NOTE: Please be aware that the indicated staff recommendation shown below for each item may differ from that presented to the Planning Director during the public hearing.

If you wish to speak, please complete a “SPEAKER IDENTIFICATION FORM” and give it to the Planning Director. The purpose of the public hearing is to allow interested parties to express their concerns. Please do not repeat information already given. If you have no additional information, but wish to be on record, simply give your name and address and state that you agree with the previous speaker(s).

In compliance with the Americans with Disabilities Act, if any accommodations are needed, please contact Mary Stark at (951) 955-7436 or E-mail at mcstark@rctlma.org. Request should be made at least 48 hours or as soon as possible prior to the scheduled meeting.

1.0 CONSENT CALENDAR:

1.1 NONE

2.0 PUBLIC HEARINGS: 1:30 p.m. or as soon as possible thereafter.

2.1 PLOT PLAN NO. 25414 - CEQA Exempt - Applicant: Cindy and Drew Clark – Fourth/Fourth Supervisorial District – Location: Southerly Avenue 42 and easterly of Washington Street - REQUEST: The Plot Plan is a proposal for a Class I Kennel on 3.29 Acres. Continued from October 21, 2013. Project Planner, Bahelila Boothe at (951) 955-8703 or email bboothe@rctlma.org. (Quasi-judicial)

3.0 PUBLIC COMMENTS:

FINAL: 11/07/13
COUNTY OF RIVERSIDE PLANNING DEPARTMENT
STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The Plot Plan is a proposal to permit a Class I Kennel (5-10 Dogs) on 3.29 Acres.

ISSUES OF RELEVANCE:

The proposal has been reviewed by Department of Animal Services. Planning staff has received three (3) letter of opposition for the proposed kennel referencing barking dogs, loose dogs on their property, and fear of being attacked by the dogs.

FURTHER PLANNING CONSIDERATION: October 21, 2013

Project was continued from October 21, 2013, Director’s Hearing to November 18, 2013 due to neighbor opposition regarding barking dogs. Planning staff has given applicant contact information for Steve Hinde Environmental Health regarding noise study. Applicant will present the report to staff prior to hearing date.

RECOMMENDATIONS:

APPROVAL of PLOT PLAN NO. 25414, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

CONCLUSIONS:

1. The proposed project is in conformance with the Riverside County General Plan.

2. The proposed project is consistent with Section 18.45 of Ordinance No. 348, and with all other applicable provisions of Ordinance Nos. 348 and 630.

3. The public’s health, safety, and general welfare are protected through project design.

4. The proposed project is compatible with the present and future logical development of the area.

5. The proposed project will not have a significant effect on the environment.

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

1. The project has a primary dwelling on the parcel where the Class I Kennel is proposed.

2. The project site is designated Community Development: High Density Residential and Medium Density Residential on The Western Coachella Valley Area Plan.
3. The proposed Class I Kennel is a permitted use in the general plan designation.

4. The proposed Class I Kennel is a permitted use, subject to approval of a plot plan in the Rural Residential (R-1-12,000) zone.

5. The proposed Class I Kennel is consistent with the development standards set forth in the R-1-12,000 zone.

6. The proposed Class I Kennel shall obtain and continuously maintain all necessary licenses from the Riverside County Health Department and Department of Animal Services.

7. All kennels are subject to the provisions of County Ordinance No. 630.

8. The minimum lot size for a kennel in an agricultural, residential, rural or open space zone is one acre (gross). The subject property is 3.29 acres.
10. GENERAL CONDITIONS

EVERY DEPARTMENT

10. EVERY. 1 PPA - PROJECT DESCRIPTION

The use hereby permitted is proposal to permit a Class I Kennel (5-10) Dogs on a 3.29 acre property.

10. EVERY. 2 PPA - HOLD HARMLESS

The applicant/permittee or any successor-in-interest shall defend, indemnify, and hold harmless the County of Riverside or its agents, officers, and employees (COUNTY) from the following:

(a) any claim, action, or proceeding against the COUNTY to attack, set aside, void, or annul an approval of the COUNTY, its advisory agencies, appeal boards, or legislative body concerning the PLOT PLAN; and,

(b) any claim, action or proceeding against the COUNTY to attack, set aside, void or annul any other decision made by the COUNTY concerning the PLOT PLAN, including, but not limited to, decisions made in response to California Public Records Act requests.

The COUNTY shall promptly notify the applicant/permittee of any such claim, action, or proceeding and shall cooperate fully in the defense. If the COUNTY fails to promptly notify the applicant/permittee of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant/permittee shall not, thereafter, be responsible to defend, indemnify or hold harmless the COUNTY.

The obligations imposed by this condition include, but are not limited to, the following: the applicant/permittee shall pay all legal services expenses the COUNTY incurs in connection with any such claim, action or proceeding, whether it incurs such expenses directly, whether it is ordered by a court to pay such expenses, or whether it incurs such expenses by providing legal services through its Office of County Counsel.

10. EVERY. 3 PPA - CONFORM TO EXHIBIT

The development of the premises shall conform substantially with that as shown on Plot Plan No. 25414, Exhibit A, dated August 28, 2013.
10. GENERAL CONDITIONS

10.BS PLNCK. 1 USE - BUILD & SAFETY PLNCK

The current approval is for a class I kennel facility for personal use only. This approval is based on the applicant stating this kennel facility is not to be used for any commercial use or will be open to the public.

Commercial use includes, but is not limited to the following types of facilities:
1. Boarding/drop off
2. Training
3. Rescue
4. Breeding

As personal use only, and no with access by the general public, this is considered a residential use and exempt from accessibility requirements.

PLANNING DEPARTMENT

10.PLANNING. 1 PPA - COMPLY WITH ORD./CODES

The development of these premises shall comply with the standards of Ordinance No. 348 and all other applicable Riverside County ordinances and State and Federal codes. The development of the premises shall conform substantially with that as shown on APPROVED EXHIBIT A, unless otherwise amended by these conditions of approval.

10.PLANNING. 2 PPA - COMPLY BUILDING & SAFETY

Compliance with Department of Building and Safety directives and all required permits shall be obtained prior to establishment or continuation of the use.

10.PLANNING. 3 PPA - EXERCISE SPACE/SHELTER

Sufficient exercise space and adequate shelter from the elements shall be provided for all animals maintained.

10.PLANNING. 4 PPA - FOOD/WATER

Water for drinking shall be available at all times and a suitable and sufficient supply of appropriate food shall be maintained on hand and provided at appropriate intervals.
10. GENERAL CONDITIONS

10.PLANNING. 5  PPA - FOOD STORAGE/SANITATION

Animal food shall be stored under sanitary conditions and food and water receptacles shall be of a material which can be easily cleaned and disinfected. Each [kennel/cattery] shall contain a water basin for cleaning of food and water receptacles.

10.PLANNING. 6  PPA - ANIMAL CONFINEMENT

All dogs shall be maintained and confined in a house-type enclosure between the hours of 10:00 p.m. and 6:00 a.m., except that up to four dogs may be unconfined on the kennel premises during such hours.

10.PLANNING. 7  PPA - CARETAKER

A caretaker is required to be on the kennel premises on a daily basis.

10.PLANNING. 8  PPA - KENNEL

Dogs shall be not housed or maintained in any area which is less than twenty feet from any property line and no closer than five feet from any structure located on the [kennel/cattery] premises which is used for human habitation, except that where a dwelling house is located on the kennel premises any number of dogs may be taken in to said house for temporary periods. The term dwelling house shall also include a barn, garage, or similar appurtenant structure or outbuilding.

10.PLANNING. 9  USE - BUSINESS LICENSING

Every person conducting a business within the unincorporated area of Riverside County, as defined in Riverside County Ordinance No. 857, shall obtain a business license. For more information regarding business registration, contact the Business Registration and License Program Office of the Building and Safety Department at www.rctlma.org.buslic.

10.PLANNING. 10  USE - CAUSES FOR REVOCATION

In the event the use hereby permitted under this permit, a) is found to be in violation of the terms and conditions of this permit, b) is found to have been obtained by fraud or perjured
10. GENERAL CONDITIONS

10.USING - CAUSES FOR REVOCATION (cont.)

(a) if found to be detrimental to the public health, safety or general welfare, or is a public nuisance, this permit shall be subject to the revocation procedures.

20. PRIOR TO A CERTAIN DATE

20.USING - EXPIRATION DATE-PP

This approval shall be used within two (2) years of approval date; otherwise, it shall become null and void and of no effect whatsoever. By use is meant the beginning of substantial construction contemplated by this approval within a two (2) year period which is thereafter diligently pursued to completion or of the actual occupancy of existing buildings or land under the terms of the authorized use.

Prior to the expiration of the two year period, the permittee may request a one (1) year extension of time request in which to use this plot plan. A maximum of three one-year extension of time requests shall be permitted. Should the time period established by any of the extension of time requests lapse, or should all three one-year extensions be obtained and no substantial construction or use of this plot plan be initiated within five (5) years of the effective date of the issuance of this plot plan, this plot plan shall become null and void.
Bahelila Boothe, Urban Regional Planner III  
Riverside County, Planning Department  
P.O. Box 1409  
Riverside, CA, 92502

RE:  Drew and Cindy Clark  
78400 Hidden River Road  
Bermuda Dunes, CA 92203  
Class I Kennel, PP25414

Ms. Boothe,

The Department of Animal Services (DAS) records show several complaints filed against this property. One complaint is regarding too many animals on the property and the other is an ongoing noise complaint regarding excessive barking. Both cases are currently open. The noisy animal complaint will most likely result in a hearing.

I feel our investigation prompted the Clark’s to initiate their application for a Class I kennel but currently they are still out of compliance.

Due to the open “Noisy Animal” case currently working its way through the process, DAS cannot recommend nor deny approval of this application at this time.

Respectfully,

Rita Gutierrez  
Field Services Commander  
Riverside County  
Department of Animal Services  
951-358-7365
September 13, 2013

Riverside County Planning Department
P O Box 1409
Riverside, CA 92502-1409

Re: Clark property and Class 1 Kennel

This does not directly affect the church, however, we do have people that live in the area addressed in our notice. We hear the dogs are ALWAYS barking, they get loose and invade other peoples property, swim in their pools. Does the R.C.P.D. really want to turn a private property residential area with some million dollar properties and several apartment buildings into an area that no one wants to live and they can’t sell their home because no one wants to buy next to a “kennel”.

We have heard that people are “afraid” to complain because of fear of retaliation. How would you feel if this happened next door to you? A sad day indeed if you pass this and allow those folks to infringe on the quality of life of those in the area, especially those who have owned and or lived there for many years.

Respectfully,

Ann Rhein
Office Manager
St. John’s Lutheran Church
42695 Washington St.
Palm Desert, CA 92211
Bahelila Boothe

I am in receipt of your pp25414 proposed application from applicants Drew & Cindy Clark. I refer you to the attached complaint # 760-774-6944 DECLARATION OF NOISY ANIMAL PUBLIC NUISANCE. If you require a public hearing in addition to this Declaration then we wish to request one. If our filings of public nuisance will suffice then we shall let those stand. Please advise. We have many neighbors and an adjacent apartment complex that would oppose this application due to the public nuisance which currently exists.
I may be reached at 817 939-6781.

Shannon Bedard
42488 Byron place
Bermuda dunes ca.

PP25414, (Class I Kennel)

☒ I do not wish a public hearing to be held on this case, but I would like to submit comments in regards to this project. (Please attach comments on separate sheet).

☐ I am requesting that a public hearing be held on this case for the following reasons (Comments may be on separate sheet):

I understand that I will be notified of the time and date if public hearing is requested.

Shannon Bedard                  Shannon Bedard
PRINTED NAME                   SIGNATURE
42 493 Byron place
PRINT STREET ADDRESS
Bermuda dunes ca.
PRINT CITY/STATE/ZIP
RE: APPLICATION PP25414
CINDY & DREW CLARK

The 6 or possibly 7 dogs they have now bark continuously at all hours of day and night disturbing surrounding neighbors. When some of them get loose they have come into my yard and even have gone in my pool. I certainly don't want 10 dogs barking & running loose.

Submitted by
Phyllis Doughty

[Signature]
Riverside County Planning Department  
PO Box 1409  
Riverside CA 92502-1409  

Re: PP25414  

We are opposed to applicants operating a Dog Kennel on their property. Applicant already has a number of dogs on the property – a recent drive by revealed at least 7 animals-which is in violation of the County Code. We believe the Code allows only 3 dogs per house.  

The primary objection to this use is the constant barking. These dogs bark at all hours and we are in the process of reporting this to the County noise abatement office, and Animal Control. This certainly is NOT helping our property values at all.  

Sincerely  

[Signature]  

James L Grant  
APN#609-500-063-1
Selected parcel(s):
609-040-026

ZONING

SELECTED PARCEL
PARCELS
R-3-2000

INTERSTATES
ZONING BOUNDARY
C-P-S
R-5

HIGHWAYS
CITY
R-1, R-1-12000, R-1-8000

*IMPORTANT*
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.

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Version 130923
RIVERSIDE COUNTY GIS

Selected parcel(s):
609-040-026

"IMPORTANT"
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STANDARD WITH PERMITS REPORT

APNs
609-040-026-7

OWNER NAME
NOT AVAILABLE ONLINE

ADDRESS
609-040-026
78460 HIDDEN RIVER RD
INDIO, CA, 92203

MAILING ADDRESS
(SEE OWNER)

http://www3.tlma.co.riverside.ca.us/pa/rclis/print.htm 8/13/2013
LEGAL DESCRIPTION
RECORDED BOOK/PAGE: PM 6029
SUBDIVISION NAME: PM 12558
LOT/PARCEL: 3, BLOCK: NOT AVAILABLE
TRACT NUMBER: NOT AVAILABLE

LOT SIZE
RECORDED LOT SIZE IS 3.29 ACRES

PROPERTY CHARACTERISTICS
WOOD FRAME, 4,657 SQFT, 5 BDRM/3.25 BATH, 1 STORY, ATTACHED GARAGE (1705 SQ FT), CONSTD 2005 TILE, ROOF, CENTRAL HEATING, CENTRAL COOLING, POOL

THOMAS BROS. MAPS PAGE/GRID
PAGE: 819 GRID: F5

CITY BOUNDARY/SPHERE
NOT WITHIN A CITY
CITY SPHERE: PALM DESERT
ANNEXATION DATE: OCT. 25, 2007
LAFCO CASE #: 2006-89-B
PROPOSALS: NOT APPLICABLE

MARCH JOINT POWERS AUTHORITY
NOT IN THE JURISDICTION OF THE MARCH JOINT POWERS AUTHORITY

INDIAN TRIBAL LAND
NOT IN A TRIBAL LAND

SUPERVISORIAL DISTRICT 2011 (ORD. 813)
JOHN BENEFIT, DISTRICT 4

SUPERVISORIAL DISTRICT (2001 BOUNDARIES)
ROY WILSON, DISTRICT 4

TOWNSHIP/RANGE
T5S R7E SEC 18

ELEVATION RANGE
120/132 FEET

PREVIOUS APN
NO DATA AVAILABLE

PLANNING

LAND USE DESIGNATIONS
HDR
MUR

SANTA ROSA ESCARPMENT BOUNDARY
NOT IN THE SANTA ROSA ESCARPMENT BOUNDARY

AREA PLAN (RCIP)
WESTERN COACHELLA VALLEY

COMMUNITY ADVISORY COUNCILS
BERMUDA DUNES (CC)

GENERAL PLAN POLICY OVERLAYS
NOT IN A GENERAL PLAN POLICY OVERLAY AREA

GENERAL PLAN POLICY AREAS
NONE

ZONING CLASSIFICATIONS (ORD. 348)
R-1-1/2000

ZONING DISTRICTS AND ZONING AREAS
BERMUDA DUNES DISTRICT

ZONING OVERLAYS
IN OR PARTIALLY WITHIN THE BERMUDA DUNES NEIGHBORHOOD PRESERVATION OVERLAY
NOT IN AN HISTORIC PRESERVATION DISTRICT

SPECIFIC PLANS
NOT WITHIN A SPECIFIC PLAN

AGRICULTURAL PRESERVE
NOT IN AN AGRICULTURAL PRESERVE

REDEVELOPMENT AREAS
NOT IN A REDEVELOPMENT AREA

AIRPORT INFLUENCE AREAS
BERMUDA DUNES

AIRPORT COMPATIBILITY ZONES
BERMUDA DUNES ZONE E

ENVIRONMENTAL

CVMSHCP (COACHELLA VALLEY MULTISPECIES HABITAT CONSERVATION PLAN) CONSERVATION AREA
NOT IN A CONSERVATION AREA

CVMSHCP FLUVIAL SAND TRANSPORT SPECIAL PROVISION AREAS
NOT IN A FLUVIAL SAND TRANSPORT SPECIAL PROVISION AREA

WRMSHCP (WESTERN RIVERSIDE COUNTY MULTISPECIES HABITAT CONSERVATION PLAN) CELL GROUP
NOT IN A CELL GROUP

WRMSHCP CELL NUMBER
NOT IN A CELL

HANS/ERP (HABITAT ACQUISITION AND NEGOTIATION STRATEGY/EXPEDITED REVIEW PROCESS)
NONE

VEGETATION (2005)
NO DATA AVAILABLE

FIRE

HIGH FIRE AREA (ORD. 787)
NOT IN A HIGH FIRE AREA

FIRE RESPONSIBILITY AREA
NOT IN A FIRE RESPONSIBILITY AREA

DEVELOPMENT FEES

CVMSHCP FEE AREA (ORD. 875)
WITHIN THE COACHELLA VALLEY MSHCP FEE AREA

WRMSHCP FEE AREA (ORD. 810)
NOT WITHIN THE WESTERN RIVERSIDE COUNTY MSHCP FEE AREA

ROAD & BRIDGE DISTRICT
NOT IN A DISTRICT

EASTERN TUF (TRANSPORTATION UNIFORM MITIGATION FEE ORD. 673)
IN OR PARTIALLY WITHIN A TUF FEE AREA, SEE MAP FOR MORE INFORMATION.
In EAST

WESTERN TUF (TRANSPORTATION UNIFORM MITIGATION FEE ORD. 824)
NOT WITHIN THE WESTERN TUF FEE AREA

DIF (DEVELOPMENT IMPACT FEE AREA ORD. 659)
WESTERN COACHELLA VALLEY

SKR FEE AREA (STEPHEN'S KANGAROO RAT ORD. 863.10)
NOT WITHIN AN SKR FEE AREA

DEVELOPMENT AGREEMENTS
NOT IN A DEVELOPMENT AGREEMENT AREA
TRANSPORTATION

CIRCULATION ELEMENT ULTIMATE RIGHT-OF-WAY
NOT IN A CIRCULATION ELEMENT RIGHT-OF-WAY

ROAD BOOK PAGE
2078

TRANSPORTATION AGREEMENTS
NOT IN A TRANSPORTATION AGREEMENT

CETAP (COMMUNITY AND ENVIRONMENTAL TRANSPORTATION ACCEPTABILITY PROCESS) CORRIDORS
NOT IN A CETAP CORRIDOR

HYDROLOGY

FLOOD PLAIN REVIEW
NOT REQUIRED

WATER DISTRICT
CWM

FLOOD CONTROL DISTRICT
COACHELLA VALLEY WATER DISTRICT

WATERSHED
WHITELAND

GEOLOGIC

FAULT ZONE
NOT IN A FAULT ZONE

FAULTS
NOT WITHIN A 1/2 MILE OF A FAULT

LIQUEFACTION POTENTIAL
MODERATE

SUBSIDENCE
SUSCEPTIBLE

PALEONTOLOGICAL SENSITIVITY
LOW POTENTIAL
FOLLOWING A LITERATURE SEARCH, RECORDS CHECK AND A FIELD SURVEY, AREAS MAY BE DETERMINED BY A QUALIFIED VERTEBRATE PALEONTOLOGIST AS HAVING LOW POTENTIAL FOR CONTAINING SIGNIFICANT PALEONTOLOGICAL RESOURCES SUBJECT TO ADVERSE IMPACTS.

MISCELLANEOUS

SCHOOL DISTRICT
DESSERT SANDS UNIFIED

COMMUNITIES
BERMUDA DUNES

COUNTY SERVICE AREA
NOT IN A COUNTY SERVICE AREA.

LIGHTING (ORD. 655)
ZONE B, 41.76 MILES FROM MT. PALOMAR OBSERVATORY

2000 CENSUS TRACT
045205

FARMLAND
OTHER LANDS
URBAN-BUILT UP LAND

http://www3.tlama.co.riverside.ca.us/pa/tclis/print.htm
SPECIAL NOTES
PLEASE REFER TO ORDINANCE 457.98 FOR COACHELLA VALLEY AGRICULTURAL GRADING EXEMPTIONS.

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REPORT PRINTED ON: Tue Aug 13 09:05:28 2013
Version 130624

http://www3.tlma.co.riverside.ca.us/pa/rclis/print.htm
8/13/2013