

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

213B



FROM: TLMA – Planning Department

SUBMITTAL DATE:
November 18, 2014

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

RECOMMENDED MOTION: That the Board of Supervisors:

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

Departmental Concurrence

(Continued on next page)

JCP:ms

Juan C. Perez, TLMA Director /
Interim Planning Director

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent ☒ Policy ☐
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: Deposit based funds

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Prev. Agn. Ref.:

District: 3/3

Agenda Number:

16-5

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

DATE: November 18, 2014

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BACKGROUND:

Planning Commission Decision

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

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

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

Reviewing the Planning Commission's Decision

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

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

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

Procedural Information

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

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

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

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

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

Impact on Citizens and Businesses

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

ATTACHMENTS (if needed, in this order):

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