

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

611B



FROM: TLMA - Planning Department

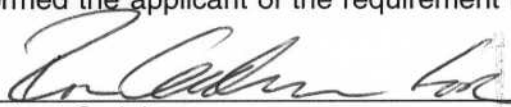
SUBMITTAL DATE:
November 3, 2005

SUBJECT: APPEAL of CHANGE OF ZONE NO. 6779 / CONDITIONAL USE PERMIT NO. 3395 (FTA2001-11) - Appellant: Chris Hopper - 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


Robert C. Johnson
Planning Director

RCJ:sn

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 11/14/05
Departmental Concurrence

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

Prev. Agn. Ref. | District: Third | Agenda Number:

16.3

The Honorable Board of Supervisors

RE: APPEAL of CHANGE OF ZONE NO. 6779 / CONDITIONAL USE PERMIT NO. 3395

(FTA2001-11)

November 3, 2005

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a Solid Waste Facilities Permit. Due to the proximity (within the Airport Influence Area) of the 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:

THE PLANNING DEPARTMENT RECOMMENDS:

CONSIDERATION of the above referenced appeal received on November 2, 2005 of the Planning Commission decision.

THE PLANNING COMMISSION took the following actions on October 12, 2005:

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

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Planning Department

Robert C. Johnson Planning Director

ACCEPTABLE FOR
 OFFICIAL PURPOSES ONLY
 OCT 14 2005
 RIVERSIDE COUNTY
 PLANNING DEPARTMENT
 BY: Becky Leach

APPLICATION FOR APPEAL

DATE SUBMITTED: _____

Appeal of application case No(s): CUP03395 and CZ06779

List any concurrent application case numbers: _____

Applicant's Name: Chris Hopper E-Mail: chopper@jameswunland.com

Mailing Address: 3550 E. Florida Avenue, Suite G

	<i>Street</i>	
Hemet	CA	92544
<i>City</i>	<i>State</i>	<i>ZIP</i>

Daytime Phone No: (951) 652-5575 Fax No: (951) 925-6490

HEARING BODY WHOSE ACTION IS BEING APPEALED	HEARING BODY TO WHICH APPEAL IS BEING MADE	APPEAL TO BE FILED WITH
Planning Director	<ul style="list-style-type: none"> • Board of Supervisors for: Temporary Outdoor Events and Substantial Conformance Determination for WECS. • Planning Commission for: all other decisions. 	<ul style="list-style-type: none"> • Clerk of The Board for: Appeals before the Board of Supervisors. • Planning Department for: Appeals before the Planning Commission.
Planning Commission	Board of Supervisors	Clerk of the Board of Supervisors
TYPE OF CASES BEING APPEALED		FILING DEADLINE
<ul style="list-style-type: none"> • Change of Zone Denial by the Planning Commission • Commercial WECS Permit • Conditional Use Permit • Hazardous Waste Facility Siting Permit • Public Use Permit • Variance • Specific Plan denied by the Planning Commission • Substantial Conformance Determination for WECS • Surface Mining and Reclamation Permit 		Within 10 days after the notice of decision appears on the Board of Supervisors Agenda.
<ul style="list-style-type: none"> • Land Division (Tract Map or Parcel Map) • Revised Tentative Map • Minor Change to Tentative Map • Extension of Time for Land Division (not vesting map) 		Within 10 days after the notice of decision appears on the Board of Supervisor's Agenda.
<ul style="list-style-type: none"> • Extension of Time Vesting for Tentative Map 		Within 15 days after the notice of decision appears on the Board of Supervisor's agenda.
<ul style="list-style-type: none"> • General Plan or Specific Plan Consistency Determination • Temporary Outdoor Event 		Within 10 days after date of mailing or hand delivery of decision of the Planning Director.
<ul style="list-style-type: none"> • Environmental Impact Report 		Within 10 days of receipt of project sponsor or Planning

APPLICATION FOR APPEAL

	Director determination, or within 7 days after notice of decision by Planning Commission appears on the Board's agenda.
<ul style="list-style-type: none"> Plot Plan Second Unit Permit Temporary Use Permits Accessory WECS 	Within 10 calendar days after the date of mailing of the decision.
<ul style="list-style-type: none"> Letter of Substantial Conformance for Specific Plan 	Within 7 days after the notice of decision appears on the Board of Supervisor's agenda.
<ul style="list-style-type: none"> Revised Permit 	Same appeal deadline as for original permit.
<ul style="list-style-type: none"> Certificate of Compliance Tree Removal Permit 	Within 10 days after the date of the decision by the Planning Director.
<ul style="list-style-type: none"> Revocation of Variances and Permits 	Within 10 days following the mailing of the notice of revocation by the Director of Building and Safety, or within 10-days after the notice of decision of the Planning Commission appears on the Board of Supervisor's agenda.

PLEASE STATE THE REASONS FOR APPEAL.

Please state the basis for the appeal and include any supporting evidence if applicable. If appealing one or more specific conditions of approval, indicate the number of the specific condition(s) being protested. In addition, please include all actions on related cases, which might be affected if the appeal is granted. This will allow all changes to be advertised and modified at the same time. AN APPEAL OF ONE OR MORE CONDITIONS OF APPROVAL SHALL BE DEEMED AS AN APPEAL OF THE ACTION AS A WHOLE, AND THE APPEAL BODY MAY APPROVE OR DENY THE ENTIRE MATTER, AND CHANGE ANY OR ALL OF THE CONDITIONS OF APPROVAL.

We are appealing the denial of the zone change and Conditional Use Permit. Particular concerns are the requirement of a HANS application and processing, requirement of a Specific Plan Amendment and TUMF fees.

Use additional sheets if necessary.

Chris Hopper
PRINTED NAME OF APPELLANT


SIGNATURE OF APPELLANT

10/21/05
DATE