

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

119 B



FROM: TLMA - Planning Department

SUBMITTAL DATE: August 15, 2003

SUBJECT: FAST TRACK CONDITIONAL USE PERMIT NO. 3252, REVISED PERMIT NO. 2 (FTA#97-39) - EA38947 - Southern California Recycling - Fourth Supervisorial District - Thousand Palms Zoning District - 25 acres - M-SC zone - East of Rio Del Sol Road, south of Vista Chino Road, north of Varner Road - REQUEST: Expand existing outdoor recycling facility from six acres to 25 acres, including chipping and grinding operation for green and wood waste materials from six acres to 10 acres with material piles up to 20 feet in height, add ten acres for the recycling of asphalt and concrete materials with material piles up to 30 feet in height, expand the existing outdoor recycling facility for metal and white goods with material piles up to 10 feet in height, and construct two equipment storage/maintenance buildings with adjacent outdoor equipment storage area.

CONTROVERSIAL ISSUES: Unresolved transportation and circulation issues with potential high volume of vehicle trips as indicated by the California Integrated Waste Management Board. Maintaining on-going inspections of the operation, the extent and nature of proposed uses, air quality requirements and scope of proposed grading activities resolved through recommended conditions of approval.

BACKGROUND: The purpose of Conditional Use Permit No. 3252, Revised Permit No. 2 (hereafter "RVP#2") is to re-circulate the CEQA Environmental Assessment with the California State Clearinghouse as part of a settlement agreement between an individual group, "Citizens to Enforce CEQA", and the County of Riverside. "Citizens to Enforce CEQA" challenged the approval and adoption of the mitigated negative declaration and Conditional Use Permit No. 3252, Revised Permit No. 1 (hereafter "RVP#1") which allowed expansion of the existing recycling facility.

Robert C. Johnson, Planning Director

RCJ: jo

(Continued On Attached Page)

REVIEWED BY EXECUTIVE OFFICE
[Signature]
DATE 8/20/03

Department Recommendation: Consent Policy
Per Executive Office: Consent Policy

Prev. Agn. Ref. 16.2

Dist. Fourth

AGENDA NO.

16.1

The Honorable Board of Supervisors

RE: FAST TRACK CONDITIONAL USE PERMIT NO. 3252, REVISED PERMIT NO. 2

(FTA#97-39)

August 15, 2003

Page 2 of 3

The existing recycling facility was originally approved under Conditional Use Permit No. 3252 by the Board of Supervisors on May 19, 1998. The original site consisted of six acres. Non-compliance issues arose with conditions of approval such as with lack of security bonding, lack of wind screens, lack of completed masonry cell walls, limited parking/landscaping improvements, and an increase in recycling area from six acres to approximately 25 acres, including added concrete and inert recycling materials not previously approved.

To address non-compliance issues, and to expand the recycling facility from six acres to 25 acres, the owner/applicant applied for RVP#1 in April 2001. RVP#1 was approved by the Planning Commission on November 14, 2001. The expansion consisted of increased recyclable materials including green wastes, inert materials, and metal/white goods along with future construction of two industrial buildings (5,000 square foot building/10,000 square foot building).

Prior to receive and file action by the Board, an appeal of RVP#1 was filed by Citizens to Enforce CEQA against the approval action of the Planning Commission. The appeal was denied at the Board hearing on January 29, 2002 upholding approval of RVP#1.

Shortly after the appeal hearing, legal action was filed by Citizens to Enforce CEQA to challenge the approval and the CEQA findings of RVP#1. Litigation was resolved through a settlement agreement requiring the EA to be re-circulated with the State Clearinghouse. The Board, as part of the settlement agreement, rescinded its prior approval of RVP#1 on September 10, 2002.

In order to accomplish re-circulation of the EA, Planning staff has completed an initial study and proposed mitigated negative declaration for EA38947 and has prepared updated conditions of approval for RVP#2 for your Board's consideration. No changes to the project have been proposed by the owner/applicant. The purpose of RVP#2 is strictly to re-circulate the EA. The circulation period for state agencies is a minimum of 30 days, not including transit and administrative time. As a Fast Track matter, this conditional use permit has been forwarded directly to your Board for hearing. The recommendation of Planning Staff is indicated below.

FURTHER PLANNING CONSIDERATIONS:

JUNE 3, 2003

The project was continued from May 20, 2003 Board of Supervisors hearing to the June 3, 2003 Board hearing in order to allow additional time for the applicant to address comments received from an attorney in opposition to the project based on the completed Environmental Assessment No. 38947. The attorney in opposition submitted a letter dated May 20, 2003 in opposition to the findings of Environmental Assessment No. 38947.

The Honorable Board of Supervisors

RE: FAST TRACK CONDITIONAL USE PERMIT NO. 3252, REVISED PERMIT NO. 2
(FTA#97-39)

August 15, 2003

Page 3 of 3

Planning staff met with the applicant's representative on May 23, 2003 to discuss various options including preparation of a new Environmental Assessment (EA) to be completed by the applicant's environmental consultant to address comments received at the Board hearing.

The applicant's representative submitted a letter dated May 28, 2003 requesting a 60 day continuance to August 12, 2003 in order to allow completion of an amended environmental assessment. The continuance will allow additional time to complete the amended EA and re-circulate the document with the state clearinghouse. Therefore, Planning staff recommends continuance and re-advertisement of the revised conditional use permit.

FURTHER PLANNING CONSIDERATIONS:

AUGUST 26, 2003

The project was continued from the August 12, 2003 Board hearing to the August 26, 2003 Board hearing. The project is recommended to be continued to the October 7, 2003 Board Hearing to allow sufficient time to address transportation/circulation concerns as indicated by the California Integrated Waste Management Board letter dated August 4, 2003 in response to Environmental Assessment No. 38947 which was recently circulated with the state clearinghouse. The California Integrated Waste Management Board specifically questions the ability of the site to handle peak proposed traffic consisting of 5691 PCE trip ends per day as projected in the Traffic Study. Additional time is needed for the applicant's environmental consultant to update EA38947 regarding traffic issues and to provide additional mitigation measures prior to a 30 day re-circulation of EA38947 with the state clearinghouse. Therefore, staff recommends continuance to the October 7, 2003 Board hearing.

THE PLANNING DEPARTMENT RECOMMENDS (8/26/03):

CONTINUANCE of **FAST TRACK CONDITIONAL USE PERMIT NO. 3252, REVISED PERMIT NO. 2**, to the October 7, 2003 Board Hearing or next available Board Hearing in order to allow sufficient time for completion of an amended Environmental Assessment, re-circulation of the EA with the state clearinghouse, and re-advertisement of the public hearing.

JO

8/15/03