

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: APPEAL OF PLANNING COMMISSION DECISION MAKING A FINDING OF SUBSTANTIAL COMPLIANCE FOR TROESH READY MIX, INC. WITH CONDITIONAL USE PERMIT 80-004

DATE: JANUARY 21, 2003

Needs: For the City Council to consider an appeal of the Planning Commission's decision on December 10, 2002. On that date the Planning Commission made a finding of substantial compliance for the operations plan of Troesh Ready Mix, Inc., with regard to the existing Conditional Use Permit 80-004.

Facts:

1. The Planning Commission, on a 6 to 1 vote, approved the substantial compliance request thereby allowing Troesh Ready Mix, Inc. to re-establish a cement batch plant on the site located at 1741 North River Road, pursuant to the existing Conditional Use Permit 80-004 (See attached Vicinity Map).
2. On December 20, 2002, the City received an application appealing the Planning Commission's finding of substantial compliance. The appeal was filed by the "Neighbors Against Cement Plant" (See attached letter). The Appeal identified the following concerns:
 - a. Increased traffic
 - b. Cement Dust
 - c. Noise
3. Attached is a copy of the December 10, 2002 Planning Commission Staff Report, which reviews the request submitted by Troesh Ready Mix, Inc. Troesch was seeking a Planning Commission finding of substantial compliance for Conditional Use Permit 80-004, thereby authorizing Troesh Ready Mix to operate a concrete batch plant at 1741 North River Road.
4. At the conclusion of its public hearing on December 10, 2002, after reviewing the information presented and after considering public testimony, the Planning Commission determined that the proposed Troesh Ready Mix operation is in substantial compliance with CUP 80-004 thereby allowing the applicant to proceed with establishing and operating the concrete batch plant as described in the letter from Doug Troesh dated October 31, 2002 (attached to this report as part of the December 10th Planning Commission staff report).

Analysis**And Conclusion:**

At its December 10th hearing the Planning Commission reviewed and discussed the operational characteristics of the Troesh Ready Mix concrete batch plant, the characteristics of the previous concrete batch plant operations conducted at the site, and the provisions of Conditional Use Permit 80-004. Among the other items, the Commission reviewed and discussed the number of truck trips, number of employees, noise, site aesthetics, as well as the hours of operation of the batch plant.

Gary Stemper, property owner and previous operator of similar batch plants on the subject site, provided historical background and photographs identifying that the plant has been operated at levels at or above what Troesh Ready Mix is proposing, including receiving materials through the night and operating the plant 24 hours a day for large "continuous pour" projects.

Doug Troesh, applicant, spoke at the Planning Commission hearing acknowledging the concerns of the neighbors and explained that with his proposed operation, noise levels would be lower and dust suppression would be better because of the use of new concrete manufacturing equipment.

Mr. Troesh also explained that the "spoils" of the cement manufacturing would be hauled to the Troesh Ready Mix Plant in Nipomo where it would be recycled.

The City's appeal process authorizes the Council to uphold, overturn or modify the Planning Commission decision on December 10, 2002, regarding this item. These options are listed below.

Policy

Reference: City of Paso Robles General Plan & Zoning Ordinance

Fiscal

Impact: None.

Options:

After holding a public hearing on the Appeal, the City Council will be asked to take one of the following actions:

- a. Deny the Appeal by upholding the Planning Commission's substantial compliance determination regarding Conditional Use Permit 80-004, thereby allowing the applicant to proceed as described.
- b. Continue the appeal to allow an opportunity for Troesh Ready Mix to modify their operational characteristics relating to hours of operation, number of employees and/or trucks to better fit within the scope of Conditional Use Permit 80-004.

- c.** Approve the Appeal by making a determination that the proposed scope of operations is beyond what was allowed with Conditional Use Permit 80-004 and therefore does not substantially comply with the previously approved permit; and that the cannot be allowed unless the Planning Commission approves Troesh Ready Mix proposed concrete batch plant through an amendment to the existing Conditional Use Permit.
- d.** Amend, modify or reject the above options.

Attachments:

- 1. Vicinity Map
- 2. Signatures of Appeal by the Neighbors Against Cement Plant
- 3. Excerpt from City Council Minutes of April 19, 1988
- 4. Mail Notice Affidavit for City Council Appeal Hearing
- 5. December 10, 2002, Planning Commission Staff Report

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