

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

029



FROM: TLMA/Planning Department

SUBMITTAL DATE: May 14, 2003

SUBJECT: CHANGE OF ZONE NO. 6714 and CONDITIONAL USE PERMIT NO. 3387 - EA 38795 - Paul Black - Third Supervisorial District - Pine Cove Zoning District - 1.15 Net Acres - One-Family Dwellings - Mountain Resort - One Acre Minimum (R-1A-1) zoning - Northerly side of Highway 243 (Banning/Idyllwild Road), easterly of Cedar Glen Road, and southerly of Foster Lake - REQUEST: Change the zoning for the subject property from R-1A-1 to W-2-1, and permit an existing water extraction facility consisting of an existing spring (horizontal well) and ancillary facilities (water tanks and pipelines) for off-site distribution.

BACKGROUND INFORMATION: The zone change and conditional use permit were tentatively denied with a unanimous action by the Board on April 29, 2003. The Board directed Planning Department staff and County Counsel to prepare appropriate findings and conclusions prior to a final vote by the Board on May 20, 2003.

CONTROVERSIAL ISSUES: Biological, Hydrogeologic, Traffic, Safety, Land Use, Zoning. The pending code enforcement citation (CV013543) required that the project be taken to a public hearing within six (6) months of application, in compliance with Board of Supervisors Policy A-57.

RECOMMENDED MOTION:

ADOPTION of the attached findings and conclusions for denial of Change of Zone No. 6714 and Conditional Use Permit No. 3387.

Ron Goldman, Interim Planning Director

RG:gs

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

County Executive Officer Signature

Policy
 Policy

Consent
 Consent

Department Recommendation:
Per Executive Office:

Prev. Agn. ref. BOS 4/29/03 16.3

Dist. Third

AGENDA NO.

3.36

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1:30 p.m. being the time set for public hearing on the Planning Commission's report of denial for the application of Paul Black for Change of Zone 6714 to change the zoning from R-1A-1 to W-2-1 (controlled development area – 1 acre minimum), and for Conditional Use Permit 3387 for water extraction, located in the Pine Cove District, 3rd District, 1.15 net acres, EA 38795, the Chairman called the matter for hearing.

Dave Mares, Planning staff, presented the matter.

Wayne Harrison, county geologist, discussed the evaluations of the spring that they received to date, and determined that there would be significant impacts.

Dave Mares, Planning staff, emphasized that this is a Code Enforcement case, and as per Board Policy A-57, and if the Board wishes to proceed with this then the direction should be given to require an EIR. There will be three options:

- deny the zone change and the conditional use permit
- continue the zone change and conditional use permit and direct staff to issue a Notice of Preparation for an EIR
- Continue the zone change and conditional use permit and direct staff to complete the environmental assessment condition of approval and advertise for an additional public hearing.

Larry Markham, representing Idyllwild Spring Water in favor, stated they are willing to change the zone for less allowable uses.

The following individuals spoke:

1 I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on

April 29, 2003 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: April 29, 2003
Nancy Romero, Clerk to the Board of Supervisors, in
and for the County of Riverside, State of California.

By:  Deputy

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Paul Black, in favor, rebutted findings.
Lenus Salgren, in favor.
Steve Finney, in favor, spoke about public property rights issue.
Chris Westrig, in favor.
Kevin Hartigan, neutral, stated that water should stay in the community.
Erin O'Neill, in opposition, addressed the issue of public property rights.
Holly Owens, in opposition.
David Liliholm, in opposition.
Mark Gursky, Mountain Resources Conservancy, in opposition.
Scott Birkey, in opposition.
Robert Beck, in opposition.
Baird Bryant, in opposition, read a newspaper article.
Anna Chellton, in opposition.
Stephanie Dehney, in opposition.
Patty Carratello, in opposition.
Duran Bell, in opposition.
Trish Tulley, in opposition.
Sherry Rush, in opposition.
Frank Landfield, in opposition.
Daniel Pietsch, in opposition.
Peter Kiriakos, representing Sierra Club, in opposition.

Mr. Markham rebutted.

Mr. Black rebutted.

Since no one else present wished to speak on the matter, the Chairman declared the hearing closed.

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Supervisor Venable noted that 200 signatures in opposition came from the Idyllwild area, and gave an historic overview about the complaint against the water tanks that were illegal.

Supervisor Wilson stated that there are two issues; one is that Mr. Black has been running an illegal business all these years without attempting to get a permit to operate a business out of his home, and the fact that we are shipping water off the hill without an environmental assessment of what impact that has on the hill, the forests, and the people. He noted that all three water districts in the area are currently in Stage Two alerts.

Supervisor Wilson concluded that we should deny the cases because Mr. Black has operated illegally, and ask him to start the process all over again. We should stop him from retracting water now until there are assurances that there are no significant environmental impacts.

Katherine Lind, Deputy County Counsel, explained that Mr. Black can re-apply, and she asked the Board that if their direction is for a denial, then their action should be tentative, and give staff the opportunity to return with written findings.

On motion of Supervisor Venable, seconded by Supervisor Wilson and duly carried by unanimous vote, IT WAS ORDERED to tentatively deny Change of Zone 6714 and Conditional Use Permit 3387, and that staff is directed to come back with necessary findings for denial on Tuesday, May 20, 2003 at 9:00 a.m.

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