

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

320B



FROM: TLMA - Planning Department

SUBMITTAL DATE:
October 17, 2005

SUBJECT: CHANGE OF ZONE NO. 6779 / CONDITIONAL USE PERMIT NO. 3395 (FTA2001-11) - Applicant: Ray Borel and Agriscape - Engineer / Representative: James Unland and Associates - Third Supervisorial District - Rancho California Zoning District - Southwest Area Plan: Open Space: Conservation (OP-C) and Community Development: Light Industrial (CD-LI) (0.25-0.60 Floor Area Ratio) - Location: Easterly of Sky Canyon Dr. and southerly of Borel Road - 20.55 Gross Acres - Zoning: Specific Plan (SP) - REQUEST: The Change of Zone is a request to amend the zoning ordinance for SP265 to allow for recycling of green wastes and concrete. The Conditional Use Permit is an application to relocate an existing un-permitted operation (Agriscape) for manufacturing of compost for retail sale through the recycling of green and construction wastes and asphaltic concrete / concrete recycling. The operation will also include concrete batch processing. The project also includes two 1,000 gallon above-ground fuel storage tanks, storage of 55-gallon barrels of motor oil and hydraulic fluid, 1 cylinder of oxygen (275 cubic feet) and 1 cylinder of acetylene (130 cubic feet).

BACKGROUND:

This project was given fast track status on April 16, 2001. Approximately two years later, the Conditional Use Permit and the Zone Change applications were filed with the County Planning Department on March 19, 2003. Approximately two years later, the applicant submitted a written request (dated 7/14/05) demanding that the project be moved forward to a public hearing before the Planning Commission.

During the two-year period between application filing and the applicant's decision to force a public hearing, a number of outstanding issues were identified and remain unresolved: A HANS application was filed but the process was never completed. The Local Enforcement Agency (County Environmental Health Department) informed the applicant of the requirement to obtain a Solid Waste Facilities Permit. Due to the proximity (within the Airport Influence Area) of the

Robert C. Johnson
Planning Director

RCJ:sn

Departmental Concurrence

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 10/18/05

Policy
 Policy

Consent
 Consent

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.

District: Third

Agenda Number:

The Honorable Board of Supervisors

RE: CHANGE OF ZONE NO. 6779 / CONDITIONAL USE PERMIT NO. 3395 (FTA2001-11)

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site to the French Valley Airport, the project is required to obtain clearance from the County Airport Land Use Commission. A Supplemental EIR was required to address impacts that had not been anticipated by the originally certified EIR. Questions and concerns raised by the County Waste Management Department.

Because these concerns and issues were unresolved at the time project was heard before the Planning Commission, Planning Staff was compelled to recommend denial of the project. The Planning Commission, after a continuance of the hearing in order to allow time for the 3rd District Commission to communicate with the applicant about the outstanding issues. At the second meeting the Commission voted unanimously to deny the project.

RECOMMENDED MOTION:

RECEIVE AND FILE the Notice of Decision for the above referenced case acted on by the Planning Commission on October 12, 2005.

The Planning Department recommended Denial; and,

THE PLANNING COMMISSION UNANIMOUSLY:

DENIED CHANGE OF ZONE NO. 6779 and CONDITIONAL USE PERMIT NO. 3395, based upon the findings and conclusions incorporated in the staff report.