863
ANZA CA 92539

ASMT: 573080056, APN: 573080056
DOLORES HICKCOX, ETAL
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ANZA CA 92539

ASMT: 573080063, APN: 573080063
BETH GRAY, ETAL
125 N STAGECOACH
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ASMT: 573080057, APN: 573080057
JANE RECHT
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ASMT: 573060050, APN: 573060050
PERRIE PATTERSON
23 TAYLOR AVE
PALM DESERT CA 92260

PUBLIC HEARING NOTICE LABEL REQUIREMENTS

PUBLIC HEARING NOTICE LABELS CERTIFICATION FORM

I, TRICIA NAPOLITANO, Print name certify that on 12/3/2015, Date

the attached property owner's list was prepared by:

TRICIA NAPOLITANO for the following project, TR36327-A-1,
Print Company Name and/or Individual's Name Project case number(s)

using a radius distance of 1200 feet, pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the project applicant, the applicant's engineer/representative, if any, the owner(s) of the subject property, the school district or districts within whose boundary the subject project is located, every City within one mile of the subject property or within whose sphere of influence the subject property is located, if any, and, all other property owners within a 600 foot radius around the subject property, and all contiguously owned properties, if any, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the property is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all the property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information field is true and correct to the best of my knowledge.

Name: TRICIA NAPOLITANO

Title/Registration: —

Address: P.O BOX 391111

Address: _____

City: ANZA State: CA Zip: 92539

Telephone No.: (818) 523 2086 Fax No.: ()

E-Mail: TRICIA@HOMESBYTBB.COM

Case No.: TR36327A1

COUNTY OF RIVERSIDE
SPECIALIZED DEPARTMENT RECEIPT
Permit Assistance Center

R1513635

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: BURNETT ROBERT \$592.62
paid by: VI 050264
paid towards: TR36327A1 AMEND TO FINAL TRACT MAP
at parcel #: 55012 ROADRUNNER WAY ANZA
appl type: TR16

By _____ Dec 11, 2015 15:05
MGARDNER posting date Dec 11, 2015

Account Code	Description	Amount
200063130100230168	CMP TRANS PLAN	\$28.00
202503110100771840	BUILDING & SAFETY	\$177.00
202033100200772210	LMS SURCHARGE	\$11.62
100003120100777180	PLANNING: APPEALS	\$376.00

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

Additional info at www.rctlma.org

RIVERSIDE TLMA RIVERSIDE
4080 LEMON ST FL 2
RIVERSIDE, CA. 92501
951-955-1990

SALE

Batch #: 146 REF#: 00000010
12/11/15 15:08:43
APPR CODE: 050264
Trace: 10
VISA Chip
*****4344 ***
AMOUNT \$592.62

APPROVED

VISA DEBIT
AID: A0000000031010
TVR: 80 80 00 80 00
TS#: 68 00

COPY 1-CUSTOMER

THANK YOU

ASMT: 573080054, APN: 573080054
RYALL STEWART
P O BOX 391640
ANZA CA 92539

ASMT: 573080061, APN: 573080061
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RIVERSIDE COUNTY
PLANNING DEPARTMENT

**PLANNING COMMISSION
MINUTE ORDER
NOVEMBER 4, 2015**

I. AGENDA ITEM 4.8

TRACT MAP NO. 36327 AMENDMENT TO FINAL MAP – CEQA does not apply – Applicant: Robert Burnett – Engineer/Representative: Ron Moreno – Third Supervisorial District – Anza and Cahuilla Zoning Area – REMAP Area Plan: Open Space: Rural (OS-RUR), Community Development: Rural Residential (RR) – Location: Northerly of Upper Valley Road, southerly of Ramona Reservation, easterly of Bautista, and westerly of Barham – 265.02 Acres – Zoning: Open Area Combining Zone Residential Developments (R-5), Rural Residential – 4 acre minimum (R-R-4), Rural Residential – 2 acre minimum (R-R-2).

II. PROJECT DESCRIPTION:

The applicant is requesting an Amendment to Final Map No. 36327 proposing to permit the project site to use a community water system.

III. MEETING SUMMARY:

The following staff presented the subject proposal:

Project Planner: Matt Straite at (951) 955-8631 or email mstraite@rctlma.org.

Spoke in favor of the proposed project:

Greg Burnett, Applicant, P.O. Box 391111, Anza (818) 426-0900
Robert Burnett, Applicant, P.O. Box 931111, Anza (951) 609-4726
Cindy Barker, Respondent, P.O. Box 391111, Anza (818) 621-7700

No one spoke in a neutral position or in opposition.

IV. CONTROVERSIAL ISSUES:

Water

V. PLANNING COMMISSION ACTION:

Public Comments: CLOSED

Motion by Commissioner Leach, 2nd by Commissioner

A vote of 4-1 (Commissioner Taylor Berger voted nay)

DENIED AMENDMENT TO FINAL MAP NO. 36327

CD The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.



RIVERSIDE COUNTY PLANNING DEPARTMENT

*Steve Weiss AICP
Planning Director*

Memorandum

Date: November 4, 2015

To: Planning Commission

From: Matt Straite, Planning Staff

RE: Additional letter for agenda item 4.8

A letter was received dated November 2, 2015 from Tricia Napolitano, a staff member for Mr. Burnett, the applicant. Planning staff is adding the following responses to the record:

- Ms. Napolitano indicated that all parties, including Environmental Health and Planning, agreed in a March 24th meeting to have the applicant submit an application for an amendment to a final map. In actuality, the applicant indicated a desire to revise a condition of approval on the recorded map. Staff explained that the only vehicle to revise conditions of approval on a recorded subdivision map was an amendment to a final map.
- The letter explains that the applicant was not notified of the Land Development Committee Meeting (LDC). Matt Straite had a lengthy conversation with Mr. Greg Burnett prior to the meeting explaining the meeting date, and the fact that it would be a comment only LDC, meaning the applicant would not attend. The comment letter sent after the LDC outlined the corrections that would need to be made.
- The letter from Ms. Napolitano indicates the staff report was not made available to the applicant. The staff report was sent to the applicant on October 30th via email. The staff report was also available online October 30th.
- Last, the letter contends that the applicant had no time to address the corrections or respond. In a phone call between Matt Straite and Greg Burnett, Greg indicated that he wanted to get to a hearing as soon as possible. In the same phone call Staff explained that the County would not be able to support the project and then outlined the process we would go through. More specifically, that the project would go to one comment only LDC with very limited participating departments, the staff report with findings would be drafted right away and the project would be taken to a hearing as soon as possible. On the call Mr. Burnett agreed to this process and to the fact that a comment only LDC was most appropriate as it expedites the case to a hearing, as requested by the applicant.

Riverside Office • 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 • Fax (951) 955-1811

Desert Office • 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7555

11/2/15

My name is Tricia Napolitano. I have worked for many years with Mr. Burnett and his team processing and facilitating permitting and entitlement applications, not just for this project but several projects, for him, as well as other members of our community, so I am personally very familiar with county procedures and am often confused by the lack of communication and cohesiveness between departments, which create an endless loop of processing for the applicant, this is just such a case and I would like to present the following facts

On Mar 24, 2015, I attended a meeting with the applicant, including several department leaders, to address the Department of Environmental Health refusing to accept an application for a Small Water System. It has always been a well known intent of the applicant, to file an application for an SWS someday. The Pros, Cons, discrepancies, inconsistencies, lack of departmental cohesiveness and legalities were all debated and discussed; finally resulting and agreed to by all attendees, that an SWS would be no doubt most beneficial and that the solution was to submit an 'Application to Amend the Map' which would request verbiage to be added, that would allow the DEH to accept an application for an SWS (an application that includes a multitude of information for specific criteria such as the TMR, reports, studies. Etc)

On Aug 3rd, the applicant filed the Amendment as told, specifically stating that the necessary verbiage be amended **in order to allow the submittal of a SWS application to the DEH**, not replacing or removing any condition regarding individual wells.

On 10/19 a letter was received, dated 10/15/15, stating an LDC meeting was scheduled for Sep 23, a date BEFORE the date of the letter. Not only was the applicant not notified of the meeting or given the opportunity to attend, but the letter (copy attached) did not list the results of that meeting. Instead just repeating information that is a required part of the SWS application process which the DEH will not accept (the reason for the amendment, to be able to submit the application to the DEH and be subject to that criteria by them). It then ended by asking for additional information explaining the circumstances, which although painstakingly explained in the March meeting, would have been submitted, However, that **same day** a notice of Hearing was received not giving the applicant sufficient time to respond to that request. (It was also noticed that on a recent accounting statement dated 10/22, there were no charges listed for such a meeting on Sep 23rd)

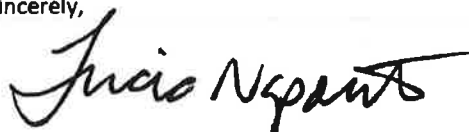
Confused by this response, or actually lack of, I wanted to review the case. There was nothing yet available online, so on Thursday 10/22 I visited the 12th floor and was told it was unavailable but would probably be the following Monday or Tuesday. As of Friday 10/30 it was still not available. I then sent an email to Matt Straight via the link on the agenda, asking when it might be, and have still had no response.

I did manage to get a copy of the staff report which was sent to the applicant on 10/30. Still nothing available for public review. Instead of questioning or debating the validity of the findings listed, I have but one question:

How can the applicant, or anyone else participating in this case, for that matter, respond, comment or contribute accordingly when notice and correspondence is untimely, inaccurate and obscured. If the applicant had been given the opportunity to attend the LDC meeting, possible clarification or remedy could have been offered, reminding all that this 'Amendment Application' is the county staff recommendation to be able to allow the applicant to **submit** an application for a small water system, not significantly change the map. All findings, issues of concern, etc are all addressed in that process. The applicant should not be subject to a denial to amend the map, as told, to be able to **submit an application for a Small Water System** just because the planning department is caught up in the loop of confusion they seem to make by not focusing on the matter at hand and bypassing proper notification procedures.

I would urge you to consider this information and allow the applicant to be able to move forward with the amendment request which would allow him to submit an SWS application to the DEH and be subject to their process.

Sincerely,



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



FROM: TLMA – Planning Department

SUBMITTAL DATE:
November 18, 2015

SUBJECT: RECEIVE AND FILE THE PLANNING COMMISSION'S DENIAL OF THE AMENDMENT TO FINAL TRACT MAP NO. 36327 – No CEQA Required – Applicant: Robert Burnett-Engineer/Representative: Ron Moreno – Third Supervisorial District – Anza and Cahuilla Zoning Area – REMAP Area Plan: Open Space: Rural (OS-RUR), Community Development: Rural Residential (RR) – Location: Northerly of Upper Valley Road, southerly of Ramona Reservation, easterly of Bautista, and westerly of Barham – 265.02 Acres – Zoning: Open Area Combining Zone Residential Developments (R-5), Rural Residential – 4 acre minimum (R-R-4), Rural Residential – 2 acre minimum (R-R-2),-
REQUEST: Under the Board of Supervisor's Consent Calendar, receive and file the Notice of the Planning Commission's decision to deny Tract Map No. 36327 Amendment to Final Map.

Departmental Concurrence

RECOMMENDED MOTION: That the Board of Supervisors:

RECEIVE AND FILE the Planning Commission decision on November 4, 2015 to deny Tract Map No. 36327 Amendment to Final Map based on the findings and conclusions in the attached Planning Commission staff report and testimony presented during the public hearing on the above referenced case.

Steve Weiss

Steve Weiss, AICP
Planning Director

(Continued on next page)

Juan C. Perez

Juan C. Perez
TLMA Director

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

SOURCE OF FUNDS: Deposit based funds

Budget Adjustment: N/A

For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.: 16.1 1/31/2012

District: 3

Agenda Number:

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: RECEIVE AND FILE THE PLANNING COMMISSION'S DENIAL OF TRACT MAP NO. 36327
AMENDMENT TO FINAL MAP**

DATE: November 18, 2015

PAGE: Page 2 of 3

BACKGROUND:

Planning Commission's Decision

Tract Map No. 36327 Amendment to Final Map No. 1 ("Project") proposes to modify Condition of Approval 80 E. Health 003 for the final recorded Tract Map No. 36327 to allow a community water system for the Project site.

A public hearing on the Project was held before the Planning Commission ("Commission") on November 4, 2015. During the public hearing, the Commission heard testimony from the Planning Department, the Department of Environmental Health, and members of the public, including Greg Burnett and Robert Burnett. At the conclusion of the public testimony, the Commission closed the public hearing and denied the Project by a 4-1 vote. The denial was based on the findings and conclusions presented in the attached Commission staff report and the applicant's failure to show a change in circumstances that made Condition of Approval 80 E. Health 003 no longer appropriate or necessary, which is required by Section 9.15.C. of Ordinance No. 460.

Receive and File the Commission's Decision

Today's action fulfills the requirement of Ordinance No. 460 Section 6.5.B.1 that the notice of the Commission's decision be filed with the Clerk of the Board. A copy of the notice of decision was also mailed to the applicant or his authorized agent.

Appeal the Commission's Decision

Per Section 6.7.A. of Ordinance No. 460, the land divider or any interested party may appeal the Commission's decision to the Board of Supervisors. The appeal needs to be filed with the Clerk of the Board within 10 days after the notice of the Commission's decision appears on the Board's agenda. The appeal needs to be submitted in writing, stating the basis for the appeal and include the fee set forth in Ordinance No. 671.

If a timely appeal is filed, the Clerk of the Board will set the Project for a noticed public hearing before the Board of Supervisors on a date within 30 days after the filing of the appeal.

Project Information

The original tentative tract map was approved as a Schedule "C" subdivision of 265.2 gross acres into 46 single-family residential lots arranged in a clustered development with a lot size ranging from two to four gross acres, and one approximately 180 gross acre common lot for open space. The tentative tract map was approved by the Board of Supervisors on January 31, 2012 (refer to attachment). The approved map reflects that individual wells will be provided to service each lot. The applicant recorded the final map on December 26, 2013.

In addition to Condition of Approval 80 E. Health 003 needing to be revised, the recorded final tract map was processed with a written statement known as the Land Division Sanitation Form 53 ("SAN-53") from the health officer pursuant to the requirements of Ordinance No. 460 Section 5.1. The SAN-53 indicates that individual potable water wells would be used for each residence; no less than 46 individual potable water wells situated one on each lot. The applicant's proposed amendment would allow for a community water system which is inconsistent with the recorded final map's SAN -53. Thus, the proposed amendment is inconsistent with the identified water system unless a revised SAN-53 is submitted indicating the community water system is deemed acceptable.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: RECEIVE AND FILE THE PLANNING COMMISSION'S DENIAL OF TRACT MAP NO. 36327
AMENDEMENT TO FINAL MAP**

DATE: November 18, 2015

PAGE: Page 3 of 3

During the processing of the original tentative tract map in 2012, Staff received the attached letters from the Ramona Band of Cahuilla Indians Tribe expressing concerns related to water rights. The Tribe's letters indicated that the Tribe has federally reserved rights to groundwater and the tentative tract map was premature given that the water rights for the tentative tract map and the individual parcels have yet to be determined. The approved original tentative tract map and final recorded tract map include individual wells for each lot.

Planning Staff recommended denial of the Project, and the Planning Commission denied it by a 4-1 vote. The findings for the denial are set forth in the attached Planning Commission staff report and include, among others, the following:

- 1) The application materials failed to explain what conditions or circumstances have changed since the original tentative tract map was approved (a finding required by Ordinance No. 460).
- 2) The proposed amendment is inconsistent with the identified water system unless a revised SAN-53 is submitted indicating the community water system is deemed acceptable.
- 3) The applicant has not provided a completed community water system application, which includes a technical, managerial and financial assessment form (TMF) pursuant to California Health and Safety Code section 116540(a).

Impact on Citizens and Businesses

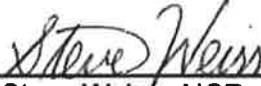
The impacts of this project have been evaluated through the public hearing process by Planning Department and the Planning Commission.

ATTACHMENTS :

- A. PLANNING COMMISSION MINUTES**
- B. PLANNING COMMISSION STAFF REPORT**
- C. PLANNING COMMISSION MEMO**
- D. RAMONA TRIBAL LETTERS**

Agenda Item No.:
Area Plan: REMAP
Zoning Area: Anza and Cahuilla
Supervisorial District: Third
Project Planner: Matt Straite
Planning Commission: November 4, 2015

Tract Map No. 36327 Amendment to Final Map No. 1
Applicant: Robert Burnett
Engineer/Representative: Ron Moreno



Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

Tract Map No. 36327 Amendment to Final Map No. 1 proposes to modify the final recorded Tract Map No. 36327 to allow a community water system for the project site.

The Project is located in the Anza area, northerly of Upper Valley Road, easterly of Bautista Road and westerly of Pollwog Road.

ISSUES OF POTENTIAL CONCERN:

The original tentative tract map was approved as a Schedule "C" subdivision of 265.2 gross acres into 46 single-family residential lots arranged in a clustered development with a lot size ranging from two to four gross acres, and one approximately 180 gross acre common lot for open space with an overall density of 0.173 dwelling units per acre (or an average of 1 dwelling unit per 5.89 acres.) The tentative tract map was approved by the Board of Supervisors on January 31st 2012 (refer to attachment). The approved map reflects individual wells on each site. The applicant recorded the final map on December 26, 2013.

During the processing of the original tentative tract map Staff received several letters from the Ramona Band of Cahuilla Indians Tribe expressing concerns related to water rights. Their letters indicate that the Tribe has federally reserved rights to groundwater and the tentative tract map is premature given that the water rights for the proposed project and the individual parcels have yet to be determined.

The original final tract map was processed with a written statement (Land Division form SAN-53) from the health officer pursuant to the requirements of Ordinance No. 460 section 5.1 which indicated that individual wells would be used for the site. The applicant's proposed amendment would allow for a community water system which is inconsistent with the approved map's form SAN-53. Thus, the proposed change is inconsistent with the identified water system unless a revised SAN-53 is submitted indicating the community water system is acceptable.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #5): Open Space: Rural (OS-RUR), Community Development: Rural Residential (RR)
2. Surrounding General Plan Land Use (Ex. #5): Open Space: Rural (OS-RUR), Community Development: Rural Residential (RR) to the north,

- | | |
|-----------------------------------|---|
| | east and west, Rural Community: Estate Density Residential (RC-EDR), Rural Residential to the South (RR) |
| 3. Existing Zoning (Ex. #2): | Open Area Combining Zone Residential Developments (R-5), Rural Residential – 4 acre minimum (R-R-4), Rural Residential – 2 acre minimum (R-R-2) |
| 4. Surrounding Zoning (Ex. #2): | Rural Residential – 20 acre minimum (R-R-20) to the north, Rural Residential – 5 acre minimum (R-R-5), Rural Residential – 10 acre minimum (R-R-10) to the west, Rural Residential- 20 acre minimum (R-R-20), Natural Assets-160 acre minimum (N-A-160) to the east, and Residential Agriculture – 2 acre minimum (R-A-2), Residential Agriculture – 4 acre minimum (R-A-4), Rural Residential – 5 acre minimum (R-R-5) |
| 5. Existing Land Use (Ex. #1): | Vacant Land |
| 6. Surrounding Land Use (Ex. #1): | Scattered single family residential, and vacant land |
| 7. Project Data: | Total Acreage: 265.02 |
| 8. Environmental Concerns: | Pursuant to State CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves |

RECOMMENDATIONS:

DENY AMENDMENT NO. 1 to FINAL TRACT MAP NO. 36327 based on the findings and conclusions set forth in this staff report.

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

1. The applicant is requesting to modify recorded Tract Map No. 36327 by allowing a community water system for the project site.
2. This modification requires a change to existing Condition of Approval 80. E. Health 003 which provides that each parcel shall require an individual domestic water well to provide a potable supply of water to the structure and each well shall meet requirements set forth in Ordinance No. 682 and the California Well Standards.
3. Pursuant to Section 9.15.D. of Ordinance No. 460, the public hearing shall be confined to consideration of and action on the proposed modification.
4. Section 9.15.C of Ordinance No. 460 provides that no Amended Map shall be approved unless it complies with the following standards:
 - a. There are changes in circumstances which make any or all of the conditions of such a map no longer appropriate or necessary.

- b. The modifications do not impose any additional burden on the present fee owner of the property;
 - c. The modifications do not alter any right, title, or interest in the real property reflected on the recorded map;
 - d. The County Surveyor finds that the map as modified conforms to the provision of Section 7.1 of this ordinance.
5. The proposed modification does not impose any additional burden on the present fee owner of the property, as the proposed modification is being requested by the present owner. The proposed modification, allowing a community water system, does not alter any right, title, or interest in the real property reflected on the recorded map. The County Surveyor finds that the map as modified conforms to the provisions of Section 7.1 of Ordinance No. 460.
 6. However, the application materials do not explain what circumstances or conditions have changed since the approval of the original map. Tract Map No. 36327 was approved with individual wells on each parcel because it could not meet the requirements at that time for a community water system. As a result, to the knowledge of Planning Staff and Environmental Health Staff, nothing has changed regarding the possibility of a community water system in the Anza area. Therefore, the proposed modification does not comply with Section 9.15.C. of Ordinance No. 460 because there are no changes in circumstances which make Condition of Approval 80. E. Health 003 no longer appropriate or necessary.
 7. Based on the above, the proposed modification fails to comply with the first standard set forth in Section 9.15.C. of Ordinance No. 460 and cannot be approved because an amended map can only be approved if it complies with all of the standards.
 8. Additionally, the amendment application is incomplete. The applicant has not provided a completed community water system application, which includes a technical, managerial and financial assessment form (TMF) pursuant to California Health and Safety Code section 116540(a).
 9. Also, the original map was processed with a written statement (Land Division form SAN-53) from the health officer pursuant to the requirements of Ordinance No. 460 section 5.1 which indicated that individual wells would be used for the site. The applicant's proposed amendment would allow for a community water system which is inconsistent with the approved map's SAN-53. Thus, the proposed change is inconsistent with the identified water system unless a revised SAN-53 is submitted indicating the community water system is acceptable
 10. An environmental assessment was not prepared as part of this amendment because CEQA does not apply to projects that are disapproved or recommended for denial.
 11. The applicant has a final recorded map for the project site. Denying this proposed modification does not prevent the applicant from developing the project site in accordance with the recorded final map.

CONCLUSIONS:

1. The application for Tract Map No. 36327 Amendment to Final Map No. 1 is incomplete.

2. The proposed modification does not meet the standards required by Section 9.15 of Ordinance No. 460 due to the applicant's failure to submit the required documentation and there are no changes in circumstances which make Condition of Approval 80. E. Health 003 no longer appropriate or necessary.

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 city sphere of influence;
 - b. The boundaries of the a city;
 - c. The Stephens Kangaroo Rat Fee Area or Core Reserve Area; or,
 - d. California Gnatcatcher, Quino Checkerspot Butterfly habitat.
3. The project site is located within:
 - a. Open Space- Rural, and Rural Residential Land Use Designations;
 - b. Rural Residential- Two (2) and Four (4) Acre Minimum (R-R-2 and R-R-4), and Open Area Combining Zone- Residential (R-5) zoning classifications;
 - c. The Riverside County Recreation and Parks District;
 - d. A 100-year flood plain, an area drainage plan, or dam inundation area;
 - e. A high fire area; and,
 - f. A moderate liquefaction area
4. The subject site is currently designated as Assessor's Parcel Numbers 573040054, 573040015, 573040049, 573040050, 573040020, 573040019, 573040028, 573040029, 573040034, 573040039, 573040053, 573040052, 573040047, 573040016, 573040051, 573040012, 573040032, 573040021, 573040036, 573040009, 573040045, 573040038, 573040026, 573040027, 573040022, 573040046, 573040044, 573040023, 573040043, 573040024, 573040031, 573040014, 573040010, 573040017, 573040048, 573040033, 573040041, 573040040, 573040013, 573040011, 573040018, 573040018, 573040037, 573040025, 573040042, 573040030, 573040035, and 573040055.

RAMONA BAND OF CAHUILLA

56310 Highway 371, Suite B
Post Office Box 391670
Anza, California 92539



Tel: (951) 763-4105
Fax: (951) 763-4325
E-mail: adm1n@ramonatribe.com

'A SOVEREIGN NATION'

October 27, 2011

Wendell Bugtai
Urban Regional Planner III
County of Riverside, TLMA
4080 Lemon Street, 12th Floor
Riverside, CA 92502
Facsimile: (951) 955-1817

Via U.S. Facsimile and email

Re: TR 36327- Thomas Mountain Ranch

Dear Mr. Bugtai:

On behalf of the Ramona Band of Cahuilla, a federally recognized Indian Tribe, please accept these comments as an addendum to the Tribes previously submitted comments dated October 20, 2011.

The Tribe previously informed the County of its concern that the proposed action will impact resources within and adjacent to the project's area of potential effect, including impacts to resources within the co-managed BLM and Tribal lands; impacts to the lands of the Ramona Reservation; and other issues which may be identified through further review and/or discussion of the proposed project.

With this in mind, I reviewed the recommended Conditions of Approval ("COA") for TR 36327, the proposed Thomas Mountain Ranch Project. Based on my review of the COA, and in light of the Tribes comments in the October 20, 2011 letter, the Tribe provides the following:

The proposed COA's at 10. Planning 002, General- Inadvertent Archaeological Find and 50. Planning 002, Map- ECS Note Archaeological may be inadequate considering the Tribe's belief that the Cultural Resources Assessment itself is inadequate.

As stated in the Tribe's October 20, 2011 letter, the applicant's archaeological contractor failed to respond to the Tribe's request to meet to discuss the proposed project and its possible impacts. The Cultural Resources Assessment fails to include important information the Tribe and other Tribal/individual responders could have provided, and, as a result, the recommended

COA's regarding Inadvertent Archaeological Find and ECS Note Archaeology are based on flawed and inadequate information.

The Tribe is aware of the COA regarding Tribal Monitoring for the proposed project (at 60. Planning 004). While this COA is responsive to the Tribe's concerns as expressed to County staff, that COA in and of itself does not make-up for the proposed COA's for *Inadvertent Archaeological Find* and *ECS Note Archaeology* which are based on inadequate information and a failure to consult with the Tribe and other affected adjacent landowners.

Therefore, the Tribe renews its request that the County require the applicant and/or applicant's contractor to meet with the Tribe, other Tribal/individual responders, and affected adjacent landowners to thoroughly address issues related to archaeological resources within and adjacent to the proposed project area. Only then can adequate and appropriate COA's addressing the categories referenced above be developed and recommended for the proposed project.

With regards to recommended COA 60. Health 001 which addresses well/water statement, the Tribe believes that its concerns regarding water rights for the affected project parcels brings into question whether or not the applicant can provide satisfactory proof that there is adequate quantity (of water) to include fire flow and available for intended development.

In the October 20, 2011 letter, the Tribe informed the County of the following:

The Ramona Band of Cahuilla has a federally reserved right to groundwater with a priority date of 1891, the date the Ramona Reservation was established... This right is senior to all non-Indian land owners, including the applicant and any prospective buyers of the parcels created through the proposed action. Equally as important, neither the applicant/ property owner nor prospective buyers of the proposed subdivided lots has yet to establish any right to future water use... Absent a quantifiable water right for the existing parcels, it would be premature to approve the requested action to subdivide the parcels into multiple individual parcels, each of which would have a separate well and need for water.

The Tribe further stated, "The proposed action is premature as water rights for the existing parcels, as well as the water rights for the proposed subdivided lots, have not yet been determined and there is no guarantee that the water rights which may be granted could or would sustain the number of home sites contemplated in the applicant's request."

Absent a determination as to water rights associated with the existing parcels affected by the proposed action, the water rights for the proposed 46+ parcels cannot be quantified. Therefore it cannot be determined whether the number of proposed parcels is buildable or whether an adequate quantity of water will exist to provide for fire flow and development.

Once a determination of water rights has occurred, the County can then accurately calculate the appropriate and correct number of buildable lots and recommend appropriate COA's for the proposed project

CONCLUSION

In light of the Tribe's concerns, the Tribe respectfully requests that the County deny the applicant's request or delay any action to move the proposed project forward until such time as the project proponent has addressed the concerns identified above.

At this time, the Tribe's comments regarding the recommended COA's are limited to those addressing cultural resources and water. Please be advised that the Tribe reserves the right to provide further and more detailed comments regarding the additional recommended COA's currently listed and which may be provided in the future.

Please feel free to contact me at the address above or via telephone at (951)941-4943 or (951)763-4105 if you have any questions or wish to discuss this matter further.

Sincerely,



John Gomez, Jr.
Project Coordinator
Ramona Band of Cahuilla

Cc: Greg Neal, Deputy Director
Dave Mares, Principal Planner
Leslie Mouriquand, County Archaeologist and Tribal Liaison

RAMONA BAND OF CAHUILLA

56310 Highway 371, Suite B
Post Office Box 391670
Anza, California 92539



Tel: (951) 763-4105
Fax: (951) 763-4325
E-mail: admin@ramonatribe.com

"A SOVEREIGN NATION"

October 20, 2011

Wendell Bugtai
Urban Regional Planner III
County of Riverside, TLMA
4080 Lemon Street, 12th Floor
Riverside, CA 92502
Facsimile: (951) 955-1817

Via U.S. Mail and facsimile

Re: TR 36327- Thomas Mountain Ranch

Dear Mr. Bugtai:

On behalf of the Ramona Band of Cahuilla, a federally recognized Indian Tribe, I submit this letter regarding TR 36327 Thomas Mountain Ranch which consists of 265 acres located in Anza, Riverside County.

While the proposed project is not within the exterior boundaries of the Ramona Reservation, the property subject to the proposed action lies within the traditional territories of the Ramona Band of Cahuilla ("Tribe") and is adjacent to a parcel of land for which the Tribe and the Bureau of Land Management ("BLM") have entered into a Memorandum of Understanding regarding the co-management of resources located therein.

The Tribe is concerned that the proposed action will impact resources within and adjacent to the project's area of potential effect, including impacts to resources within the co-managed BLM and Tribal lands; impacts to the lands of the Ramona Reservation; and other issues which may be identified through further review and/or discussion of the proposed project.

As stated in our previous submission regarding the proposed project, the Tribe will make every effort, under applicable laws and regulations, to ensure the protection and integrity of resources within tribal lands and the traditional territory of the Cahuilla People.

CULTURAL RESOURCES

The Tribe believes that the Cultural Resources Assessment prepared by the applicant's archaeological contractor is inadequate and should be updated prior to any further action to move the proposed project forward. The Tribe also believes that the conclusions reached by the archaeological consultant are flawed as they are not based on accurate information regarding the proposed APE and surrounding landscape.

The applicant's contractor notified the Tribe of the proposed project and requested input with regards to the presence of prehistoric or historic resources within or adjacent to the proposed project area. In response to the notice, the Tribe made several attempts to contact the archaeological contractor regarding cultural resources within the project area and the surrounding area. The Tribe even requested a meeting to discuss such issues prior to the completion of the cultural resource assessment and its subsequent submission to the County. The contractor never replied to the Tribe's requests.

The Tribe's prior notices to the archaeological contractor clearly stated the Tribe's concern regarding the proposed project and possible impacts that may occur as a result of approving the project. The contractor even goes so far as to admit in the Cultural Resources Assessment that "five responses have been received" in response to inquiry letters sent requesting information regarding "the potential archaeological sensitivity of the project area". (Section VII. Native American Scoping, p.13). The contractor fails to elaborate as to the scope of the responses or any action taken to address the response received. As far as the Tribe knows, the contractor may have ignored and/or failed to respond to the Tribes' concerns, for the contractor never responded to our concerns or requests.

The Tribe contends that the Cultural Resources Assessment for the proposed project is incomplete based on the following:

1. Applicant and/or applicant's contractor failed to respond to notices from Tribe regarding the proposed project.
2. Applicant and/or applicant's contractor failed to meet with the Tribe to discuss the prehistoric or historic resources within or adjacent to the proposed project area.
3. Applicant's contractor failed to address concerns expressed by the Tribe and other responders regarding archaeological resources.
4. Absent the Tribe's input and information, as well as such information that may have been submitted by other responders, the applicant's contractor could not develop an accurate and complete assessment.
5. Based on information and belief, the applicant and/or applicant's contractor failed to notify and/or meet with the BLM, an adjacent land owner, of the proposed project.

Whereas the Cultural Resources Assessment fails to include important information that could have been provided if the archaeological contractor had responded to and met with the Tribe and other Tribal/individual responders, the Tribe requests that the County deny to accept the assessment as complete.

The Tribe further requests that the County require the applicant and/or applicant's contractor to meet with the Tribe, other Tribal/individual responders, and affected adjacent landowners to thoroughly address issues related to archaeological resources within and adjacent to the proposed project area. The County should delay any action to move the proposed project forward until the applicant has addressed the issues listed above.

WATER

The Ramona Band of Cahuilla has a federally reserved right to groundwater with a priority date of 1891, the date the Ramona Reservation was established. The federal court in the *Fallbrook* case has established the Tribe's right on a *prima facie* basis. This right is senior to all non-Indian land owners, including the applicant and any prospective buyers of the parcels created through the proposed action. Equally as important, neither the applicant/property owner nor prospective buyers of the proposed subdivided lots has yet to establish any right to future water use in the *Fallbrook* case. Absent a quantifiable water right for the existing parcels, it would be premature to approve the requested action to subdivide the parcels into multiple individual parcels, each of which would have a separate well and need for water.

The Tribe has demarcated a "Zone of Potential Well Interference" that includes the parcels which are part of the proposed action. The current parcels, APN's 573-040-001 and 573-040-002, lie downslope and almost entirely within 1/2 mile of the Ramona Reservation boundary. The close proximity of the parcels to the Reservation creates a significant risk that groundwater withdrawals from existing and possible future wells on the parcels could adversely impact the water resources of the Ramona Reservation.

If the applicant's request to subdivide the existing parcels is approved, groundwater withdrawals from the proposed separate home sites will lower the water table in the vicinities of the wells. This will steepen the slope of the groundwater surface (hydraulic gradient) along which groundwater could flow from the Reservation to the parcels. In other words, the gradient would be increased because the rate of groundwater flow is directly proportional to the hydraulic gradient, and new or increased flow of groundwater from the Reservation aquifers onto the project property could be induced. This would lower the water table on the Reservation, decreasing the yield or potential yield of Reservation wells.

The risk of interference by the project's wells to the Reservation groundwater is compounded by the large number of potential wells that would result from subdividing the property into many separate lots. Furthermore, the proposed minimum 2-acre size of the lots invites high water consumption to supply gardens, orchards, and irrigated pastures. Potential groundwater impacts to the Ramona Reservation exist as a result of the project.

The proposed action is premature as water rights for the existing parcels, as well as the water rights for the proposed subdivided lots, have not yet been determined and there is no guarantee that the water rights which may be granted could or would sustain the number of

home sites contemplated in the applicant's request. Some or most of the home sites may not be buildable if the water rights assigned are not adequate enough to sustain the proposed number of home sites. Approval of the proposed action prior to the determination of water rights is ill-advised.

Furthermore, the potential groundwater impacts to the Ramona Reservation that would occur as a result of the project are unacceptable and the Tribe requests that the County deny the applicant's request or delay action until such time as water rights for APN's 573-040-001 and 573-040-002 have been determined. Once a determination of water rights has occurred, the County can then accurately calculate the appropriate and correct number of buildable lots.

CONCLUSION

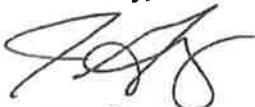
In light of the Tribe's concerns, the Tribe respectfully requests that the County deny the applicant's request or delay any action to move the proposed project forward until such time as the project proponent has addressed the concerns identified above.

The Tribe appreciates the opportunity to consult regarding the proposed project, and we look forward to working with the County of Riverside on a government-to-government basis to protect and preserve the resources that may be affected by the proposed project.

Please be advised that the Tribe reserves the right to provide further and more detailed comments, in accordance with applicable State and federal laws, as additional information regarding the proposed project is made available for review and comment.

Please feel free to contact me at the address above or via telephone at (951)941-4943 or (951)763-4105 if you have any questions or wish to discuss this matter further.

Sincerely,



John Gomez, Jr.
Project Coordinator
Ramona Band of Cahuilla

Cc: Greg Neal, Deputy Director
Dave Mares, Principal Planner
Leslie Mouriquand, County Archaeologist and Tribal Liaison

RAMONA BAND OF CAHUILLA

56310 Highway 371, Suite B
Post Office Box 391670
Anza, California 92539



Tel: (951) 763-4105
Fax: (951) 763-4325
E-mail: admin@ramonatribe.com

"A SOVEREIGN NATION"

August 2, 2011

Wendell Bugtai
Urban Regional Planner III
County of Riverside, TLMA
4080 Lemon Street, 12th Floor
Riverside, CA 92502
Facsimile: (951) 955-1817

Via U.S. Mail and facsimile

Re: TR 36327- Thomas Mountain Ranch

Dear Mr. Bugtai:

On behalf of the Ramona Band of Cahuilla, federally recognized Indian Tribe whose reservation is located in Anza, California, I submit this letter regarding TR 36327 Thomas Mountain Ranch which consists of 265 acres located in Anza, Riverside County.

Please be advised that this submission does not constitute the entirety of the Tribe's concerns regarding the proposed project and that the Tribe reserves the right to provide further and more detailed comments, in accordance with applicable State and federal laws, once the Tribe has had an opportunity to review and analyze the information requested below.

The Tribe is aware that the proposed project is not within the exterior boundaries of the Ramona Indian Reservation. However, the property subject to the proposed action lies within the traditional territories of the Ramona Band of Cahuilla and adjacent to a parcel of land for which the Tribe and the Bureau of Land Management have entered into a Memorandum of Understanding regarding the co-management of resources located therein.

The Tribe is concerned about impacts to resources within and adjacent to the project's area of potential effect ("APE"); the impacts the proposed project may have on resources within the co-managed BLM and Tribal lands; the impacts the proposed project may have on the Ramona Indian Reservation; and other issues which may be identified through further review and/or discussion of the proposed project.

Prior to the submittal of this letter and the Tribe's meeting with County staff to discuss the proposed project, the Tribe made several attempts to contact the project proponent's archaeological contractor regarding cultural resources within the project APE and the surrounding area. To date, the Tribe has not received any response from the contractor

However, the Tribe's concerns regarding the proposed project go beyond just cultural resources. The Tribe is also concerned about potential impacts the proposed project may have on the following: water and water quality; biological resources; fire safety; open space and trails; geology; and traffic.

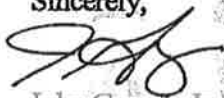
Therefore the Tribe requests that any and all reports and/or plans prepared for the proposed project, including reports and/or plans addressing the issues listed above, are forwarded to the Tribe so that the Tribe may have the opportunity to review and comment.

The Tribe also requests that the County delay any action to approve the proposed project until such time as the Tribe has received and reviewed the information requested and submitted comments based on the information provided.

As is its responsibility, the Ramona Band of Cahuilla will make every effort, under applicable laws and regulations, to ensure the protection and integrity of resources within tribal lands and the aboriginal territory of the Cahuilla People. The Tribe appreciates the opportunity to consult regarding the proposed project, and we look forward to working with the County of Riverside on a government-to-government basis to protect and preserve the resources that may be affected by the proposed project.

Please feel free to contact me at the address above or via telephone at (951)941-4943 or (951)763-4105 if you have any questions or wish to discuss this matter further.

Sincerely,



John Gomez, Jr.
Project Coordinator
Ramona Band of Cahuilla

Cc: Leslie Mouriquand, County Archaeologist and Tribal Liaison

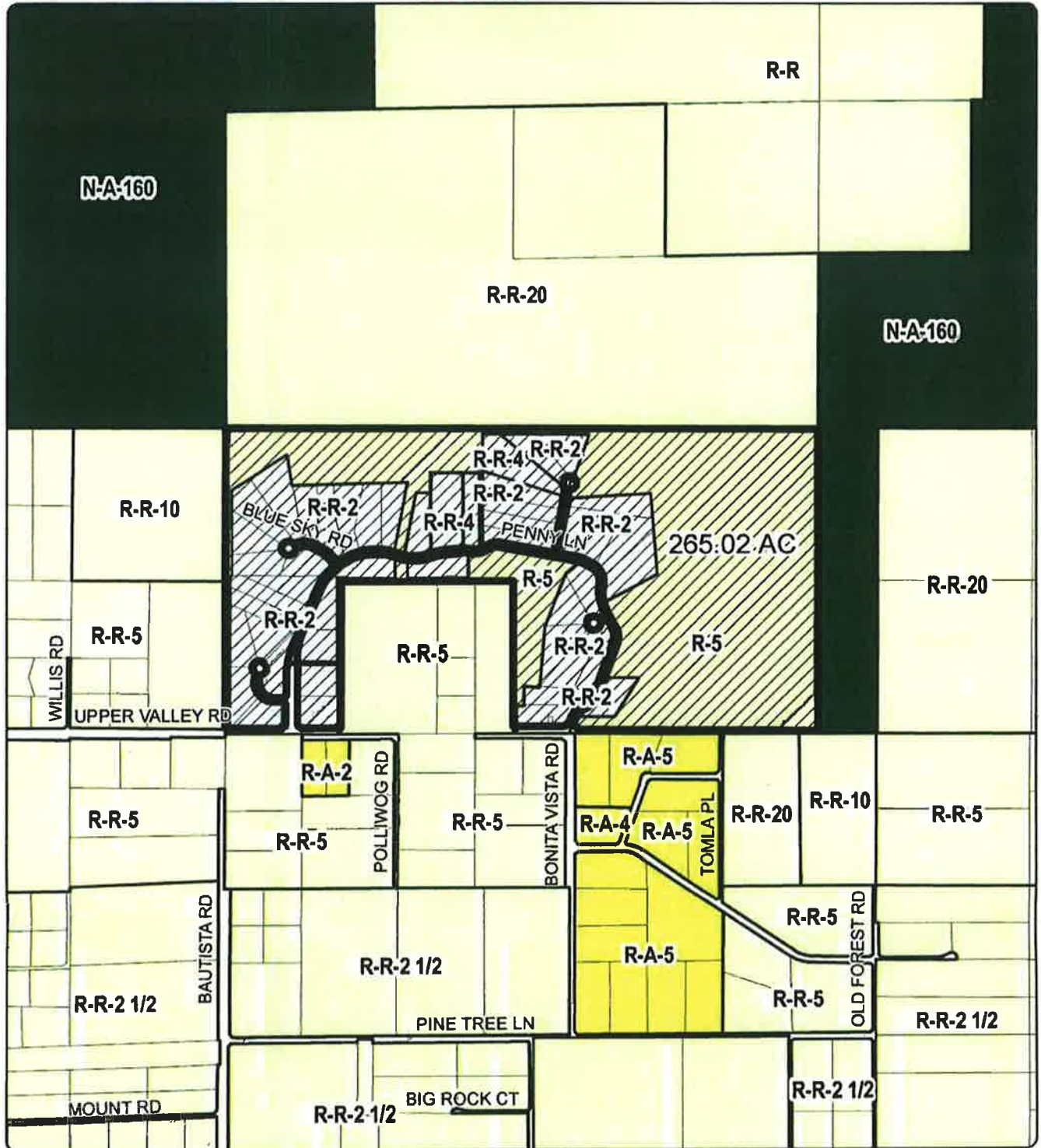
RIVERSIDE COUNTY PLANNING DEPARTMENT

TR36327A1

EXISTING ZONING

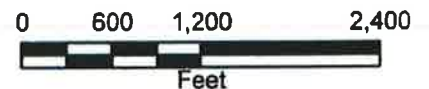
Supervisor Washington
District 3

Date Drawn: 09/10/2015
Exhibit 2



Zoning Area: Anza

Author: Vinnie Nguyen



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 Palm Desert at (760)863-8277 (Eastern County) or Website <http://planning.rctdnet.org>

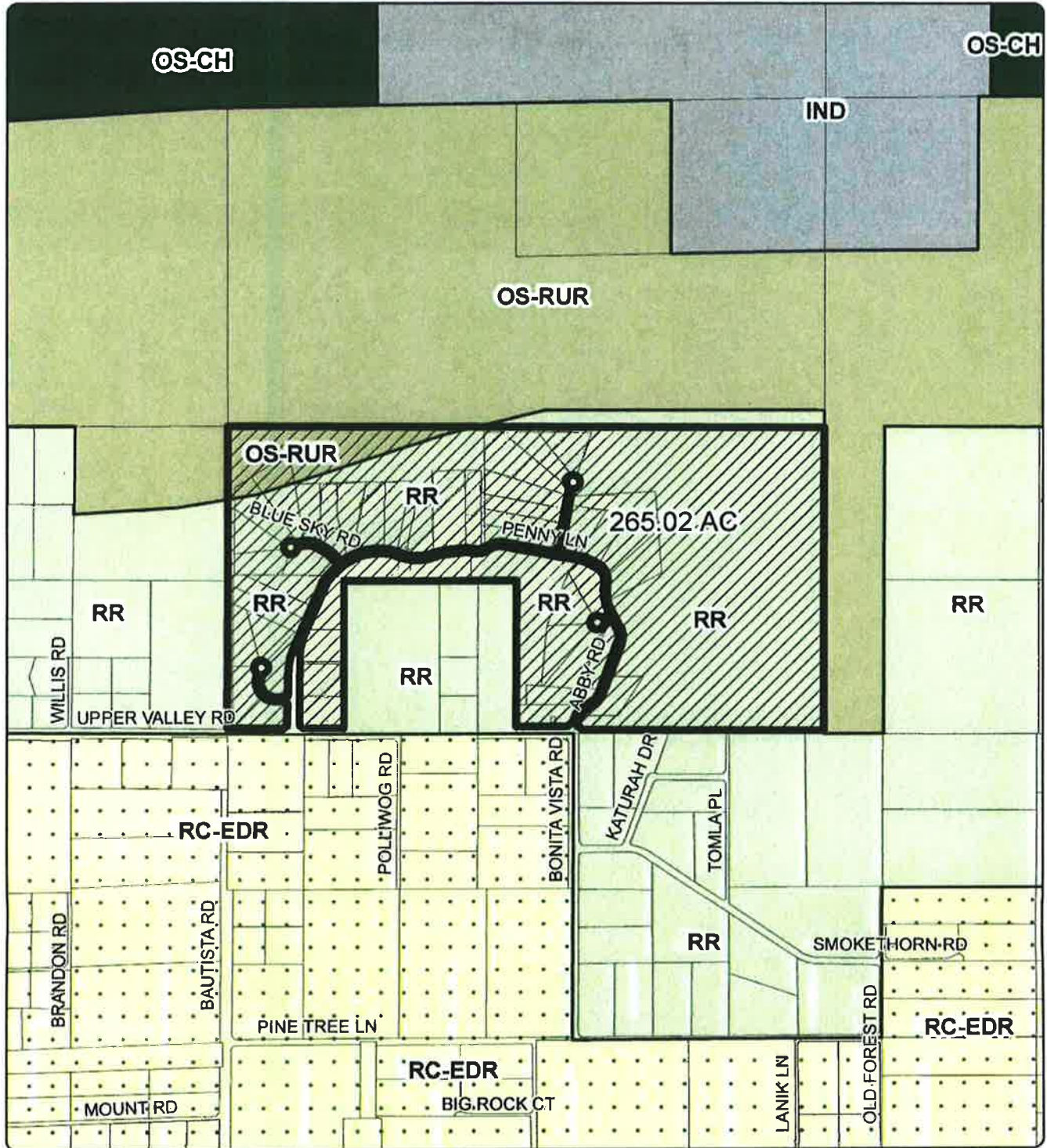
RIVERSIDE COUNTY PLANNING DEPARTMENT

TR36327A1

EXISTING GENERAL PLAN

Supervisor Washington
District 3

Date Drawn: 09/10/2015
Exhibit 5



Zoning Area: Anza

Author: Vinnie Nguyen

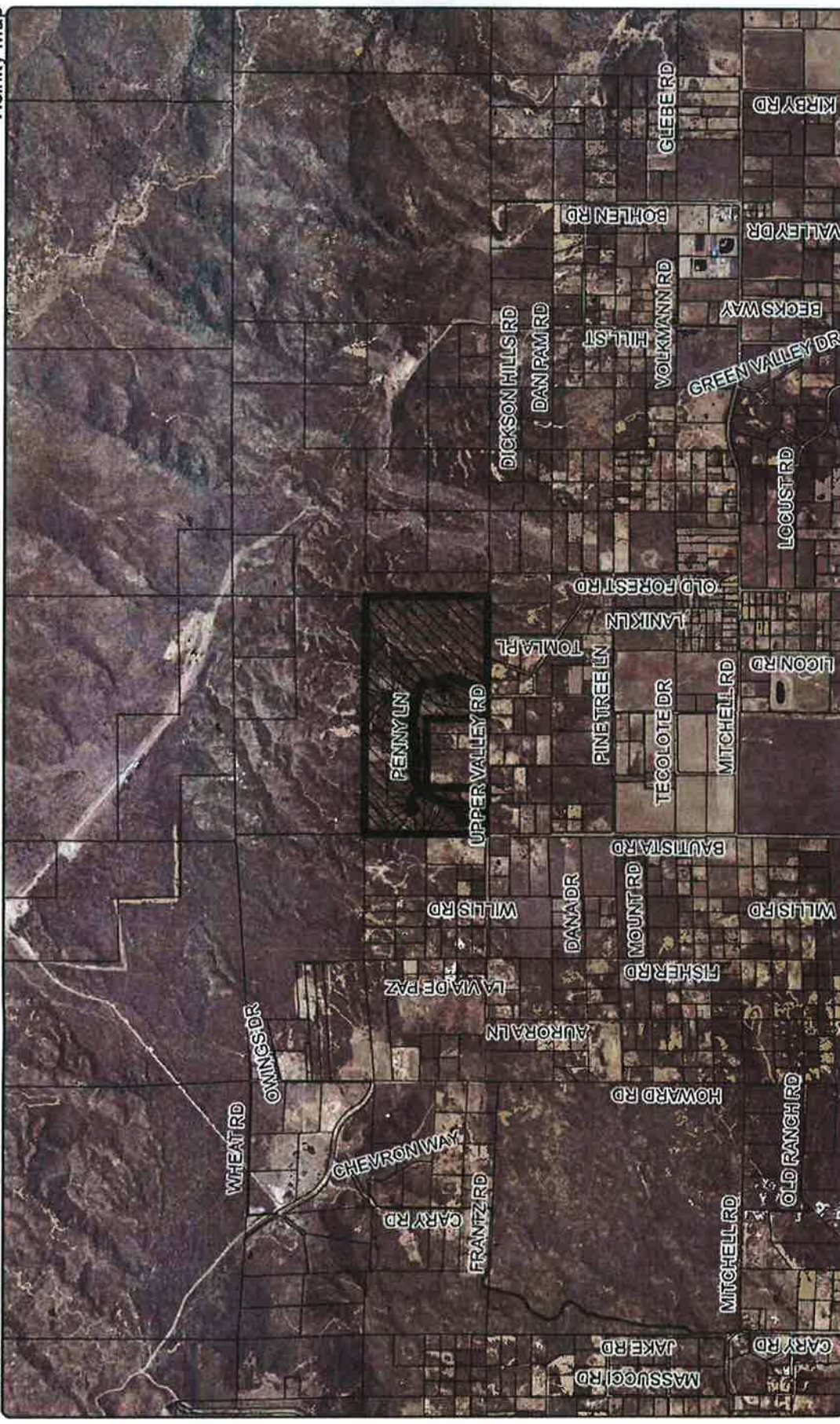


DISCLAIMER: On October 7, 2003, the County of Riverside adopted a new General Plan providing new land use designations for unincorporated Riverside County parcels. The new General Plan may contain different type of land use than is provided for under existing zoning. For further information, please contact the Riverside County Planning Department offices in Riverside at (951)955-3200 (Western County) or in Palm Desert at (760)863-8277 (Eastern County) or Website: <http://planning.rctd.us>

RIVERSIDE COUNTY PLANNING DEPARTMENT TR36327A1 VICINITY/POLICY AREAS

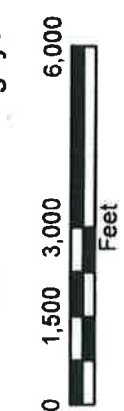
Supervisor Washington
District 3

Date Drawn: 09/10/2015
Vicinity Map



Zoning Area: Anza

Author: Vinnie Nguyen



DISCLAIMER: This map is a representation of the current zoning map. It is not a legal document. The information on this map is for informational purposes only. The information on this map is not intended to be used as a basis for any legal action. The information on this map is not intended to be used as a basis for any legal action. The information on this map is not intended to be used as a basis for any legal action.

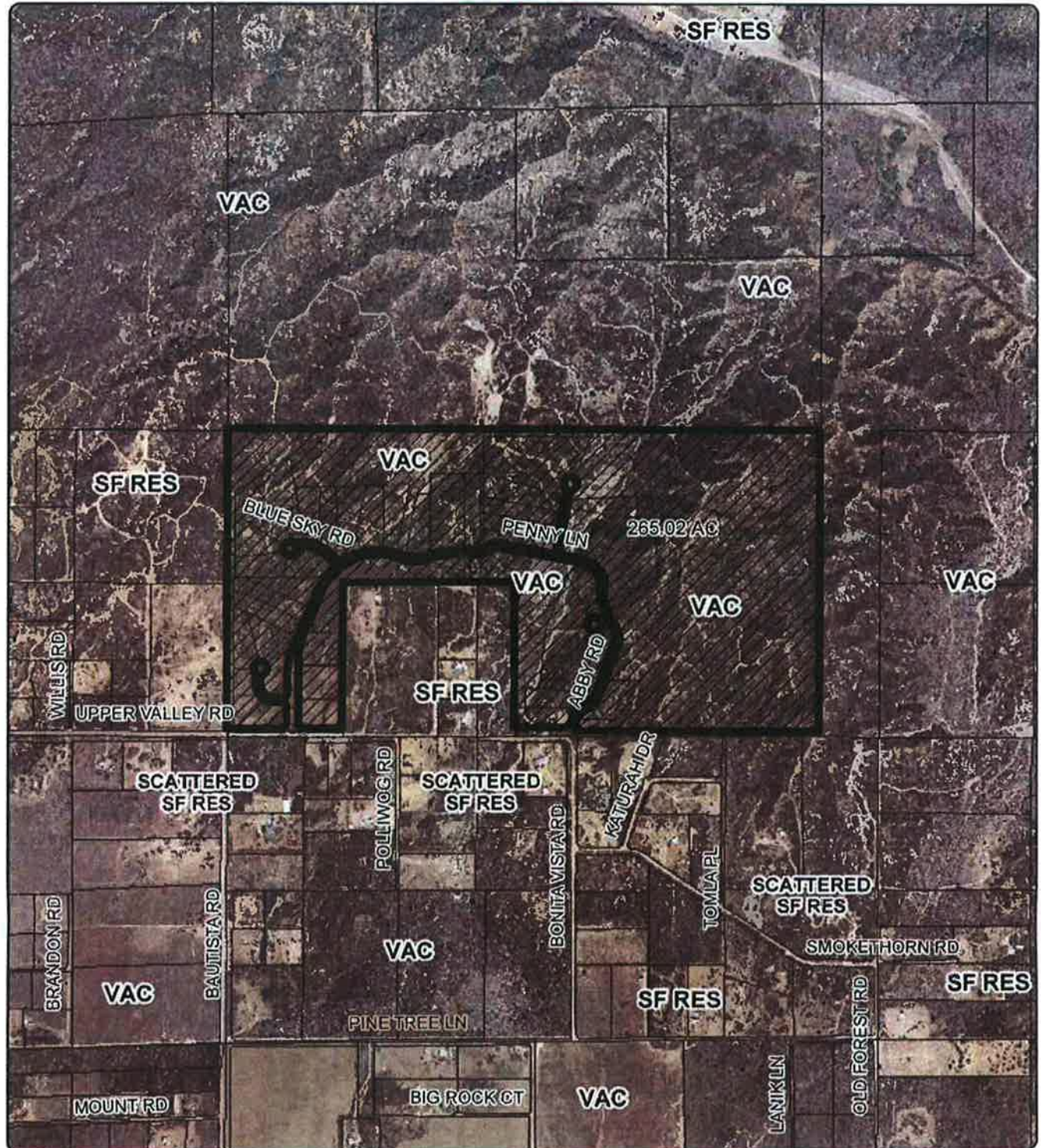
RIVERSIDE COUNTY PLANNING DEPARTMENT

TR36327A1

Supervisor Washington
District 3

Date Drawn: 09/10/2015
Exhibit 1

LAND USE



Zoning Area: Anza

Author: Vinnie Nguyen



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 type 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 Palm Desert at (760)863-8277 (Eastern County) or Website: <http://co.riverside.ca.gov>

**Original Tentative Map as approved
January 31, 2012**



RIVERSIDE COUNTY PLANNING DEPARTMENT

Juan C. Perez
Interim Planning Director

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

CHECK ONE AS APPROPRIATE:

- TRACT MAP MINOR CHANGE VESTING MAP
 REVISED MAP REVERSION TO ACREAGE EXPIRED RECORDABLE MAP
 PARCEL MAP AMENDMENT TO FINAL MAP

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

CASE NUMBER: TR 36327 A 1 DATE SUBMITTED: 8-3-15

APPLICATION INFORMATION

Applicant's Name: Robert G. Burnett E-Mail: robert.tmrllc@gmail.com

Mailing Address: Po Box 391111
Anza CA 92539
City State ZIP

Daytime Phone No: (951) 609-4726 Fax No: ()

Engineer/Representative's Name: Ron Moreno E-Mail: rmoreno@s-37.com

Mailing Address: 77-750 Springfield Lane, Suite M
Palm Desert CA 92211
City State ZIP

Daytime Phone No: (760) 610-6754 Fax No: ()

Property Owner's Name: Thomas Mountain Ranch I E-Mail: triciatmrllc@gmail.com

Mailing Address: Po Box 391111
Anza CA 92539
City State ZIP

Daytime Phone No: (818) 523-2086 Fax No: ()

If additional persons have an ownership interest in the subject property in addition to that indicated above, attach a separate sheet that references the application case number and lists the names, mailing

Riverside Office • 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 • Fax (951) 955-1811

Desert Office • 77-588 El Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 • Fax (760) 863-7040

"Planning Our Future Preserving Our Past"

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

addresses, and phone numbers of those 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. 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.

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

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.
Gregory Burnett- Sole Member

PRINTED NAME OF PROPERTY OWNER(S)



SIGNATURE OF PROPERTY OWNER(S)

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.

See attached sheet(s) for other property owner's signatures.

PROPERTY INFORMATION:

Assessor's Parcel Number(s): FSM36327; APN: 573-040-009 through 573-040-055
Section: South 1/2 of 5 Township: 7S Range: 3E
265.2
Approximate Gross Acreage: _____

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

General location (cross streets, etc.): North of Upper Valley Road, South of Ramona Reservation, East of Bautista, West of Barham

Thomas Brothers map, edition year, page number, and coordinates: 904, Grid F6, F7, G8, H6, H7

Proposal (describe project, indicate the number of proposed lots/parcels, units, and the schedule of the subdivision, whether the project is a Vesting Map or Planned Residential Development (PRD):

To ammend FSM36327 in such a manner to provide potable water to each home via a community water system. regarding 47 lots (20)

Related cases filed in conjunction with this request:

Is there a previous development application filed on the same site: Yes No

If yes, provide Case No(s). CZ7762, TR36327, FSM36327 (Parcel Map, Zone Change, etc.)

EA No. (if known) EA42329 & Ea42558 EIR No. (if applicable): N/A

Have any special studies or reports, such as a traffic study, biological report, archaeological report, geological or geotechnical reports, been prepared for the subject property? Yes No

If yes, indicate the type of report(s) and provide a copy: archo & geo

Is water service available at the project site: Yes No

If "No," how far must the water line(s) be extended to provide service? (distance in feet/miles) N/A

Is sewer service available at the site? Yes No

If "No," how far must the sewer line(s) be extended to provide service? (distance in feet/miles) Septic

Will the proposal eventually require landscaping either on-site or as part of a road improvement or other common area improvements? Yes No

Will the proposal result in cut or fill slopes steeper than 2.1 or higher than 10 feet? Yes No

How much grading is proposed for the project site?

Estimated amount of cut = cubic yards: None

Estimated amount of fill = cubic yards None

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

Does the project need to import or export dirt? Yes No

Import N/A Export N/A Neither N/A

What is the anticipated source/destination of the import/export?

N/A

What is the anticipated route of travel for transport of the soil material?

N/A

How many anticipated truckloads? N/A truck loads.

What is the square footage of usable pad area? (area excluding all slopes) N/A sq. ft.

If this is a residential subdivision, is it located in a Recreation and Park District or County Service Area authorized to collect fees for park and recreational services? Yes No

If yes, does the subdivision intend to dedicate land or pay Quimby fees, or a combination of both?

Dedicate land Pay Quimby fees Combination of both

Is the subdivision located within 8½ miles of March Air Reserve Base? Yes No

If yes, will any structure exceed fifty-feet (50') in height (above ground level)? Yes No

Does the subdivision exceed more than one acre in area? Yes No

Is the development project located within any of the following watersheds (refer to Riverside County Land Information System (RCLIS) (<http://www3.tlma.co.riverside.ca.us/pa/rclis/index.html>) for watershed location)?

Santa Ana River Santa Margarita River Whitewater River

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

HAZARDOUS WASTE SITE DISCLOSURE STATEMENT

Government Code Section 65962.5 requires the applicant for any development project to consult specified state-prepared lists of hazardous waste sites and submit a signed statement to the local agency indicating whether the project is located on or near an identified site. Under the statute, no application shall be accepted as complete without this signed statement.

I (we) certify that I (we) have investigated our project with respect to its location on or near an identified hazardous waste site and that my (our) answers are true and correct to the best of my (our) knowledge. My (Our) investigation has shown that:

- The project is not located on or near an identified hazardous waste site.
- The project is located on or near an identified hazardous waste site. Please list the location of the hazardous waste site(s) on an attached sheet.

Owner/Representative (1) _____ Date _____

Owner/Representative (2) _____ Date _____

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

Checklist for Identifying Projects Requiring a Project-Specific Water Quality Management Plan (WQMP) within the Santa Ana River Region		
Project File No.	N/A	
Project Name:		
Project Location:		
Project Description:		
Proposed Project Consists of, or includes:		
	YES	NO
Significant Redevelopment: The addition or replacement of 5,000 square feet or more of impervious surface on an already developed site. Does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of the constructed facility or emergency redevelopment activity required to protect public health and safety.	<input type="checkbox"/>	<input type="checkbox"/>
Residential development that create 10,000 square feet or more of impervious surface (collectively over the entire project site), including residential housing subdivision requiring a Final Map (i.e. detached single family home subdivisions, multi-family attached subdivisions, condominiums, or apartments, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
New Industrial and commercial development where the land area ¹ represented by the proposed map or permit is 10,000 square feet or more.	<input type="checkbox"/>	<input type="checkbox"/>
Mixed use developments that create 10,000 square feet or more of impervious surface (collectively over the entire project site).	<input type="checkbox"/>	<input type="checkbox"/>
Automotive repair shops (Standard Industrial Classification (SIC) codes ² 5013, 5014, 5541, 7532, 7533, 7534, 7536, 7537, 7538, 7539).	<input type="checkbox"/>	<input type="checkbox"/>
Restaurants (SIC code 5812) where the land area of development is 5,000 square feet or more.	<input type="checkbox"/>	<input type="checkbox"/>
Hillside developments disturbing 5,000 square feet or more which are located on areas with known erosive soil conditions or where natural slope is 25 percent or more.	<input type="checkbox"/>	<input type="checkbox"/>
Developments of 2,500 square feet of impervious surface or more adjacent to (within 200 feet) or discharging directly into ESA's. "Directly" means situated within 200 feet of the ESA; "discharging directly" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.	<input type="checkbox"/>	<input type="checkbox"/>
Parking lots of 5,000 square feet or more exposed to stormwater, where "parking lot" is defined as a land area or facility for the temporary storage of motor vehicles.	<input type="checkbox"/>	<input type="checkbox"/>
Retail Gasoline Outlets that are either 5,000 square feet or more of impervious surface with a projected average daily traffic of 100 or more vehicles per day.	<input type="checkbox"/>	<input type="checkbox"/>
Public Projects, other than Transportation Projects, that are implemented by a permittee and similar in nature to the priority projects described above and meets the thresholds described herein.	<input type="checkbox"/>	<input type="checkbox"/>
Other Development Projects whose site conditions or activity pose the potential for significant adverse impacts to water quality.	<input type="checkbox"/>	<input type="checkbox"/>
¹ Land area is based on acreage disturbed		
² Descriptions of SIC codes can be found at http://www.osha.gov/pls/lmis/sicsearch.html .		
DETERMINATION: Circle appropriate determination.		
If any question answered "YES"	Project requires a project-specific WQMP.	
If all questions answered "NO"	Project requires incorporation of Site Design and source control BMPs imposed through Conditions of Approval or permit conditions.	

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

Checklist for Identifying Projects Requiring a Project-Specific Standard Stormwater Mitigation Plan (SSMP) within the Santa Margarita River Region

Project File No.	TM 36327
Project Name:	Thomas Mountain Ranch
Project Location:	Northerly of Upper Valley Rd. and Easterly of Bautista Rd. Anza, CA.
Project Description:	Residential Development
Project Applicant Information:	Po Box 391111 Anza, CA 92539 (818) 426-0900

Final WQMP on file with RivCo Planning Dept on 5/13/2013

Proposed Project Consists of, or includes:	YES	NO
Redevelopment. The creation, addition or replacement of at least 5,000 square feet of impervious surfaces on an already developed site and the existing development and/or the redevelopment project falls under the project categories or locations listed below in this table. Where redevelopment results in an increase of less than 50% of the impervious surfaces of previously existing development, and the existing development was not subject to SSMP requirements, the numeric sizing criteria [MS4 Permit requirement F.1.d. (6)] applies only to the addition or replacement, and not to the entire development. [Note: Where redevelopment results in an increase of more than 50% of the impervious surfaces of a previously existing development, the numeric sizing criteria applies to the entire development.]	<input type="checkbox"/>	<input checked="" type="checkbox"/>
New Development. The creation of 10,000 square feet or more of impervious surfaces (collectively over the entire project site) including commercial, industrial, residential, mixed-use, and public projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Automotive repair shops. A facility that is categorized in any one of the following Standard Industrial Classification (SIC) Codes 5013–Motor vehicle supplies or parts, 5014–Tires & Tubes, 5541–Gasoline Service Stations, 7532–Top, Body & Upholstery Repair Shops and Paint Shops, 7533–Automotive Exhaust System Repair Shops, 7534–Tire Retreading and Repair Shops, 7536–Automotive Glass Replacement Shops, 7537–Automotive Transmission Repair Shops, 7538–General Automotive Repair Shops, 7539–Automotive Repair Shops, not elsewhere classified)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Restaurants. (Standard Industrial Classification (SIC) Code 5812: Establishments primarily engaged in the retail sale of prepared food and drinks for on-premise or immediate consumption, including, but not limited to: Automats (eating places), Beaneries, Box lunch stands, Buffets (eating places), Cafes, Cafeterias, Carry-out restaurants, Caterers, Coffee shops, Commissary restaurants, Concession stands, prepared food (e.g., in airports and sports arenas), Contract feeding, Dairy bars, Diners (eating places), Dining rooms, Dinner theaters, Drive-in restaurants, Fast food restaurants, Food bars, Food service (institutional), Frozen custard stands, Grills, (eating places), Hamburger stands, Hot dog (frankfurter) stands, Ice cream stands, Industrial feeding, Lunch bars, Lunch counters, Luncheonettes, Lunchrooms, Oyster bars, Pizza parlors, Pizzerias, Refreshment stands, Restaurants, Sandwich bars or shops, Snack shops, Soda fountains, Soft drink stands, Submarine sandwich shops, and Tea rooms.) Where the land area for development is greater than 5,000 square feet. Restaurants where land development is less than 5,000 square feet shall meet all SSMP requirements except for structural treatment control BMPs [MS4 Permit requirement F.2.b(3)] and numeric sizing criteria requirement [MS4 Permit Requirement F.1.d.(6)] and hydro modification requirement [MS4 Permit requirement F.1.h].	<input type="checkbox"/>	<input checked="" type="checkbox"/>
All Hillside development greater than 5,000 square feet. Any development that creates greater than 5,000 square feet of impervious surface which is located in an area with known erosive soil conditions, where the development will include grading on any natural slope that is 25% or greater.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environmentally Sensitive Areas (ESAs)¹. All development located within or directly adjacent to or discharging directly to an ESA (where discharges from the development or redevelopment will enter receiving waters within the ESA), which either creates 2,500 square feet of impervious surface on a proposed project site or increases the area of imperviousness of a proposed project site to 10% or more of its naturally occurring condition. "Directly adjacent" means situated within 200 feet of the ESA. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Impervious parking lots of 5,000 sq. ft. or more. A land area or facility for the temporary parking or storage of motor vehicles used personally for business or commerce.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Streets, roads, highways, and freeways. Includes any paved impervious surface that is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Retail Gasoline Outlets (RGOs). Includes RGOs that meet the following criteria: (a) 5,000 square feet or more, or (b) a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

¹Areas that include but are not limited to all CWA Section 303(d) Impaired water bodies; areas designated as Areas of Special biological Significance by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); State Water Quality Protected Areas; water bodies designated with the RARE beneficial use by the State Water Resources Control Board (Water Quality Control Plan for San Diego Basin (1994) and amendments); areas designated as preserves or their equivalent under the Natural Communities Conservation Program within the Cities and County of Orange; and any other equivalent environmentally sensitive areas which have been identified by the Co-permittees. The Basin Plan for the San Diego Basin (beneficial uses listed in Chapter 2) can be viewed or downloaded from www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/docs/update082812/Chpt_2_2012.pdf. The most recent CWA Section 303(d) list can be found at www.swrcb.ca.gov/rwqcb9/water_issues/programs/303d_list/index.shtml.

DETERMINATION: Circle appropriate determination.

If any question answered "YES"	Project requires a project-specific SSMP (also referred to as a WQMP).
If all questions answered "NO"	Project requires incorporation of Site Design Best Management Practices (BMPs) and Source Control BMPs imposed through Conditions of Approval or permit conditions.

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

Checklist for Identifying Projects Requiring a Project-Specific Water Quality Management Plan (WQMP) within the Whitewater River Region		
Project File No.	N/A	
Project Name:		
Project Location:		
Project Description:		
Project Applicant Information:		
Proposed Project Consists of New Construction on a Previously Disturbed or Undisturbed Parcel, and includes:		
	YES	NO
Single-family hillside residences that create 10,000 square feet, or more, of impervious area where the natural slope is 25% or greater.	<input type="checkbox"/>	<input type="checkbox"/>
Single-family hillside residences that create 10,000 square feet of impervious area where the natural slope is 10% or greater where erosive soil conditions are known.	<input type="checkbox"/>	<input type="checkbox"/>
Commercial and Industrial developments of 100,000 square feet or more.	<input type="checkbox"/>	<input type="checkbox"/>
Automotive repair shops (Standard Industrial Classification (SIC) Codes 5013–Motor vehicle supplies or parts, 5014–Tires & Tubes, 5541–Gasoline Service Stations, 7532–Top, Body & Upholstery Repair Shops and Paint Shops, 7533–Automotive Exhaust System Repair Shops, 7534–Tire Retreading and Repair Shops, 7536–Automotive Glass Replacement Shops, 7537–Automotive Transmission Repair Shops, 7538–General Automotive Repair Shops, 7539–Automotive Repair Shops, not elsewhere classified)	<input type="checkbox"/>	<input type="checkbox"/>
Retail gasoline outlets disturbing greater than 5,000 square feet.	<input type="checkbox"/>	<input type="checkbox"/>
Restaurants disturbing greater than 5,000 square feet. (Standard Industrial Classification (SIC) Code 5812: Establishments primarily engaged in the retail sale of prepared food and drinks for on-premise or immediate consumption, including, but not limited to: Automats (eating places), Beaneries, Box lunch stands, Buffets (eating places), Cafes, Cafeterias, Carry-out restaurants, Caterers, Coffee shops, Commissary restaurants, Concession stands, prepared food (e.g., in airports and sports arenas), Contract feeding, Dairy bars, Diners (eating places), Dining rooms, Dinner theaters, Drive-in restaurants, Fast food restaurants, Food bars, Food service (institutional), Frozen custard stands, Grills, (eating places), Hamburger stands, Hot dog (frankfurter) stands, Ice cream stands, Industrial feeding, Lunch bars, Lunch counters, Luncheonettes, Lunchrooms, Oyster bars, Pizza parlors, Pizzerias, Refreshment stands, Restaurants, Sandwich bars or shops, Snack shops, Soda fountains, Soft drink stands, Submarine sandwich shops, and Tea rooms.)	<input type="checkbox"/>	<input type="checkbox"/>
Home subdivisions with 10 or more housing units.	<input type="checkbox"/>	<input type="checkbox"/>
Parking lots of 5,000 square feet or more, or with 25 or more parking spaces, and potentially exposed to Urban Runoff.	<input type="checkbox"/>	<input type="checkbox"/>
DETERMINATION: Circle appropriate determination.		
If any question answered "YES"	Project requires a project-specific WQMP.	
If all questions answered "NO"	Project requires incorporation of Site Design Best Management Practices (BMPs) and Source Control BMPs imposed through Conditions of Approval or permit conditions.	

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS

In 1987, Congress amended the Clean Water Act to require the permitting of stormwater discharges from municipal storm drain systems. The Riverside County Board of Supervisors adopted Riverside County Ordinance No. 754.1 establishing stormwater/urban runoff management and discharge controls to protect and enhance the water quality of Riverside County watercourses, water bodies, groundwater, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act.

Preventing pollution is much easier, and less costly than cleaning up polluted stormwater. Runoff from construction and grading sites can carry sediments and other pollutants into storm drains. Also, a developed site can contribute damaging new pollutants to the surrounding environment. A variety of "best management practices" (BMPs) can be used to prevent different types of stormwater pollution. Construction-related water quality impacts shall be addressed in accordance with County Ordinances, and shall comply with the Regional Water Quality Control Board Construction Permit, where applicable. New developments and redevelopments within the Santa Ana Region Watershed of Riverside County must mitigate their post construction water quality impacts by complying with Section 6 of the Drainage Area Management Plan (DAMP). New developments and redevelopment projects within Santa Margarita Region Watershed must mitigate their post construction water quality impacts by complying with Section 6 of the individual Co-permittee Jurisdictional Runoff Management Plan (JRMP). Some development and redevelopment projects may be required to submit a project-specific WQMP/SSMP in compliance with Section 6 of the DAMP and with Section 6 of the individual Co-permittee JRMP. Projects within the Whitewater watershed may refer to Appendix H of the Whitewater River Region Stormwater Management Plan (SWMP). These documents are available on-line at:

<http://rcflood.org/NPDES/SantaAnaWS.aspx>,
<http://rcflood.org/NPDES/SantaMargaritaWS.aspx>, and
<http://rcflood.org/NPDES/WhitewaterWS.aspx>

Noncompliance with Riverside County Ordinance No. 754.1 may result in the imposition of substantial penalties by the local Regional Water Quality Control Board.

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

FILING INSTRUCTIONS FOR SUBDIVISION APPLICATION

The following instructions are intended to provide the necessary information and procedures to facilitate the processing of a Subdivision application. Your cooperation with these instructions will insure that your application can be processed in the most expeditious manner possible.

THE SUBDIVISION AND DEVELOPMENT FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

1. One completed and signed application form.
2. One copy of the current legal description for each property involved as recorded in the Office of the County Recorder. A copy of a grant deed of each property involved will suffice.
3. If any of the properties involved do not abut a public street, a copy of appropriate documentation of legal access (e.g. recorded easement) for said property shall be provided.
4. Thirty-five (35) copies (40 if submitted at the Palm Desert Planning Office) of the Tentative Map. The map must also include the information described in the applicable application type column of the Subdivision and Development Matrix. All exhibits must be folded no larger than 8½" x 14."
5. Six (6) copies (9 if submitted at the Palm Desert Planning Office) of building floor plans (Exhibit "C") and elevations (Exhibit "B") elevations if project is a vesting tract, planned residential development (condominium etc.) or is within a R-2, R-4, or R-6 Zone. The exhibits shall also include the information described in items 1 through 7 of the Land Use and Development Matrix. All exhibits must be folded no larger than 8½" x 14."
6. One (1) recent (less than one-year old) aerial photograph of the entire Project Site with the boundary of the site delineated.
7. Two 8½" x 11" photocopies of a U. S. Geological Survey Quadrangle Map delineating the Site boundaries (Note: each photocopy must not have been enlarged or reduced, have a North arrow, scale, quadrangle name, and Section/Township/Range location of the site.)
8. A minimum of three (3) ground-level panoramic photographs (color prints) clearly showing the whole project site. Include a locational map identifying the position from which the photo was taken and the approximate area of coverage of each photograph.
9. Digital images of the aerial photograph, Tentative Map, Exhibit B (Building Elevations) & Exhibit C (Building Floor Plans), if any, the U.S.G.S. Map, and the panoramic photographs of the site in a format acceptable to the Planning Department (e.g. TIFF, GIF, JPEG, PDF)
10. Two (2) completed copies of the Project Specific Preliminary WQMP for the applicable watershed, if required.
11. One (1) SAN 53 (Sewer & Water Availability) letter from the Riverside County Environmental Health Department.
12. One geological report or waiver thereof if the land division lies within an Alquist-Priolo Earthquake Fault Zone.
13. One program for soil erosion control and other pollutants if the land division lies within a desert blow sand area.
14. Request for waiver of final map, when applicable (Parcel Maps only).
15. Deposit-based fees for the applicable application type or types, and Environmental Assessment deposit-based fee.

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

The following is the minimum information required on the tentative map exhibit. The information below consists of detailed descriptions of information required on primary exhibits, as indicated in the Subdivision and Development Matrix.

SPOT ELEVATIONS

Spot elevations (proposed finished elevations) sufficient to demonstrate that streets, driveways, parking lots, and drainage grades meet minimum requirements. Spot elevations may be necessary at street intersections, ends, and cul-de-sacs; beginning and end of all driveways, parking lot outer limits, entrance and end points, and at all grade breaks.

CONSTRAINED AREA

Constrained areas include, but are not limited to, the following resources and hazards: Slopes in excess of 25%, biologically sensitive areas, archaeologically sensitive areas, flood hazard areas, ridgelines, hilltops, and geologically hazardous areas. Within constrained areas, proposed pad locations and driveways must be shown.

SITE GRADING, SUBSURFACE DISPOSAL REQUIREMENTS

When subsurface disposal is proposed, include and identify the primary sewage disposal system and its 100% expansion area, proposed cuts and/or fills in the areas of the sewage disposal systems, the elevation of the individual building pads such that there will be gravity feed to the sewage disposal system, and statement signed and with seal, as to the appropriateness of the grading plan with regard to the soils percolation engineer's report. Said statement may be attached to the grading plan or placed upon a blue line copy of the grading plan.

DRAINAGE PLAN

Tentative Maps/Primary Exhibits shall include a conceptual drainage plan showing how all on-site and off-site stormwater will be conveyed through the property. The exhibit shall clearly label points of concentration where flows enter or exit the site and indicate the amount of runoff (cubic feet per second - CFS) and the tributary drainage area (acres) at these points. The drainage plan shall acknowledge offsite construction required to collect flows and to discharge them to an adequate outlet. The exhibit shall also clearly label all watercourses, channels, culverts, brow ditches, or other flood control facilities passing through the site and indicate whether they are proposed or existing. Additionally, all facilities shall be labeled with name, owner, maintenance entity, capacity, grades, and dimensions. All easements or rights of way shall be shown and their widths indicated. Where calculated flow rates or hydraulic capacities are supplied or where flood control facilities are proposed, the exhibit shall be signed and sealed by a registered civil engineer.

In cases where it is not feasible to show the required detail on the exhibit or where offsite improvements or analysis are required, the applicant may submit two (2) copies of a drainage report as a supplement to the exhibit.

WATER QUALITY MANAGEMENT PLAN (WQMP) & Standard Stormwater Mitigation Plan (SSMP)

The Santa Ana, San Diego, and Colorado River Regional Water Quality Control Boards have adopted Board Orders R8-2010-0033, R9-2010-0016, and R7-2013-0011, respectively, in compliance with the federal National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

System (MS4) Clean Water Act requirements. These Board Orders regulate the discharge of pollutants from the County's MS4 permit, and require the County to implement measures to mitigate the water quality impacts of new developments within its jurisdiction. In compliance with these Board Orders, projects submitted within the certain portions of the unincorporated area of Riverside County for discretionary approval will be required to comply with the Water Quality Management Plan for Urban Runoff (WQMP) or with the Standard Stormwater Mitigation Plan (SSMP). The WQMP/SSMP addresses post-development water quality impacts from new development and redevelopment projects. The WQMP/SSMP requirements will vary depending on the project's geographic location (Santa Ana River, Santa Margarita River or Whitewater River watersheds). The WQMP/SSMP provides detailed guidelines and templates to assist the developer in completing the necessary studies. These documents are available on-line at:

<http://rcflood.org/NPDES/>

To comply with the WQMP/SSMP, a developer must submit a "Project-Specific", post construction WQMP/SSMP. This report is intended to, a). Identify potential post-project pollutants and hydrologic impacts associated with the development; b). Identify proposed mitigation measures (Best Management Practices - BMPs) for identified impacts including site design, source control and treatment control post-development BMPs; and c). identify sustainable funding and maintenance mechanisms for the aforementioned BMPs. A template for this report is included as an appendix to the WQMP/SSMP.

Projects requiring Project Specific WQMPs or Project Specific SSMPs will need to include a PRELIMINARY Project Specific WQMP/SSMP along with the subdivision application package. The format of the PRELIMINARY report would mimic the format/template of the final report but would be at a much lesser level of detail. For example, points a, b & c above would be covered, rough calculations supporting sizing would be included, and footprint/locations for the BMPs would be identified on the tentative exhibit. Detailed drawings will not be required.

FLOOR PLANS AND ELEVATIONS

All floor plans and elevation exhibits shall include the information listed as indicated for items 1 through 7 of the Primary Exhibit Requirements (page 13) folded no larger than 8½" x 14". In addition, architectural elevations shall include scaled drawings of all sides of all buildings with dimensions indicating proposed height, and any wall signs, air conditioning equipment, solar equipment or other equipment mounted on exterior walls or roof. Conceptual sign program will be presented on the building architectural elevations or as a separate exhibit. No landscaping, figures, or other presentation decorations shall be illustrated on the building elevations.

DESIGN MANUAL

As an alternative to showing footprints, elevations, and floor plans, eight (8) copies of a Design Manual may be prepared and submitted as part of the Vesting Map or Planned Residential/Commercial Development application package. If this alternative is utilized, the applicant shall be required to identify on the tentative map, or as an exhibit to the tentative map, the building envelope for each lot. The building envelope is the buildable portion of the lot excluding all side, front and rear yard requirements and any special easements, uses, or topographic constraints. The applicant must insure that there is adequate area outside of the setback requirements for each housing model to be built on each lot, or identify model types that cannot be built on specific lots. This includes fireplaces, with the exception of the one-foot that is allowed to encroach into the setback. The applicant must identify in the design manual whether or not fireplaces will extend one foot into the setback.

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

Design Manuals shall contain the following minimum information: Development Standards (ranges of minimum and maximum lot sizes, setbacks, height, frontage, depth, width, encroachments, lot coverage, parking, landscaping, size of dwelling units, location of two story structures, etc.), Design Guidelines (lighting concepts, grading criteria, siting criteria, fencing/walls, architectural features such as theme, form, mass, height, shade/shadow, building relief, materials, roof form and material, spaces, and accessory structures), Landscaping (coverage, plant selection, planting guidelines, special treatments), Lighting, and other information as required.

Projects with design manuals will receive a condition of approval, requiring plot plan approval prior to the issuance of a building permit, filed pursuant to Section 18.30 of Ordinance No. 348, finalizing footprint location and model type on each lot.

ALTERNATIVE ACCESS

When alternative access is required and the alternative access is off-site, or when any other public improvement is required or proposed off-site, the land divider shall do each of the following as part of the tentative map review.

1. Provide any studies or information required to adequately evaluate the environmental impacts of constructing the off-site, improvement/alignment; and,
2. Show all proposed centerline, approximate gradients and radii on the tentative map in addition to other factors such as street widths, pavement surface, etc. for the off-site improvement/alignment; and,
3. Provide mailing labels showing the addresses of property owners that are adjacent to the off-site improvement/alignment for hearing notification purposes and,
4. Provide written assurance(s) from the owner(s) of the property underlying the off-site improvement/alignments that sufficient right-of-way to construct will be provided. A formal agreement or offer of dedication is not necessary to satisfy this requirement, but the owner's willingness to cooperate must be communicated as to a form acceptable to the Transportation Department; and, in the event that the land divider does not satisfy one or more of the requirements set forth in subsections J-1, J-2, or J-3 of Riverside County Ordinance No. 460, and no exception is granted, the tentative map shall be redesigned such that the off-site improvement/alignment is no longer required. If the land divider refuses or is unable to redesign project review staff shall recommend to the appropriate Advisory Agency or Appeal Board that the tentative map be denied. In the event that the land divider does not satisfy the requirement set forth in subsection J-4. of RCO No. 460, project review staff shall note in its report the potential need to institute eminent domain proceedings and the appropriate Advisory Agency or Appeal Board may, in its discretion, act on the tentative map as designed or require that the map be redesigned to eliminate the off-site improvement/alignment.

The following table lists the minimum information required on the tentative map exhibit. IF ANY REQUIRED INFORMATION IS NOT APPLICABLE TO A SPECIFIC PROJECT, AN EXPLANATORY NOTE MUST BE PLACED ON THE EXHIBIT NEXT TO THE AMENDMENT BLOCK, EXPLAINING WHY THE INFORMATION IS NOT NECESSARY. All map exhibits must be clearly drawn and legible. NOTE: Additional information may be required during review of the subdivision, including information not specifically required by this checklist.

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

SUBDIVISION AND DEVELOPMENT MATRIX					
PM	TR	PRD	PCD	VM	
					PM = Parcel Map TR = Tract Map PRD = Planned Residential Development PCD = Planned Community Development VM = Vesting Map
X	X	X	X	X	1. Name, address, and telephone number of applicant.
X	X	X	X	X	2. Name, address, and telephone number of landowner.
X	X	X	X	X	3. Name, address, and telephone number of exhibit preparer.
X	X	X	X	X	4. Assessor's Parcel Number(s) and, if applicable, address of the property.
X	X	X	X	X	5. Scale (number of feet per inch) use Engineer's Scale for all maps and exhibits. Architect's scale is only acceptable for the floor plans, elevations, and landscaping plans.
X	X	X	X	X	6. North arrow.
X	X	X	X	X	7. Date tentative map or exhibit prepared.
X	X	X	X	X	8. Map Number.
X	X	X	X	X	9. Title of Map (i.e. Map No., "Vesting Tentative Map", etc.).
X	X	X	X	X	10. Proposed improvement schedule (i.e. Schedule "A", "B", "C", etc.).
X	X	X	X	X	11. Map book and page numbers of adjoining recorded land divisions.
X	X	X	X	X	12. Complete legal description of property.
X	X	X	X	X	13. Overall dimensions and approximate total net and gross acreage of property.
X	X	X	X	X	14. Vicinity map, showing two access roads and site relationship to major highways and cities (Proposed and existing paved roads will be indicated by heavy dark lines or noted as paved).
X	X	X	X	X	15. Exhibit Amendment Block.
X	X	X	X	X	16. Thomas Brothers map page and coordinates (Indicate edition year used.).
X	X	X	X	X	17. Land division boundary line.
X	X	X	X	X	18. Proposed lot lines and dimensions of each parcel.
X	X	X	X	X	19. Net lot size, for each lot.
X	X	X	X	X	20. Gross lot size, for each lot 2 acre and larger in size.
X	X	X	X	X	21. Location of adjoining property and lot lines.
X	X	X	X	X	22. A statement indicating that the tentative map includes the entire contiguous ownership of the land divider or only a portion thereof.
X	X	X	X	X	23. Existing and proposed zoning and land use of property.
X	X	X	X	X	24. Existing use and zoning of property immediately surrounding subject property.
X	X	X	X	X	25. If project is within a Specific Plan, indicate the Specific Plan Planning Area number and the land use designation of subject property and all surrounding property.
X	X	X	X	X	26. Names of utility purveyors and school district(s), including providers of water, sewer, gas, electricity, telephone, and cable television.
X	X	X	X	X	27. Location, widths, and improvements of existing and proposed public utility easements, transmission lines, power and telephone poles, and underground utilities on or abutting the property.
X	X	X	X	X	28. Names, locations, right-of-way widths, and improvements of adjacent existing and proposed streets and the approximate grades of proposed and existing streets and approximate street centerline radii of curbs. If private streets are proposed, they shall be so noted on the tentative map.
				X	29. Proposed names of streets without current names.
X	X	X	X	X	30. List and accurately show all easements of record (by map or instrument number).
X	X	X	X	X	31. Streets, alleys, and rights-of-way providing legal access to the property.
X	X	X	X	X	32. Indicate whether or not property is within a County Service Area or Community Facilities District, identify the district or area.
X	X	X	X	X	33. Typical street improvement cross-section (not required on schedule "H" or "I" parcel maps).
X	X	X	X	X	34. Label and describe any land or rights-of-way to be dedicated to public or other uses.
X	X	X	X	X	35. Any known existing wells on the property or within 200 feet of the property boundary.

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

SUBDIVISION AND DEVELOPMENT MATRIX					
PM	TR	PRD	PCD	VM	
					PM = Parcel Map TR = Tract Map PRD = Planned Residential Development PCD = Planned Community Development VM = Vesting Map
X	X	X	X	X	36. Existing topography of the property, with the source(s) of the contour lines identified. The contour lines shall extend 300 feet beyond the exterior boundaries of the subject property when adjacent property is unimproved or vacant. When adjacent property is improved or not vacant, contour lines shall extend beyond the exterior boundaries of the subject property a distance sufficient to determine compatibility with adjacent property. Maximum contour interval should be five feet. Flood Control District and Transportation Department base maps are acceptable sources of information. Topography from U.S.G.S. maps may be used only when more detailed information is not available. Additional topography map be required if deemed necessary.
	X	X			37. Preliminary grading including all cut/fill slopes to scale with slope ratios and slope setbacks from structures and property lines, the elevations of all individual building pads, the elevations at the perimeter of the subdivision, conceptual drainage facilities (including the location of terraces, terrace drains, brow ditches, V-ditches, and lot to lot drainage facilities), existing topography and the relationship to adjoining land and development, and any existing grading.
X					38. Preliminary grading as described above in item "37" for all existing and proposed road, and for all proposed pad and driveway locations within "contained" areas (See detailed description of "Constrained Area" on Page 11).
				X	39. Detailed grading plan to include all information required above in item "37" for preliminary grading plus a typical lot drainage design with a building envelope.
X	X	X	X	X	40. Spot elevations (See detailed description of "Spot Elevations" on Page 11).
X	X	X	X	X	41. When subsurface septic sewage disposal is intended, include the information described on Page 11 under, "Site Grading, Subsurface Disposal."
X	X	X	X	X	42. Note whether or not land is subject to liquefaction, or other geologic hazards, or is within a Special Studies Zone.
X	X	X	X	X	43. Note whether or not land is subject to overflow, inundation, or flood hazards.
X	X	X	X	X	44. FEMA mapped floodplains and floodways including zone designations.
X	X	X	X	X	45. Drainage plan. (See description of "Drainage Plan on Page 11).
X	X	X	X	X	46. Centerline curve radii and typical selections of all open channels.
		X	X		47. Table indicating area and density calculations with percentage breakdowns, including total area involved, total building area divided by uses, if applicable, total parking/paved area, total landscaped area, total recreation and/or open space area. Identify proposed parking spaces.
X	X	X	X	X	48. Numbered mobile home or recreational vehicle spaces, dwelling units, or lots, and the total number of each type of space, unit, or lot.
X	X	X	X	X	49. Labeled common areas, open space, and recreational areas with location, dimensions, acreage, and known proposed uses, and name of proposed owner(s) or entity(ies) who will maintain these areas.
	X	X	X	X	50. Location, dimensions, setbacks, and nature of any proposed and all existing fences, gates, walls, free-standing signs, driveways, turnouts and/or turnarounds, curbs, drainage structures, and above and below ground structures, including specific subsurface disposal systems.
		X			51. Location, dimensions, arrangement, and numbering of parking spaces for existing and/or proposed parking, loading and unloading facilities, identifying handicapped and compact parking spaces.
X	X	X		X	52. Location and dimensions of existing and proposed ingress and egress, and methods of vehicular circulation.
				X	53. Lighting system, both street and outdoor.
X	X	X		X	54. Location and dimensions of existing dwellings, buildings or other structures, labeled as

APPLICATION FOR SUBDIVISION AND DEVELOPMENT

SUBDIVISION AND DEVELOPMENT MATRIX					
PM	TR	PRD	PCD	VM	
					PM = Parcel Map TR = Tract Map PRD = Planned Residential Development PCD = Planned Community Development VM = Vesting Map
					existing and indicating whether they are to remain or be removed.
X	X	X		X	55. Location, dimensions, and height of proposed dwellings, buildings or other structures, labeled as proposed.
X	X	X		X	56. Setback dimensions of existing structures and paved areas.
X	X	X		X	57. Setback dimensions of proposed structures and paved areas.
		X			58. Location and amount of flammable/combustible liquids and waste of both above and belowground.
		X		X	59. Dimensioned elevations, including details of proposed materials for elevations, and type of construction and occupancy classification per the current County Adopted Uniform Building Code and floor plans for each building (Attach to Site Plan.)
		X		X	60. Square footage of each dwelling unit and every floor and the total for each building shown.
X	X	X	X	X	61. Conceptual Planting Plan prepared pursuant to Ord. No. 859 and the County of Riverside Guide to California Friendly Landscaping which may be found at http://www.rctlma.org/trans/land_dev_landscaping_guidelines.html . Projects that include off-street parking shall also conform to Ord. No. 348, Section 18.12 and provide shading plans in conjunction with the Conceptual Planting Plan. Tentative Parcel Maps that include common area landscaping (e.g. in ROW, etc.) are required to submit Conceptual Planting Plans.
		X		X	62. Design Manual (optional) (See detailed description of "Design Manual" on page 12).
	X			X	63. If R-2 Zone (Article VII, Sec. 7.1a (9)), Restricted Single-Family Residential Subdivision: building footprints, floor plan assignments, proposed setbacks, pad elevations, street grades, and all cut and fill slopes in excess of one foot in vertical height.
X	X	X	X	X	64. To show compliance with the County's Water Quality Management Plan, water quality features or a note describing the site's water quality features shall be shown.

Additional copies of this application may be obtained from the Planning Department's Web Page at <http://planning.rctlma.org/DevelopmentProcess/Applications.aspx>



**COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY**



Juan C. Perez
Director of Transportation and Land Management Agency

Carolyn Syms Luna
Director,
Planning Department

Patricia Romo
Assistant Director,
Transportation Department

Mike Lara
Building Official,
Building & Safety Department

Greg Flannery
Interim Code Enforcement Official,
Code Enforcement Department

LAND USE and PERMIT APPLICATION PROCESSING AGREEMENT
Agreement for Payment of Costs of Application Processing

TO BE COMPLETED BY APPLICANT:

This agreement is by and between the County of Riverside, hereafter "County of Riverside",
and Robert G. Burnett hereafter "Applicant" and Thomas Mountain Ranch, "Property Owner".

Description of application/permit use:
Map Ammendment to provide potable water to homes via a community water system located
on FSM36327.

If your application is subject to Deposit-based Fee, the following applies

Section 1. Deposit-based Fees

Purpose: The Riverside County Board of Supervisors has adopted ordinances to collect "Deposit-based Fees" for the costs of reviewing certain applications for land use review and permits. The Applicant is required to deposit funds to initiate staff review of an application. The initial deposit may be supplemented by additional fees, based upon actual and projected labor costs for the permit. County departments draw against these deposited funds at the staff hourly rates adopted by the Board of Supervisors. The Applicant and Property Owner are responsible for any supplemental fees necessary to cover any costs which were not covered by the initial deposit.

Section 2. Applicant and Property Owner Responsibilities for Deposit-based Fee Applications

- A. Applicant agrees to make an initial deposit in the amount as indicated by County ordinance, at the time this Agreement is signed and submitted with a complete application to the County of Riverside. Applicant acknowledges that this is an initial deposit and additional funds may be needed to complete their case. The County of Riverside will not pay interest on deposits. Applicant understands that any delays in making a subsequent deposit from the date of written notice requesting such additional deposit by County of Riverside, may result in the stoppage of work.
- B. Within 15 days of the service by mail of the County of Riverside's written notice that the application permit deposit has been reduced to a balance of less than 20% of the initial deposit or that the deposit is otherwise insufficient to cover the expected costs to completion, the Applicant agrees to make an additional payment of an amount as determined by the County of Riverside to replenish the deposit. Please note that the processing of the application or permit may stop if the amount on deposit has been expended. The Applicant agrees to continue making such payments until the County of Riverside is reimbursed for all costs related to this application or permit. The County of Riverside is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts that would have been drawn on the deposit were it not depleted.
- C. The Property Owner acknowledges that the Applicant is authorized to submit this agreement and related application(s) for land use review or permit on this property. The Property Owner also acknowledges that should the Applicant not reimburse the County of Riverside for all costs related to this application or permit, the Property Owner shall become immediately liable for these costs which shall be paid within 15 days of the service by mail of notice to said property Owner by the County.

- D. This Agreement shall only be executed by an authorized representative of the Applicant and the Property Owner. The person(s) executing this Agreement represents that he/she has the express authority to enter into this agreement on behalf of the Applicant and/or Property Owner.
- E. This Agreement is not assignable without written consent by the County of Riverside. The County of Riverside will not consent to assignment of this Agreement until all outstanding costs have been paid by Applicant.
- F. Deposit statements, requests for deposits or refunds shall be directed to Applicant at the address identified in Section 4.

Section 3. To ensure quality service, Applicant is responsible to provide one-week written notice to the County of Riverside Transportation and Land Management Agency (TLMA) Permit Assistance Centers if any of the information below changes.

Section 4. Applicant and Owner Information

1. PROPERTY INFORMATION:

Assessors Parcel Number(s): FSM36327; APN: 573-040-009 through 573-040-055

Property Location or Address:
Northerly of Upper Valley Rd. and Easterly of Bautista Rd. Anza, CA.

2. PROPERTY OWNER INFORMATION:

Property Owner Name: Thomas Mountain Ranch LLC Phone No.: (818) 523-2086

Firm Name: _____ Email: triciatmrlc@gmail.com

Address: Po Box 391111
Anza, CA 92539

3. APPLICANT INFORMATION:

Applicant Name: Robert G. Burnett Phone No.: (951) 609-4726

Firm Name: Thomas Mountain Ranch, LLC Email: robert.tmrlc@gmail.com

Address (if different from property owner)

4. SIGNATURES:

Signature of Applicant:  Date: 7/30/2015
Print Name and Title: Robert Burnett, Director of Development

Signature of Property Owner: _____ Date: _____
Print Name and Title: Greg Burnett, Founder

Signature of the County of Riverside, by _____ Date: _____
Print Name and Title: _____

FOR COUNTY OF RIVERSIDE USE ONLY	
Application or Permit (s)#: _____	
Set #: _____	Application Date: _____

**LAND DEVELOPMENT COMMITTEE (LDC)
CASE TRANSMITTAL
RIVERSIDE COUNTY PLANNING DEPARTMENT - RIVERSIDE
P.O. Box 1409
Riverside, CA 92502-1409**

DATE: October 20, 2015

TO

Riv. Co. Environmental Health Dept.

Riv. Co. Fire Dept.

TENTATIVE TRACT MAP NO. 36327 AMENDMENT TO FINAL MAP – EA42823 – Applicant: Robert Burnett– Engineer/Representative: Ron Moreno – Third Supervisorial District – Anza and Cahuilla Zoning Area – REMAP Area Plan: Open Space: Rural (OS-RUR), Community Development: Rural Residential (RR) – Location: Northerly of Upper Valley Road, southerly of Ramona Reservation, easterly of Bautista, and westerly of Barham – 265.02 Acres – Zoning: Open Area Combining Zone Residential Developments (R-5), Rural Residential – 4 acre minimum (R-R-4), Rural Residential – 2 acre minimum (R-R-2), **REQUEST: This project proposes to amend FSM36327 condition (80.E HEALTH.3) - APN: 573040054, 573040015, 573040049, 573040050, 573040020, 573040019, 573040028, 573040029, 573040034, 573040039, 573040053, 573040052, 573040047, 573040016, 573040051, 573040012, 573040032, 573040021, 573040036, 573040009, 573040045, 573040038, 573040026, 573040027, 573040022, 573040046, 573040044, 573040023, 573040043, 573040024, 573040031, 573040014, 573040010, 573040017, 573040048, 573040033, 573040041, 573040040, 573040013, 573040011, 573040018, 573040018, 573040037, 573040025, 573040042, 573040030, 573040035, and 573040055.**

A Bluebeam invitation has been emailed to appropriate staff members so they can view and markup the **Amended** map(s) and/or exhibit(s) for the above-described project. Please have your markups completed and draft conditions in the Land Management System (LMS) on or before the indicated LDC date. If it is determined that the attached map(s) and/or exhibit(s) are not acceptable, please have corrections in the system and DENY the LMS routing on or before the above date. This project has been placed on the **Comment portion of the LDC Agenda scheduled on September 23, 2015**. Once the route is complete, and the approval screen is approved with or without corrections, the project can be scheduled for a public hearing.

Should you have any questions regarding this item, please do not hesitate to contact **Matt Straite, (951) 955-8631, Contract Planner**, or e-mail at mstraite@rctlma.org / MAILSTOP #: 1070

Public Hearing Path: Administrative Action: DH: PC: BOS:

COMMENTS:

DATE: _____ SIGNATURE: _____

PLEASE PRINT NAME AND TITLE: _____

TELEPHONE: _____

If you do not include this transmittal in your response, please include a reference to the case number and project planner's name. Thank you.

NOTICE OF PUBLIC HEARING

A **PUBLIC HEARING** has been scheduled, pursuant to Riverside County Land Use Ordinance No. 348, before the **Riverside County Planning Commission** to consider the project shown below:

TRACT MAP NO. 36327 AMENDMENT TO FINAL MAP – No New Environmental Document Required – Applicant: Robert Burnett – Engineer/Representative: Ron Moreno – Third Supervisorial District – Anza and Cahuilla Zoning Area – REMAP Area Plan: Open Space: Rural (OS-RUR), Community Development: Rural Residential (RR) – Location: Northerly of Upper Valley Road, southerly of Ramona Reservation, easterly of Bautista, and westerly of Barham – 265.02 Acres – Zoning: Open Area Combining Zone Residential Developments (R-5), Rural Residential – 4 acre minimum (R-R-4), Rural Residential – 2 acre minimum (R-R-2), **REQUEST:** This project proposes to amend FSM36327 condition (80.E HEALTH.3).

TIME OF HEARING: 9:00 AM or as soon as possible thereafter.
DATE OF HEARING: **NOVEMBER 4, 2015**
PLACE OF HEARING: County Administrative Center
First Floor Board Chambers
4080 Lemon Street
Riverside, CA 92501

For further information regarding this project, please contact project planner, Matt Straite at (951) 955-8631 or e-mail mstraite@rctlma.org, or go to the County Planning Department's Planning Commission agenda web page at <http://planning.rctlma.org/PublicHearings.aspx>.

The Riverside County Planning Department has determined that although the proposed project could have a significant effect on the environment, **NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED** because (a) all potentially significant effects of the proposed project have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, (b) all potentially significant effects of the proposed project have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, (c) the proposed project will not result in any new significant environmental effects not identified in the earlier EIR or Negative Declaration, (d) the proposed project will not substantially increase the severity of the environmental effects identified in the earlier EIR or Negative Declaration, (e) no considerably different mitigation measures have been identified and (f) no mitigation measures found infeasible have become feasible. The Planning Commission will consider the proposed application at the public hearing.

The case file for the proposed project may be viewed Monday through Friday, from 8:00 A.M. to 5:00 P.M. at the Planning Department office, located at 4080 Lemon St. 12th Floor, Riverside, CA 92501.

Any person wishing to comment on the proposed project may do so in writing between the date of this notice and the public hearing; or, may appear and be heard at the time and place noted above. All comments received prior to the public hearing will be submitted to the Planning Commission, and the Planning Commission will consider such comments, in addition to any oral testimony, before making a decision on the proposed project.

If this project is challenged in court, the issues may be limited to those raised at the public hearing, described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Be advised that as a result of public hearings and comment, the Planning Commission may amend, in whole or in part, the proposed project. Accordingly, the designations, development standards, design or improvements, or any properties or lands within the boundaries of the proposed project, may be changed in a way other than specifically proposed.

Please send all written correspondence to:

RIVERSIDE COUNTY PLANNING DEPARTMENT
Attn: Matt Straite
P.O. Box 1409, Riverside, CA 92502-1409

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN, certify that on 9/10/2015,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers TR36327A1 For

Company or Individual's Name Planning Department,

Distance buffered 1200'

Pursuant to application requirements furnished by the Riverside County Planning Department, Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

NAME: Vinnie Nguyen

TITLE GIS Analyst

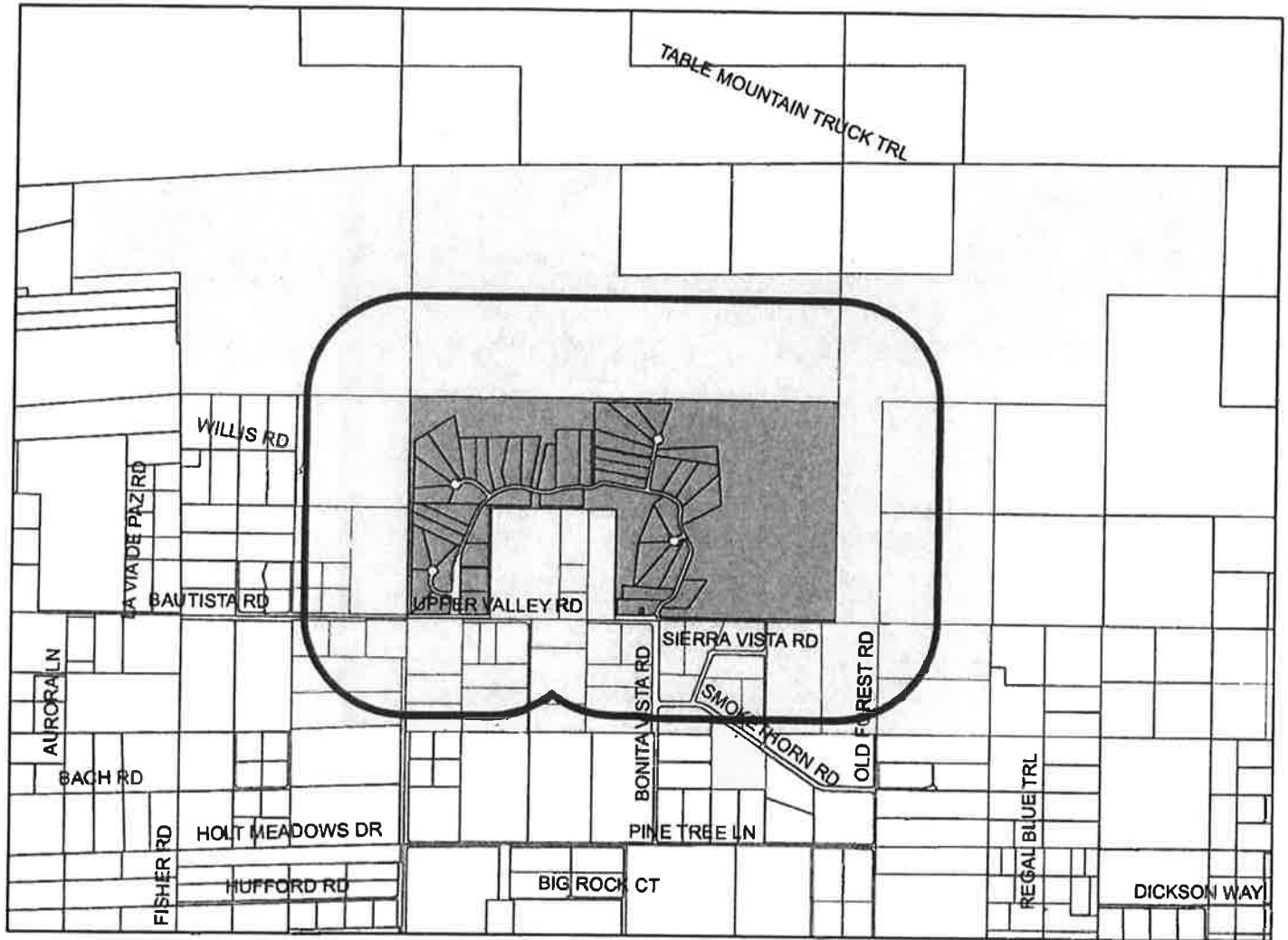
ADDRESS: 4080 Lemon Street 2nd Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. - 5 p.m.): (951) 955-8158

Expires 05/10/16


TR36327A1 (1200 feet buffer)



Selected Parcels

573-110-025	573-080-059	573-030-050	573-060-051	573-080-063	573-080-013	573-080-006	573-080-049	573-030-041	573-030-042
573-040-003	573-080-062	573-080-005	573-060-052	573-050-001	573-040-005	573-060-049	573-060-053	573-080-057	573-080-072
573-080-071	573-080-050	573-080-001	573-080-003	573-040-007	573-030-049	573-030-051	573-030-052	573-080-051	573-110-026
573-080-007	573-050-015	573-050-016	573-080-055	573-080-056	573-080-032	573-030-044	573-060-050	573-080-012	573-080-004
573-040-004	573-080-053	573-080-061	573-040-006	573-080-058	573-080-054	573-080-060	573-040-009	573-040-010	573-040-011
573-040-012	573-040-013	573-040-014	573-040-015	573-040-016	573-040-017	573-040-018	573-040-019	573-040-020	573-040-021
573-040-022	573-040-023	573-040-024	573-040-025	573-040-026	573-040-027	573-040-028	573-040-029	573-040-030	573-040-031
573-040-032	573-040-033	573-040-034	573-040-035	573-040-036	573-040-037	573-040-038	573-040-039	573-040-040	573-040-041
573-040-042	573-040-043	573-040-044	573-040-045	573-040-046	573-040-047	573-040-048	573-040-049	573-040-050	573-040-051
573-040-052	573-040-053	573-040-054	573-040-055	573-040-056	573-080-046	573-020-015	573-050-010		



Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

ASMT: 573030042, APN: 573030042
COMBS ART TRUST
1824 RAILROAD ST
CORONA CA 92880

ASMT: 573040005, APN: 573040005
HOWARD BARRETT
P O BOX 390777
ANZA CA 92539

ASMT: 573030044, APN: 573030044
PATRICK TRUXILLO
36990 BAUTISTA RD
ANZA, CA. 92539

ASMT: 573040006, APN: 573040006
ZENAIDA GALLAGHER, ETAL
P O BOX 391262
ANZA CA 92539

ASMT: 573030049, APN: 573030049
MARY BOEHME, ETAL
1035 STONECREST LN
ESCONDIDO CA 92027

ASMT: 573040007, APN: 573040007
LONE SIMPSON, ETAL
C/O LONE G SIMPSON
P O BOX 211
SAN ANDREAS CA 95249

ASMT: 573030050, APN: 573030050
BRUCE HAYES
2830 LYTTON ST
SAN DIEGO CA 92110

ASMT: 573050001, APN: 573050001
GREGORY BURNETT
P O BOX 39111
ANZA CA 92539

ASMT: 573030052, APN: 573030052
MARILYN SHEEHAN, ETAL
P O BOX 391267
ANZA CA 92539

ASMT: 573050016, APN: 573050016
KSY INV
2736 RAINBOW VALLEY BLV
FALLBROOK CA 92028

ASMT: 573040003, APN: 573040003
DAWN SMITH
870 BANGOR ST
SAN DIEGO CA 92106

ASMT: 573060049, APN: 573060049
JUDY DOEZIE, ETAL
54755 BAUTISTA RD
ANZA, CA. 92539

ASMT: 573040004, APN: 573040004
PAULINA MARTINEZ, ETAL
39146 LOS GATOS DR
MURRIETA CA 92563

ASMT: 573060050, APN: 573060050
PERRIE PATTERSON
23 TAYLOR AVE
PALM DESERT CA 92260

ASMT: 573060051, APN: 573060051
JEAN LAYNE, ETAL
2920 BAVARIA DR
CORONA CA 92881

ASMT: 573080007, APN: 573080007
JUAN OSUNA
15418 BANDY CT
MORENO VALLEY CA 92551

ASMT: 573060052, APN: 573060052
DARCY SKINNER, ETAL
P O BOX 390870
ANZA CA 92539

ASMT: 573080012, APN: 573080012
CHERI SZUTZ, ETAL
72775 FRANK SINATRA STE B
RANCHO MIRAGE CA 92270

ASMT: 573060053, APN: 573060053
JAMES HILE
9438 S PARISE DR
WHITTIER CA 90603

ASMT: 573080013, APN: 573080013
CHERYL THAISS
48244 NORWEGIAN HOLLOW
SOLDIERS GROVE WI 54655

ASMT: 573080003, APN: 573080003
VICTORIA JARVIS, ETAL
P O BOX 390897
ANZA CA 92539

ASMT: 573080032, APN: 573080032
PAMELA BARTHOLOMEW
P O BOX 391195
ANZA CA 92539

ASMT: 573080004, APN: 573080004
SUSANA NAVARRO, ETAL
31961 GROWELL ST
WILDOMAR CA 92595

ASMT: 573080046, APN: 573080046
RITA WHEAT, ETAL
288 WILDROSE LN
BISHOP CA 93514

ASMT: 573080005, APN: 573080005
EDWARD HUNTER
P O BOX 390888
ANZA CA 92539

ASMT: 573080051, APN: 573080051
JAY PENN, ETAL
807 BERYL ST
REDONDO BEACH CA 90277

ASMT: 573080006, APN: 573080006
CHUN KUAN
1515 W WAKEFIELD AVE
ANAHEIM CA 92802

ASMT: 573080053, APN: 573080053
ROBERT BURNETT
P O BOX 391111
ANZA CA 92539

ASMT: 573080054, APN: 573080054
RYALL STEWART
P O BOX 391640
ANZA CA 92539

ASMT: 573080061, APN: 573080061
ROBERT DUNHAM
41917 PLUM ST
MURRIETA CA 92562

ASMT: 573080055, APN: 573080055
LENG VUE
9557 JAMES AVE
BROOKLYN PARK MN 55444

ASMT: 573080062, APN: 573080062
KIM WILLIAMS, ETAL
P O BOX 390863
ANZA CA 92539

ASMT: 573080056, APN: 573080056
DOLORES HICKCOX, ETAL
P O BOX 391667
ANZA CA 92539

ASMT: 573080063, APN: 573080063
BETH GRAY, ETAL
125 N STAGECOACH
FALLBROOK CA 92028

ASMT: 573080057, APN: 573080057
JANE RECHT
P O BOX 390878
ANZA CA 92539

ASMT: 573080071, APN: 573080071
JANENE EDMISTEN, ETAL
55105 SCRUB OAK
ANZA, CA. 92539

ASMT: 573080058, APN: 573080058
ZUZANA THOMPSON, ETAL
31979 ROSALES AVE
MURRIETA CA 92563

ASMT: 573080072, APN: 573080072
JASON EDMISTEN, ETAL
PO BOX 391115
ANZA CA 92539

ASMT: 573080059, APN: 573080059
SHELLEY GREEN, ETAL
16220 INDIAN
MORENO VALLEY CA 92551

ASMT: 573110025, APN: 573110025
ALVIN KRANZ, ETAL
44105 TULE VALLEY RD
AGUANGA CA 92536

ASMT: 573080060, APN: 573080060
SARA COPPLE, ETAL
4718 E BLUEBIRD AVE
ORANGE CA 92869

ASMT: 573110026, APN: 573110026
JUAN CHAVEZ
37200 OLD FOREST RD
ANZA, CA. 92539



RIVERSIDE COUNTY PLANNING DEPARTMENT

Steve Weiss, AICP
Planning Director

322

DATE:

TO: Clerk of the Board of Supervisors

FROM: Planning Department – Riverside

SUBJECT: APPEAL TRACT MAP NO. 36327 AMENDMENT TO FINAL MAP NO. 1 (TR36327A1)
(Charge your time to these case numbers)

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

- Place on Administrative Action
 - Receive & File
 - EOT
- Labels provided If Set For Hearing
 - 10 Day 20 Day 30 day
- Place on Consent Calendar
- Place on Policy Calendar (Resolutions; Ordinances; PNC)
- Place on Section Initiation Proceeding (GPIP)
- Set for Hearing (Legislative Action Required; CZ, GPA, SP, SPA)
- Publish in Newspaper: (3rd Dist) Press Enterprise
- CEQA does not apply
 - 10 Day 20 Day 30 day
- Notify Property Owners (app/agencies/property owner labels provided)

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

**THIS IS AN APPEAL AND MUST BE
SCHEDULED FOR
JANUARY 12 2016**

Riverside Office · 4080 Lemon Street, 12th Floor
P.O. Box 1409, Riverside, California 92502-1409
(951) 955-3200 · Fax (951) 955-1811

Desert Office · 77-588 Duna Court, Suite H
Palm Desert, California 92211
(760) 863-8277 · Fax (760) 863-7040

"Planning Our Future... Preserving Our Past"