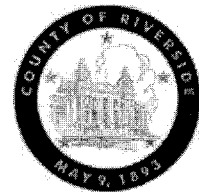


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM  
3.20  
(ID # 6869)

**MEETING DATE:**  
Tuesday, May 8, 2018

**FROM :** TLMA-PLANNING AND COUNTY COUNSEL :

**SUBJECT:** TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING AND COUNTY COUNSEL: APPROVAL OF FINDINGS AND DENIAL OF CONDITIONAL USE PERMIT NO. 3757 – CEQA EXEMPT - Applicant: Linda R. Davis Family Trust – Third Supervisorial District –Rancho California Zoning Area – Southwest Area Plan: Rural: Rural Residential – Location: North of De Portola Road, south and west of Paseo Del Traza REQUEST: Approve the findings and deny Conditional Use Permit No. 3757. APN: 927-100-053. [Applicant Fees 100%]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. **FIND** the denial of Conditional Use Permit No. 3757 exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(4) related to projects that are rejected or disapproved by the public agency; and,
2. **APPROVE** the attached findings; and,
3. **DENY** Conditional Use Permit No. 3757 based on the attached findings and consistent with the Board of Supervisors' tentative denial of Conditional Use Permit No. 3757 on March 27, 2018.

**ACTION:** Policy

Charissa Leach, Assistant TLMA Director 4/19/2018

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: May 8, 2018  
xc: Planning, Co.Co.

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

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

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A
<b>NET COUNTY COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A
<b>SOURCE OF FUNDS:</b> Applicant Fees 100%			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> N/A	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

The public hearing on Conditional Use Permit No. 3757 was held on March 27, 2018 as Agenda Item No. 18.2. Conditional Use Permit No. 3757 is associated with Change of Zone No. 7921 and Ordinance No. 348.4882. At the conclusion of the public hearing, the Board of Supervisors found no new environmental document was needed for Change of Zone No. 7921 and Ordinance No. 348.4882, approved Change of Zone No.7921 and adopted Ordinance No.348.4882. The Board also tentatively denied Conditional Use Permit No. 3757 because it was inconsistent with the Temecula Valley Wine Country Policy Area and the Wine Country Community Plan.

The Board directed County staff to prepare findings consistent with the Board's tentative action on Conditional Use Permit No. 3757, and to bring the findings back to the Board for consideration and approval. Today's action will finalize the Board's tentative action on Conditional Use Permit No. 3757.

**Impact on Residents and Businesses**

The impacts of this project have been evaluated through the environmental review and public hearing process by the Planning Department.

**SUPPLEMENTAL**

**Additional Fiscal Information**

All fees are paid by the applicant, there is not a general fund obligation.

**ATTACHMENTS:**

- A. **DENIAL FINDINGS FOR CONDITIONAL USE PERMIT NO. 3757**

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

  
\_\_\_\_\_  
Gregory V. Priapos, Director County Counsel 4/20/2018

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**BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE**

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**IN THE MATTER OF CHANGE OF ZONE NO. 7921,  
ORDINANCE NO. 348.4882 AND  
CONDITIONAL USE PERMIT NO. 3757 \_\_\_\_\_)**

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**FINDINGS**

The Board of Supervisors of the County of Riverside (the "Board") heard the above-referenced matter in regular session assembled on March 27, 2018, after giving the required notice. The Planning Department made a presentation and the applicant and applicant's representatives gave oral testimony. Following the presentation, oral testimony and public testimony, the Board approved Change of Zone No. 7921, approved the associated Ordinance No. 348.4882, and tentatively denied Conditional Use Permit No. 3757. The Board directed the Office of County Counsel to prepare the following findings for Conditional Use Permit No. 3757. The Board has reviewed the findings and hereby denies Conditional Use Permit No. 3757 based on the following:

1. The applicant seeks approval of Change of Zone No. 7921 and Conditional Use Permit No. 3757.
2. The subject property known as APN 927-100-053 was zoned Rural-Residential (R-R) at the time of the public hearing and is located at 36500 De Portola Road.
3. The subject property is within the boundaries of the Riverside County General Plan's Wine Country – Equestrian District of the Temecula Valley Wine Country Policy Area.
4. Government Code section 65860 requires the County of Riverside's zoning to be consistent with its General Plan.
5. Article XIVd of Ordinance No. 348 establishes the Wine Country Zones which include the following: the Wine Country-Winery Zone, the Wine Country-Winery Existing Zone, the Wine Country – Equestrian Zone, and the Wine Country – Residential Zone.
6. Article XIVd also provides that the Wine Country Zones are established to implement the Temecula Valley Wine Country Policy Area.
7. At the time of the public hearing, the subject property's R-R zone was inconsistent with the Temecula Valley Wine Country Policy Area because the R-R zone is not a Wine Country Zone under Article XIVd of Ordinance No. 348.
8. As a result, Change of Zone No. 7921 was required to change the subject property's zone to the Wine Country – Equestrian (WC-E) zone in order to make the subject property's zone consistent with the Temecula Valley Wine Country Policy Area.
9. Conditional Use Permit No. 3757 would, if approved, conditionally permit an Alcohol or Drug Abuse Treatment Facility serving seven or more persons (the "project").
10. An Alcohol or Drug Abuse Treatment Facility serving seven or more persons is only allowed in the WC-E zone with an approved discretionary permit.

FORM APPROVED BY COUNTY COUNSEL  
BY: MICHELLE CLACK  
DATE: 4/18/18

- 1 11. Pursuant to section 19.101.D.5. of Ordinance No. 348, an Alcohol or Drug Abuse Treatment  
2 Facility serving seven or more persons is allowed in the WC-E zone with an approved  
3 conditional use permit. A conditional use permit is a discretionary permit because the Board  
4 may approve or deny an application for a conditional use permit.
- 5 12. Section 18.28.D. of Ordinance No. 348 provides that a conditional use permit shall not be  
6 granted unless the applicant demonstrates that the proposed use will not be detrimental to the  
7 health, safety or general welfare of the community.
- 8 13. Additionally, pursuant to Section 2.2 of the Riverside County Ordinance No. 348, no  
9 discretionary permit shall be approved pursuant to Ordinance No. 348 unless it is determined  
10 that the permit is consistent with the County's General Plan.
- 11 14. Section 19.101.D.6.f. of Ordinance No. 348 also provides that an Alcohol or Drug Abuse  
12 Treatment Facility shall comply with all applicable Federal, State and local laws.
- 13 15. In 2014, the Temecula Valley Wine Country Policy Area was incorporated into the Riverside  
14 County General Plan with the Board's adoption of Resolution No. 2014-040 and the Board's  
15 approval of the Temecula Valley Wine Country Community Plan (the "WCCP"), incorporated  
16 herein by this reference.
- 17 16. According to Resolution No. 2014-040, the Temecula Valley Wine Country area covers  
18 approximately 17,000 acres of Riverside County's approximately four (4) million acres.
- 19 17. Resolution No. 2014-040 also provides that the WCCP implements the County of Riverside's  
20 goals of preserving and enhancing the viticulture potential, rural lifestyle and equestrian  
21 activities within the Temecula Valley Wine Country area as well as allowing for an  
22 appropriate level of commercial tourist activities that is incidental to viticulture activities.
- 23 18. The WCCP serves as a blueprint for growth that reinforces preserving the area's rural  
24 ambiance while providing opportunities for continued preservation and expansions of winery  
25 and equestrian operations within the area.
- 26 19. One of the WCCP's objective is to allow for an appropriate level of commercial tourist  
27 activities that are incidental to viticulture and equestrian operation and coordinating growth to  
28 avoid future land use conflicts.
20. The Temecula Valley Wine Country Policy Area provides the following:
  - a. The Temecula Valley Wine Country Policy Area includes one of the most important  
agricultural lands in Riverside County.
  - b. The districts within the Temecula Valley Wine Country Policy Area have been  
established to ensure long term viability of the wine industry while protecting the  
community's equestrian rural lifestyle.
  - c. The policies establish a framework for the implementing Wine Country Zones and  
Design Guidelines, which have been established to further promote and preserve the  
distinctive character of this unique area.
  - d. The purpose of the Equestrian District is to protect and promote equestrian uses in the  
Temecula Valley Wine Country Policy Area to make this a unique Wine Country in the  
nation.
21. Pursuant to Health and Safety Code section 11834.23, an alcoholism or drug abuse recovery or  
treatment facility that serves six (6) or fewer persons shall be considered a residential use of  
property.
22. The project, if approved, would serve sixteen (16) people.
23. According to testimony during the public hearing by the applicant's representative, the  
project's operator is a privately held business.

- 1 24. The project, if approved, would be a stand-alone business located within the Wine Country –  
2 Equestrian District and would convert the existing facility serving a maximum of six persons  
3 into a larger commercial business.
- 4 25. The project, if approved, would not be operating in conjunction with or incidental to a winery  
5 or equestrian operation.
- 6 26. According to the Temecula Valley Wine Country Policy Area, business operations within the  
7 Temecula Valley Wine Country Area are intended to be incidental to the associated winery or  
8 equestrian operation with the purpose of ensuring the long-term viability of the wine industry  
9 and protecting the equestrian rural lifestyle.
- 10 27. The project is inconsistent with the goals and objectives of the General Plan’s Temecula  
11 Valley Wine Country Policy Area and the WCCP because it is a stand-alone business and not  
12 incidental to a winery or equestrian operation.
- 13 28. The project also does not further the WCCP’s goal of ensuring the long term viability of the  
14 wine industry, preserving this unique agricultural area and protecting the equestrian rural  
15 lifestyle.
- 16 29. Additionally, if the subject property remained zoned R-R, the project would still be  
17 inconsistent with the Temecula Valley Wine Country Policy Area for the reasons set forth  
18 above.
- 19 30. Oral and written testimony, from members of the public, was presented at the public hearing  
20 regarding the inconsistency with the Temecula Valley Wine Country Policy Area and the  
21 WCCP.
- 22 31. In accordance with Sections 18.28 and 20.3.a. of Ordinance No. 348, the Board may approve,  
23 modify or disapprove the Planning Commission’s recommendation.
- 24 32. The Board’s denial of Conditional Use Permit No. 3757 is final.
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**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM  
18.2  
(ID # 6337)

**MEETING DATE:**

**FROM:** TLMA-PLANNING:

Tuesday, March 27, 2018

**SUBJECT:** TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING ON CONDITIONAL USE PERMIT NO. 3757 and CHANGE OF ZONE NO. 7921, ORDINANCE NO. 348.4882 – CEQA Exempt Section 15301 and No New Environmental Document Required – Applicant: Linda R. Davis Family Trust – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Rural: Rural Residential, in the Temecula Valley Wine Country Policy Area – Equestrian District – Location: North of De Portola Road, and both south and west of Paseo Del Traza, more specifically at 36500 De Portola Road – 10.41 Acres – Zoning: Rural Residential (R-R) - REQUEST: Conditional Use Permit No. 3757 proposes to convert an existing six (6) bed residential drug and alcohol treatment facility to a 16 bed residential drug and alcohol treatment facility within an existing 7,384 square foot home on a 10.41 acre lot. The facility will operate in three shifts and have 23 full time staff, consisting of 4 licensed therapists, 3 certified addiction counselors, 12 behavioral health technicians, 2 housekeeping staff and 2 facility directors. The maximum number of staff at one time is 12 people at the facility. Change of Zone No. 7921 and associated Ordinance No. 348.4882 is required to make the subject property's zoning classification consistent with the County's General Plan as amended by General Plan Amendment No. 1077. It will change the site's zoning classification from Rural-Residential to Wine Country-Equestrian – APN: 927-100-053. [Applicant Fees 100%]


**RECOMMENDED MOTION:** That the Board of Supervisors continued on page 2:

  
TLMA Director

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Washington, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the Board tentatively deny Conditional Use Permit 3757 because the proposed use is inconsistent with the Temecula Valley Wine Country Policy Area and the Wine Country Community Plan. County staff is directed to prepare findings consistent with the motion and bring those findings to the Board for adoption and to find no new environmental document is required for Zone Change No. 7921 associated with Ordinance No. 348.4882 because all potentially significant effects on the environment have already previously been certified in EIR No. 524; Approve Change of Zone No. 7921 amending the zoning classification for the subject property from Rural-Residential zone to the Wine Country-Equestrian zone in accordance with the exhibit in the staff report so that the property zoning is consistent with the General Plan's land use designation; and that Ordinance 348.4882 is adopted with waiver of the reading.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley  
Nays: None  
Absent: None  
Date: March 27, 2018  
xc: Planning, Co.Co., MC, COB

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy