

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



FROM: TLMA - Planning Department and County Counsel

SUBMITTAL DATE:
June 8, 2007

SUBJECT: FINDINGS FOR DENIAL OF CONDITIONAL USE PERMIT NO. 3516 – CEQA EXEMPT – Applicant: Pastor Paul Johnson – Engineer / Representative: Christopher Baiz & Associates – Third Supervisorial District – Rancho California Zoning Area – Riverside Extended Mountain Area Plan: Rural: Rural Residential (R-RR) (5 Acre Minimum), Rural Mountainous (R-RM) (10 Acre Minimum), and Agriculture: Agriculture (AG) (10 Acre Minimum) – Location: Northerly of San Ignacio Road, easterly of East Benton Road, and westerly of Sage Road – 63.99 Gross Acres – Zoning: Rural Residential (R-R) – REQUEST: CUP 3516 proposes to legalize an existing rehabilitation center/half-way house which includes: 34 RVs, 14 mobile homes ranging in size from 240 square feet to 1,300 square feet, a 3,800 square foot storage/woodshop, a 2,346 square foot auto shop, a 1,500 square foot chapel, a 4,400 square foot animal barn, a 900 square foot technology room, a 1,000 square foot school building, a 1,824 square foot kitchen, and a large playground area. The applicant proposes use of 12 of the 14 mobile homes and 1 storage building.

BACKGROUND: CUP No. 3516 was considered by the Board of Supervisors on May 15, 2007. After taking testimony, the Board closed the public hearing and tentatively denied the project.

The Planning Department and County Counsel have prepared the necessary findings for denial as directed by the Board.

RECOMMENDED MOTION:

DENIAL of CONDITIONAL USE PERMIT NO. 3516, based on the attached findings.

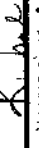


 Ron Goldman
 Planning Director

RCJ:kb

FORM APPROVED COUNTY COUNSEL

JUN 08 2007

BY  KATHERINE A. LIND

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

Prev. Agn. Ref.

District: First

Agenda Number:

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE

IN THE MATTER OF CONDITIONAL)
USE PERMIT NO. 3516)
)
)

FINDINGS

The Board of Supervisors of the County of Riverside (the "Board") heard the above-referenced matter (the "project") in regular session assembled on May 15, 2007, after giving the required notice. The Planning Department and the Code Enforcement Department made presentations and the applicant and his representative gave oral testimony, as did various members of the public. Following the presentations, and oral testimony, the Board tentatively denied the project and directed the Planning Department and Office of the County Counsel to prepare the following findings. The Board has reviewed the findings and hereby denies the project based thereon.

1. The project, if approved, would allow the continued operation of a facility containing an assemblage of uses that defies precise description. These uses include, but are not limited to, thirty-four (34) recreational vehicles, fourteen (14) mobile homes ranging in size from 240 to 1,300 square feet, ten (10) travel trailers, a 3,800 square foot storage/woodshop, a 2,346 square foot auto shop, a 1,500 square foot chapel, a 4,400 square foot animal barn, a 900 square foot technology room, a 1,000 square foot school building, a 1,824 square foot kitchen, a hair salon and a large playground area.
2. The facility, which the applicant describes as a "faith-based, family-oriented drug rehabilitation center", has been operating for several years, but has been doing so illegally because the assemblage of uses is not allowed in the applicable zone classification. The facility is located on a sixty-four (64) acre site (the "project site") and currently houses approximately 140 adults and forty (40) children.
3. The General Plan land use designation on the project site is Rural Residential, Rural Mountainous and Agriculture.
4. The Rural Residential land use designation "allows one single-family residence per five acres, as well as limited animal keeping and agricultural activities. Limited recreational uses, compatible resource development (not including the commercial extraction of mineral resources) and associated uses, and governmental uses are also allowed within this designation." (Riverside County General Plan, pg. LU-48.) The facility is inconsistent with this designation.

5. The Rural Mountainous land use designation “allows single-family residential uses, limited animal-keeping and agricultural uses, with a maximum residential density of 1 dwelling unit per 10 acres . . . Limited recreational uses, compatible resource development (which may include the extraction of mineral resources with approval of a surface mining permit) and associated uses, and governmental uses are also allowed within this designation.” (Riverside County General Plan, pg. LU-48.) The facility is inconsistent with this designation.
6. The Agriculture land use designation “has been established to help conserve productive agricultural lands within the County. These include row crops, nurseries, citrus groves and vineyards, dairies, ranches, poultry and hog farms, and other agricultural related uses.” (Riverside County General Plan, pg. LU-44.) The facility is inconsistent with this designation.
7. In light of findings 4., 5. and 6. above, the project is inconsistent with the General Plan.
8. The project site is zoned Rural Residential (R-R). The R-R zone classification allows certain uses provided a conditional use permit is first obtained pursuant to the provisions of Section 18.28 of Ordinance No. 348.
9. The assemblage of uses that the facility contains is not allowed in the R-R zone classification even if a conditional use permit has been obtained.
10. Additional uses are allowed in the R-R zone provided a public use permit is first obtained pursuant to the provisions of Section 18.29 of Ordinance No. 348. Even if the applicant had sought a public use permit instead of a conditional use permit, however, the approval of a public use permit would not have authorized the assemblage of uses that the facility contains.
11. In light of findings 8., 9. and 10. above, the project is inconsistent with the R-R zone classification.
12. Assuming arguendo that the project is consistent with the General Plan and R-R zone classification, the project will be detrimental to the health, safety or general welfare of the community for the reasons hereinafter specified.
 - a. According to the Fire Department, the project is located within a Hazardous Fire Area and the following conditions present on the project site may either result in a fire or lead to injury or death in the event of a fire:
 - i. There is no secondary access.
 - ii. There is no identifiable fire protection system which would typically consist of a flow-rate of 1000 gallons per minute for two-hours and standard fire hydrants spaced 330 feet apart.

- iii. There is no address or unit identification plan.
- iv. The structures have open wiring interior and exterior at the service panel.
 - v. The kitchen structure lacks a hood and duct system.
 - vi. The structures contain propane heaters with exposed venting.
 - vii. There are unsecured propane tanks throughout the project site.
 - viii. The trailers are grouped so as to create pockets of limited access that could trap people.
 - ix. The trailers are being used as permanent dwellings and lack mobile capability.

- b. According to the Environmental Health and Public Health Departments, the following conditions present on the project site may contaminate community drinking water supplies and endanger the health of project residents:
 - i. Sewage is being improperly discharged to open plumbing and allowed to drain to a creek that leads to Lake Skinner, a source of drinking water for community residents.
 - ii. The project site is served by water that may be unsafe or unsanitary because it comes from an uncertified and unpermitted well located in the creek.

- c. According to the Code Enforcement Department, the following conditions present on the project site may endanger the safety of project residents and emergency response personnel:
 - i. Fifteen (15) structures do not meet the requirements of Ordinance No. 457 and state law.
 - ii. Fourteen (14) mobile homes do not meet the requirements of Ordinance No. 457 and state law.
 - iii. Thirty-four (34) recreational vehicles and ten (10) travel trailers that are being illegally used as permanent dwellings do not meet the requirements of Ordinance No. 457 and state law.
 - iv. Approximately twenty (20) motor vehicles are inoperable due to dismantled engines and missing tires in violation of Ordinance No. 520 and state law.

- d. According to the Code Enforcement and Public Social Services Departments, the following conditions present on the project site may endanger the safety of project residents, particularly children:
 - i. Several adult residents are convicted felons. Lynn Seda, a state parole agent, confirmed at the hearing that she typically supervises two (2) or three (3) convicted felons who reside on the project site.
 - ii. One of the unsecured propane tanks discussed above is located next to the school building.
 - iii. The inoperable vehicles discussed above constitute an attractive nuisance.

- iv. There is an unsecured rifle located in one of the buildings.
13. The project is located within the criteria area of the Western Riverside County Multiple Species Habitat Conservation Plan (the "MSHCP"). Before a discretionary permit may be approved in the MSHCP criteria area, the MSHCP requires the permit applicant to initiate and complete a Habitat Acquisition and Negotiation Strategy ("HANS") review. The project applicant in this instance did not initiate or complete a HANS review.