

PLANNING DEPARTMENT

Carolyn Syms Luna Director

1:30 P.M.

NOVEMBER 18, 2013

AGENDA RIVERSIDE COUNTY PLANNING DEPARTMENT DIRECTOR'S HEARING

DESERT PERMIT ASSISTANCE CENTER 77-588 EL DUNA COURT, SUITE H PALM DESERT, CA 92211

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 <u>mcstark@rctlma.org</u>. 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 <u>bboothe@rctIma.org</u>. (Quasi-judicial)
- 3.0 PUBLIC COMMENTS:

FINAL: 11/07/13

Agenda Item No.: Supervisorial District: Fourth/Fourth Project Planner: Bahelila Boothe Director's Hearing: November 18, 2013 Continued from: October 21, 2013 PLOT PLAN NO: 25414 Applicant: Cindy and Drew Clark CEQA Exempt

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:

<u>APPROVAL</u> 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.

<u>FINDINGS</u>: 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.

р.^{м.}

- 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.

Riverside County LMS CONDITIONS OF APPROVAL

Page: 1

PLOT PLAN: ADMINISTRATIVE Case #: PP25414

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

RECOMMND

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

RECOMMND

RECOMMND

Riverside County LMS CONDITIONS OF APPROVAL

Page: 2

PLOT PLAN: ADMINISTRATIVE Case #: PP25414

Parcel: 609-040-026

- 10. GENERAL CONDITIONS
 - BS PLNCK DEPARTMENT
 - 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 commericial 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 RECOMMND

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 - COMPI	Y BUILDING	&	SAFETY	RECOMMND
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Compliance with Department of Building and Safety irectives and all required permits shall be obtained prior to establishment or continuation of the use.

10.PLANNING. 3 PPA - EXERCISE SPACE/SHELTER RECOMMND

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. RECOMMND

RECOMMND

Riverside County LMS CONDITIONS OF APPROVAL

Page: 3

PLOT PLAN: ADMINISTRATIVE Case #: PP25414

10. GENERAL CONDITIONS

10.PLANNING. 5 PPA - FOOD STORAGE/SANITATION RECOMMND

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 RECOMMND

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	RECOMMND
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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	RECOMMN
					1001001111011	ICDCOPIE-III)

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

RECOMMND

RECOMMND

Riverside County LMS CONDITIONS OF APPROVAL

Page: 4

PLOT PLAN: ADMINISTRATIVE Case #: PP25414

Parcel: 609-040-026

10. GENERAL CONDITIONS

10.PLANNING. 10 USE - CAUSES FOR REVOCATION (cont.)

testimony, or c) is 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

PLANNING DEPARTMENT

20.PLANNING. 1 USE - EXPIRATION DATE-PP

RECOMMND

RECOMMND

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.



Department of Animal Services Robert Miller, Director

Operations Division Frank Corvino, Deputy Director

In In.

September 16, 2013

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.

10

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 Gatierrez Field Services Commander Riverside County Department of Animal Services 951-358-7365

> County of Riverside DEPARTMENT OF ANIMAL SERVICES – Administrative Offices 6851 Van Buren Boulevard, Jurupa Valley, California 92509 (951) 358-7387 GAX (951) 358-7300 TDD (951) 358-5124



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.

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Respectfully,

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

Craig Bedard

From: Sent: To: Subject: Attachments:

Craig Bedard <bedard@dc.rr.com> Tuesday, September 10, 2013 3:35 PM 'bboothe@rctlma.org' pp25414 clark Email002.jpg

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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 public hearing is requested.

SIGNATURE PRINT STREET ADDRESS PRINT CITY/STATE/ZIF

RE: APPLICATION PP25414 CINDY & DREW CLARK the 6 or possibly 7 door they have now bark continuously at all hours of day and night disturbing Durowending neighbors. When some of them get loose they have come into my yord and even have gone in my pool. I certainly don't want 10 drogs barking to running boose. Submitted by Pouglis Doughty

JAMES & SUSAN GRANT 78219 CALICO GLEN DRIVE BERMUDA DUNES CA 92203

Riverside County Planning Department PO Box 1409 Riverside CA 92502-1409

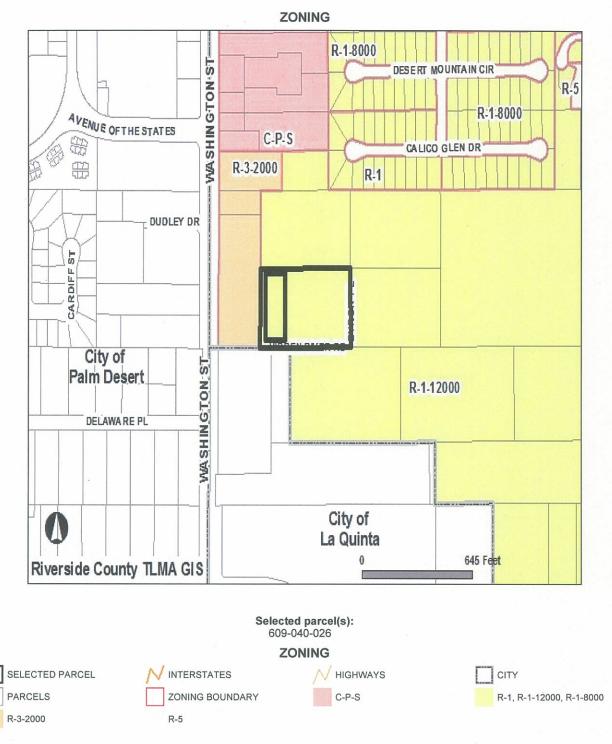
Re: PP25414

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 Jam 2 lat

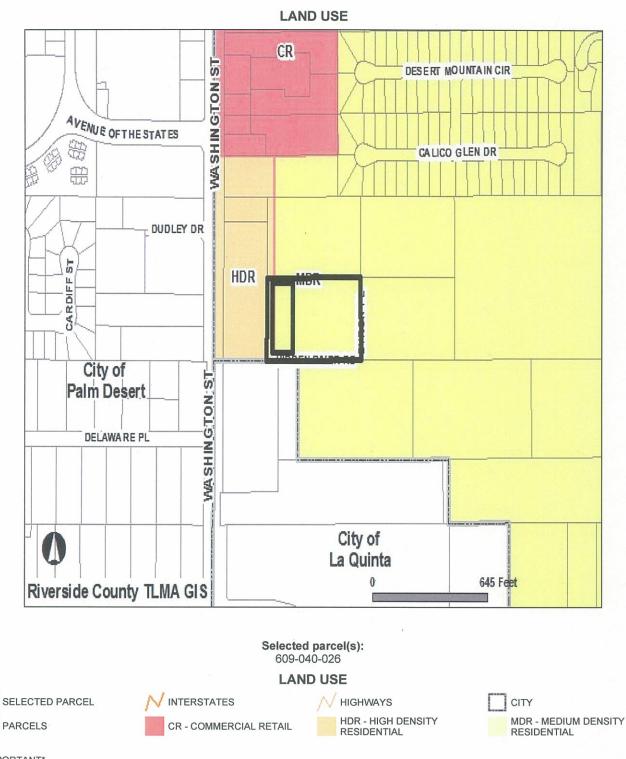
Jamés L Grant APN#609-500-063-1



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.

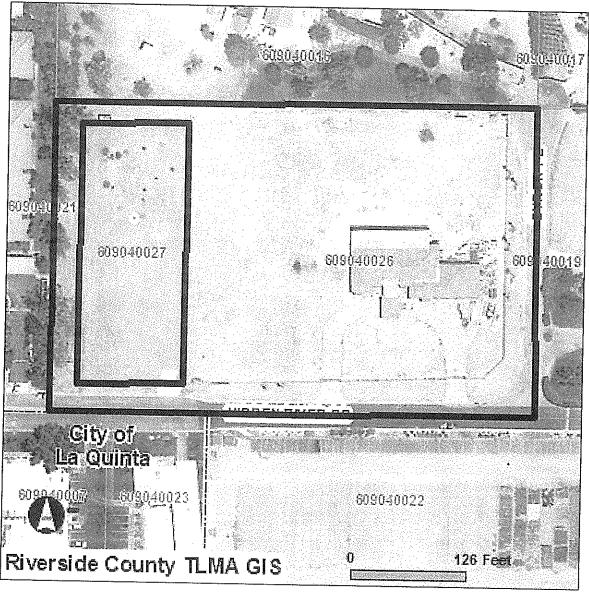
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RIVERSIDE COUNTY GIS

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 78400 HIDDEN RIVER RD INDIO, CA. 92203

MAILING ADDRESS (SEE OWNER)

(SEE SITUS)

LEGAL DESCRIPTION

RECORDED BOOK/PAGE: PM 60/26 SUBDIVISION NAME: PM 12558 LOT/PARCEL: 3, BLOCK: NOT AVAILABLE , Por.TRACT NUMBER: NOT AVAILABLE

LOT SIZE

RECORDED LOT SIZE IS 3.29 ACRES

PROPERTY CHARACTERISTICS WOOD FRAME, 4967 SQFT., 5 BDRM/ 3.25 BATH, 1 STORY, ATTACHED GARAGE(1705 SQ. FT), CONST'D 2006TILE, 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 #: 2006-89-4 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 BENOIT, DISTRICT 4

SUPERVISORIAL DISTRICT (2001 BOUNDARIES) **ROY WILSON, DISTRICT 4**

TOWNSHIP/RANGE T5SR7E SEC 18

ELEVATION RANGE 120/132 FEET

PREVIOUS APN NO DATA AVAILABLE

PLANNING

LAND USE DESIGNATIONS HDR MDR

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-1-12000

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

AIRPORT INFLUENCE AREAS

AIRPORT COMPATIBLITY ZONES BERMUDA DUNES ZONE E

ENVIRONMENTAL

CVMSHCP (COACHELLA VALLEY MULTI-SPECIES HABITAT CONSERVATION PLAN) CONSERVATION AREA

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

WRMSHCP (WESTERN RIVERSIDE COUNTY MULTI-SPECIES 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 REVIEWPROCESS) NONE

VEGETATION (2005) NO DATA AVAILABLE

FIRE

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

FIRE RESPONSIBLITY 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 TUMF (TRANSPORTATION UNIFORM MITIGATION FEE ORD. 673) IN OR PARTIALLY WITHIN A TUMF FEE AREA. SEE MAP FOR MORE INFORMATION. In EAST

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

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

SKR FEE AREA (STEPHEN'S KANGAROO RAT ORD. 663.10) NOT WITHIN AN SKR FEE AREA.

DEVELOPMENT AGREEMENTS

NOT IN A DEVELOPMENT AGREEMENT AREA

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

ROAD BOOK PAGE 207B

TRANSPORTATION AGREEMENTS NOT IN A TRANSPORTATION AGREEMENT

CETAP (COMMUNITY AND ENVIRONMENTAL TRANSPORTATION ACCEPTABILITY PROCESS) CORRIDORS

HYDROLOGY

FLOOD PLAIN REVIEW NOT REQUIRED

WATER DISTRICT CWD

FLOOD CONTROL DISTRICT COACHELLA VALLEY WATER DISTRICT

WATERSHED WHITEWATER

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

MISCELLANEOUS

SCHOOL DISTRICT DESERT 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.tlma.co.riverside.ca.us/pa/rclis/print.htm

075004

•CITRUS PEST CONTROL 2

·COACH VAL CO WTR STORM WTR UNIT

·COACHELLA VAL JT BLO HIGH

•COACHELLA VALLEY COUNTY WATER •COACHELLA VALLEY PUBLIC CEMETERY

·COACHELLA VALLEY REC AND PARK

·COACHELLA VALLEY RESOURCE CONSER

COUNTY FREE LIBRARY

- •COUNTY WASTE RESOURCE MGMT DIST •CSA 152

•CSA 152 •CV MOSQ & VECTOR CONTROL •CVC WTR IMP DST 1 DEBT SV •DESERT COMMUNITY COLLEGE

DESERT SANDS UNIFIED SCHOOL

•GENERAL

•GENERAL PURPOSE

•RIV CO REG PARK & OPEN SPACE •RIV. CO. OFFICE OF EDUCATION

SUPERVISORIAL ROAD DISTRICT 4

SPECIAL NOTES PLEASE REFER TO ORDINANCE 457.96 FOR COACHELLA VALLEY AGRICULTURAL GRADING EXEMPTIONS.

BUILDING PERMITS

FINAL
FINAL
ISSUED
ISSUED
FINAL
-

ENVIRONMENTAL HEALTH PERMITS

Case #	Description	Status
	PLAN REVIEW	APPLIED
EHW051124		

PLANNING PERMITS

Case #	Description	<u> </u>
COC05608	CERP. PARCEL AS LEGAL DISCRIPTIONS	Status
CZ07697	ORD AMD 348.4636 TO EST PROPERTY MAINT STANDARDS	APPROVED
MT070070	COC05608	APPROVED
PP25119	2400 SQ FT RV GARAGE	PAID
		APPROVED

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