

SUBMITTAL TO THE BOARD OF SUPERVISORS

611B



COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: TLMA - Planning Department

SUBMITTAL DATE:
January 23, 2012

SUBJECT: APPEAL OF SURFACE MINING PERMIT NO. 213 (Liberty Quarry), CHANGE OF ZONE NO. 7508 and NOISE ORDINANCE EXCEPTION NO. 2 – Applicant and Appellant: Granite Construction Co. – First/Third Supervisorial Districts.

RECOMMENDED MOTION:

1. Deny the Appeal and Deny the Project.

TENTATIVELY DENY APPEAL of SURFACE MINING PERMIT NO. 213 (Liberty Quarry), CHANGE OF ZONE NO. 7508 and NOISE ORDINANCE EXCEPTION NO. 2, subject to the adoption of the denial findings and conclusions; and,

TENTATIVELY DENY CHANGE OF ZONE NO. 7508, amending the zoning classification for 110 acres of the subject property from Rural Residential (R-R) to Mineral Resources and Related Manufacturing (M-R-A) in accordance with Exhibit No. 3, subject to the adoption of the denial findings and conclusions; and,

TENTATIVELY DENY SURFACE MINING PERMIT NO. 213, with the reduced footprint as modified by the EIR subject to the adoption of the denial findings and conclusions; and,

TENTATIVELY DENY NOISE ORDINANCE EXCEPTION NO. 2, pursuant to Section 7 of Ordinance No. 847, requesting exception to Sections 4 and 6 (GENERAL SOUND LEVEL STANDARDS and SPECIAL SOUND SOURCES STANDARDS) based upon the findings and

Carolyn Syms Luna

Carolyn Syms Luna
Planning Director

Initials:

REVIEWED BY EXECUTIVE OFFICE

DATE / 24 / 12 / TWG

Departmental Concurrence Tina Grande

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

Prev. Agn. Ref.

District:
First/Third

Agenda Number:

1.0

The Honorable Board of Supervisors
Re: Appeal of Surface Mining Permit No. 213,
Change of Zone No. 7508, and Noise Ordinance Exception No. 2.
Page 2 of 3

conclusions incorporated in the April 26, 2011 Planning Commission Staff Report, subject to resolution adoption by the Board of Supervisors certifying the Environmental Impact Report; and,

DIRECT STAFF to return to the Board with the appropriate resolution incorporating findings and conclusions for denial for the Boards consideration.

Or

2. Uphold the Appeal, Certify the Environmental Impact Report, and Approve the Project.

UPHOLD APPEAL of **SURFACE MINING PERMIT NO. 213 (Liberty Quarry), CHANGE OF ZONE NO. 7508 and NOISE ORDINANCE EXCEPTION NO. 2;** and,

TENTATIVELY CERTIFY ENVIRONMENTAL IMPACT REPORT NO. 475 based on the findings incorporated in the April 26, 2011 Planning Commission Staff Report and subject to resolution adoption by the Board of Supervisors certifying the Environmental Impact Report; and,

TENTATIVELY APPROVE CHANGE OF ZONE NO. 7508, amending the zoning classification for 110 acres of the subject property from Rural Residential (R-R) to Mineral Resources and Related Manufacturing (M-R-A) in accordance with Exhibit# 3, based upon the findings and conclusions incorporated in the April 26, 2011 Planning Commission Staff Report, subject to adoption of the Final Change of Zone exhibit and Ordinance by the Board of Supervisors; and,

TENTATIVELY APPROVE SURFACE MINING PERMIT NO. 213, with the reduced footprint as modified by the EIR and the conditions of approval, and based upon the findings and conclusions incorporated in the April 26, 2011 Planning Commission Staff Report, and subject to resolution adoption by the Board of Supervisors certifying the Environmental Impact Report; and,

TENTATIVELY APPROVE NOISE ORDINANCE EXCEPTION NO. 2, pursuant to Section 7 of Ordinance No. 847, requesting exception to Sections 4 and 6 (GENERAL SOUND LEVEL STANDARDS and SPECIAL SOUND SOURCES STANDARDS) based upon the findings and conclusions incorporated in the April 26, 2011 Planning Commission Staff Report, subject to resolution adoption by the Board of Supervisors certifying the Environmental Impact Report.

BACKGROUND:

ON AUGUST 31, 2011 THE PLANNING COMMISSION:

DENIED SURFACE MINING PERMIT NO. 213, subject to the adoption of the findings and conclusions; and,

DENIED CHANGE OF ZONE NO. 7508, amending the zoning classification for 110 acres of the subject property from Rural Residential (R-R) to Mineral Resources and Related Manufacturing (M-R-A) in accordance with Exhibit No. 3, subject to the adoption of the findings and conclusions; and,

ADOPTED the findings and conclusions for **DENIAL** of the Project.

BACKGROUND:

Granite Construction Company (Applicant), submitted an application for a surface mining permit to construct and operate an aggregate quarry on a 414 acre site in Southwest Riverside County, as well as a change of zone request. At the time the Planning Department considered the applications, the subject property was located in the First Supervisorial District. Due to recent redistricting efforts, the subject property has been identified as being in the Third Supervisorial District.

The Project, as analyzed in the EIR, was subject to the following discretionary actions:

- Surface Mining Permit No. 213, and,
- Change of Zone No. 7508 from Rural Residential (R-R) to Mineral Resources and Related Manufacturing (M-R-A) on 14 parcels consisting of 110 acres near the center of the site, and,
- Noise Ordinance Exception No. 2 which requested an exception from the County noise requirements set forth in Ordinance No. 847.

The Planning Department presented the Project at the April 26, 2011 Planning Commission Hearing and recommended approval of a reduced quarry footprint alternative as presented in the Project EIR. Over the course of six meetings, the Planning Commission listened to in excess of fifty hours of public testimony culminating in denial of the Project.

Per Section No. 15270(a) of the California Environmental Quality Act Guidelines, no action was required concerning the EIR since CEQA does not apply to projects which a public agency disapproves. The attached denial findings and conclusions represent the reasons for the Planning Commission's denial.

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PLANNING COMMISSION
COUNTY OF RIVERSIDE

IN THE MATTER OF CHANGE OF ZONE NO. 7508, SURFACE MINING PERMIT NO. 213, AND
NOISE ORDINANCE EXCEPTION NO. 2
DENIAL FINDINGS AND CONCLUSIONS

The County of Riverside Planning Commission (the "Commission") heard the above-referenced matters (the "Project") in regular and special sessions assembled on April 26, 2011, May 3, 2011, June 22, 2011, July 18, 2011, August 15, 2011, and August 31, 2011, after giving the required notice. The County of Riverside Planning Department (the "Planning Department") made a presentation before the Commission and recommended certification of the Environmental Impact Report (EIR) and recommended approval of the Project subject to the conditions of approval. Granite Construction (the "applicant") and the applicant's representatives gave oral testimony, as did members of the public. Following the presentation and oral testimony, the Commission tentatively denied the project and directed the Planning Department and Office of County Counsel to prepare the following findings. Surface Mining Permit No. 213, Change of Zone Case No. 7508, and Noise Ordinance Exception No. 2 constitute the Project (Project). The Commission has reviewed the findings and hereby denies the Project based thereon.

A. Factual and Procedural History

1. As proposed in the application, Surface Mining Permit No. 213 would, if approved, permit the construction and operation of a mine on 414 acres located in southwest Riverside County. The 414 acre site would include 155 acres to be used for the quarry and associated support operations, 9 acres would be used for the access road and lower utility pad, and the remaining 250 acres would serve as a buffer area intended for permanent conservation.
2. As proposed in the application, Change of Zone No. 7508 would, if approved, change the zone from Rural Residential (R-R) to Mineral Resources and Related Manufacturing (M-R-A) on 14 parcels consisting of 110 acres near the center of the site where the processing plant would be located, the application proposes no change to the rest of the site. The Change of Zone is not required for the Surface Mining Permit to be approved. It would make ancillary uses, contemplated under the mining permit, permitted without requiring a conditional use permit.
3. As proposed in the application, Noise Ordinance Exception No. 2 would, if approved, provide an exception from County Ordinance No. 847 to address the existing ambient noise levels resulting from noise levels related to the I-15 Interstate Highway.
4. The Project site is designated Rural: Rural Mountainous (R:RM) on the Southwest Area Plan which is part of the Riverside County General Plan.
5. The proposed use, surface mining and related activities, are conditionally permitted uses in the Rural: Rural Mountainous (R:RM) designation which specifically explains "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."
6. The Project site is surrounded by properties which have General Plan designations of Open Space (OS) by the City of Temecula to the north and west, Community Development: Light Industrial (CD:LI) to the east by the County of Riverside, and Multiple Rural Use by the County of San Diego to the south
7. The City of Temecula on November 10, 2010, annexed the surrounding property to the north and west of the Project site, which is also part of the Santa Margarita Ecological Reserve ("SMER").

- 1 8. The zoning for the Project site is Rural Residential (R-R).
- 2 9. The proposed use, surface mining and related activities, is a permitted use, per section 5.1a(15)
- 3 of Article V, of Ordinance No. 348, in the Rural Residential (R-R) zone.
- 4 10. A 2.5-acre portion of the Project site located in San Diego County is zoned as A-70. Surface
- 5 mining operations, and related facilities and activities are permitted in this zoning district,
- 6 subject to a San Diego County approved Major Grading Permit.
- 7 11. The Project site is surrounded by properties which are zoned Open Space-Conservation-Santa
- 8 Margarita (OS-C-SM) by the City of Temecula to the north and west, Rural Residential (R-R)
- 9 to the east by the County of Riverside, and A-70 by the County of San Diego to the south.
- 10 12. The Project is consistent with the Multi-Species Habitat Conservation Plan (MSHCP).
- 11 13. This Project is not located within a Criteria Area of the MSHCP.
- 12 14. The Project is located in a Special Linkage Area (SLA) of the MSHCP.
- 13 15. The Project site is located adjacent to the San Diego State University's SMER on the west and
- 14 north.
- 15 16. There are a number of residential subdivisions within one half mile of the Project site, such as
- 16 the community of Red Hawk, consisting of approximately 3,000 homes. Single family homes,
- 17 generally on lots over one half acre in size, are located to the south, north and east of the
- 18 Project site.
- 19 17. Five public hearings were held on the Project in Temecula, California, in order to be close to
- 20 the Project site and facilitate community input on the Project. In addition to the hearings, one
- 21 public meeting for Commissioners' deliberations was held in Riverside, California.
- 22 18. In total, the public hearings lasted approximately 51.5 hours
- 23 19. In addition to comments received on the Project's Environmental Impact Report No. 475
- 24 ("EIR"), the Planning Department received 55 letters in support of the project, 14 letters that
- 25 were neutral, and 77 letters in opposition.
- 26 20. The EIR evaluates four project alternatives, a no project alternative, a reduced quarry footprint
- 27 alternative, a reduced annual production alternative, and a Double Butte alternative location.
- 28 At the first public hearing, the Planning Department recommended approval of the reduced
- footprint alternative as presented in the Project's EIR which would reduce the mine site from
- 155 acres to 135 acres, eliminate a settling pond, which created a buffer to the south, create an
- additional 250 acres of conservation and create a 400 foot buffer to the north of the Project
- site.
21. On July 18, 2011, after taking testimony from all members of the public who submitted a
- speaker card, the Planning Commission closed the public hearing to further public testimony.
- The public hearing was left open for all other purposes.
22. Those not present at the hearing made their opposition known in other ways such as submitting
- email, letters, petitions, and aerial photos showing groups of people arranged to spell out anti
- quarry sentiments.
23. A petition with signatures of many residents of the Red Hawk Community was submitted to
- the Commission in opposition to the Project.
24. Project supporters also submitted letters and attended the public hearings; however, the
- majority of those in attendance at the hearings expressed opposition to the Project.
25. During the applicant's rebuttal, the Commission asked questions of the applicant, the
- applicant's representative, the Planning Department and members of the public. The applicant
- was given an opportunity to respond to the answers provided to these questions.
26. Many residents of nearby neighborhoods, users of the neighboring SMER, elected officials
- and representatives from the City of Temecula and the Pechanga Band of Luiseno Indians
- ("Pechanga") presented written and oral testimony at the hearings and expressed concerns

1 regarding impacts including air quality, traffic, noise, blasting, rock fall, biological resources,
2 cultural resources, and impacts to the Temecula Valley Wine Country.

- 3 27. The City of Temecula, which borders the Project to the north and west, approved a resolution
4 on March 8, 2011 opposing the Project.
- 5 28. Representatives of the San Diego State University opposed the Project citing several potential
6 impacts to the SMER, which is an open space research area that borders the Project to the
7 north and west.
- 8 29. The EIR studied the Project's potential environmental impacts. The EIR is divided by areas of
9 environmental study such as geological impacts, cultural impacts, air quality impacts, etc.
10 The EIR concluded that there are six (6) categories (12 specific impacts) that remained
11 significant, even after mitigation was analyzed. These six (6) significant and unavoidable
12 impacts are direct impacts to both Air Quality and Traffic as well as Cumulative impacts to
13 Air, Biological Resources, Traffic, and Utilities (water).

14 B. Applicable Statutes, Regulations and Ordinances

- 15 1. Section 15093(a) of the California Environmental Quality Act ("CEQA") Guidelines
16 requires the decision making agency to balance, as applicable, the economic, legal, social,
17 technological, or other benefits, of the project against its unavoidable environmental risks
18 when determining whether to approve the project. If the benefits outweigh the unavoidable
19 adverse environmental effects, the adverse environmental effects may be considered
20 acceptable.
- 21 2. Public Resources Code Section 21082.2(e) provides that "statements in an environmental
22 impact report and comments with respect to an environmental impact report shall not be
23 deemed determinative of whether the project may have a significant effect on the
24 environment."
- 25 3. Additionally, CEQA Guidelines Section 15002(h)(5) provides, in pertinent part, when an
26 [environmental impact report] shows that a project could cause substantial adverse changes
27 in the environment, the governmental agency must respond to the information by one of
28 several listed methods, including disapproving the project.
- 1 4. According to Section 7(b) of Riverside County Ordinance No. 555, an application for a
2 permit shall not be granted unless that permit is expressly subject to such conditions as are
3 necessary to protect the health, safety or general welfare of the community.

4 C. Project Benefits as determined by the Planning Commission

- 5 1. The Project would mine a significant economic mineral resource, provide a portion of the
6 local and some of the regional demand for aggregate for Western Riverside County.
- 7 2. The Project would also create employment opportunities.
- 8 3. Additionally, the Project site is not as visible to large population areas as alternative
9 locations as presented in the EIR.
- 10 4. The Project would produce new sales tax revenue and new property taxes and fees for the
11 County of Riverside over the life of the Project.
- 12 5. The Project would also produce tax revenue for the State of California.

1 D. Environmental Impacts

2 1. Air Quality

3 a. EIR Information

4 Air Quality EIR Background

5 Potential air quality impacts generally occur when the emissions of a project result in a
6 violation of an air quality standard, conflict with an applicable air quality plan, expose
7 sensitive receptors to significant levels of toxic air contaminants, or allow regional
8 exposure to significant levels of sulfate and nitrate deposition.

9 Section 3.2 of the EIR summarized project specific research contained mainly in the
10 Project's Air Quality Impact Assessment (AQIA), which was conducted consistent
11 with the SCAQMD Air Quality CEQA Handbook (SCAQMD, 1993). Criteria for
12 determining both the construction and operation impacts associated with air quality
13 have been developed in accordance with Appendix G of the CEQA Guidelines,
14 SCAQMD Air Quality Thresholds, and a set of thresholds established to determine
15 impacts to greenhouse gas emissions.

12 Design Features That Assist in Mitigation

13 The Project design for the operation of the quarry includes the following design
14 features, which were included in the air quality modeling and assessment. These
15 features assist in mitigating the air quality impacts and were considered by the
16 Commission.

- 15 • Installation of baghouse emission control on crushers and screens with the
16 potential for emissions. This reduces PM10 emissions by estimated 97.5 percent.
- 17 • Installation of baghouse emission controls on transfer points with the potential for
18 emissions that are associated with the screens and crushers. This reduces emissions
19 by estimated 97.5 percent.
- 20 • Pavement around the entire aggregate, asphalt, concrete, and electrical generation
21 plant sites. Only on-site haul roads will be unpaved, and those will be chemically
22 stabilized and/or routinely watered.
- 23 • Installation of an ultra-efficient material loading system to minimize the amount of
24 product delivery trucks idling time.
- 25 • Utilization of material load-out chutes to minimize the potential for dust
26 generation during product loading.
- 27 • Purchase and use of all new off-road equipment (such as off-road quarry haul
28 trucks, loaders, graders, etc.) that meet required, stringent emission controls.
- Installation of emission controls on drilling equipment to minimize dust
generation.
- Utilization of only natural gas fuels and installation of a 3-way oxidation catalyst
on the engines driving the on-site electrical generators.
- Implementation of a "blue smoke" program and other nationally accepted practices
that reduce the potential for odor from asphaltic concrete (conventional, recycled
asphalt products, and rubberized) production, including mixing the asphalt at as
low a temperature as feasible.

- Establishment of a conservation easement over undeveloped land within the Project site at an effective ratio of 2 to 1 compared to impacted land, which will result in protecting habitat that would offset greenhouse gas emissions in perpetuity.

Conditions of Approval Considered During Hearings That Assist in Mitigation

In addition, during the public hearings additional conditions of approval were proposed by County staff. One required all on-road heavy duty diesel trucks serving the facility to comply with EPA2007 on-road emission standards for PM-10 and NOx (0.01g/bhp-hr and at least 1.2 g/bhp-hr respectively). Annual reports would assure compliance. The second required solar panels over parking areas and on all office rooftops.

Mitigation Measures

In addition to the design features listed above, numerous mitigation measures were applied to the Project to further reduce impacts, a full list of mitigation is provided in Table ES-1 of the FEIR.

Significant and Unavoidable Air Quality Impacts

Even after the design features and mitigation measures were taken into account, the EIR determined that the Project would have the following significant and unavoidable impacts to Air Quality in two categories:

- Direct Air Impacts:
 - Impact AQ-2 from the EIR analyzed if, “*construction-related air emissions from the Proposed Project could result in construction-related emissions that exceed any of the South Coast Air Quality Management District (SCAQMD) thresholds of significance in [DEIR] Table 3.2-8 (SCAQMD Thresholds for Construction Emissions).*” The EIR identified that the impacts would be significant but temporary, approximately 2 years. According to EIR Table 3.2-15, particulate matter less than 10 microns in size (PM10) and Sulfur Dioxide (SO2) emissions would be below the South Coast Air Quality Management District (SCAQMD) thresholds. However, emissions of Nitrogen Oxides (NOx), Organic Gases (ROG), Carbon Monoxide (CO), and particulate matter less than 2.5 microns in size (PM2.5) would exceed SCAQMD daily emission thresholds for construction and would be considered a potentially significant impact. These impacts are related to construction only and would, therefore, be temporary in nature.
 - Impact AQ-3 from the EIR analyzed if, “*operational emissions from the Proposed Project could exceed any of the SCAQMD thresholds of significance in [DEIR] Table 3.2-10 (SCAQMD Thresholds for Operational Emissions).*” According to EIR Table 3.2-20, after mitigation, the emissions of ROG, PM10, and PM2.5 are expected to be reduced to less than their SCAQMD CEQA operation emission significance thresholds. However, NOx and CO emissions are expected to remain above their SCAQMD CEQA operation significance thresholds and would be considered a potentially significant impact.

- Impact AQ-5 from the EIR analyzed if, “*construction from the Proposed Project could result in off site ambient air pollutant concentrations that exceed the SCAQMD thresholds of significance in [DEIR] Table 3.2-9 (SCAQMD Thresholds for Ambient Air Quality Concentrations Associated with Proposed Project Construction).*” Construction impacts are short term (approximately 2 years), and there are no residential or worker receptors (i.e., no human exposure) at the point of maximum impact, which is at the Project boundary. According to EIR Table 3.2-24, modeled air quality concentrations for construction activities all remain below the SCAQMD air quality impact thresholds, except the 24-hour and annual PM10 concentrations. Therefore, the EIR determined that off-site air pollutant concentrations due to Project construction would be significant for PM10. These impacts are related to construction only and would, therefore, be temporary in nature.
- Impact AQ-6 from the EIR analyzed if, “*Proposed Project operations could result in off site ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in [DEIR] Table 3.2-11 (SCAQMD Thresholds for Ambient Air Quality Concentrations Associated with Proposed Project Operations).*” According to EIR Table 3.2-25, the off site ambient concentration impacts associated with the Projects operation would be less than significant for NO2, SO2, CO, and annual PM2.5. However, the EIR concludes that the maximum off-site ambient pollutant concentrations of 24-hour PM10, annual PM10, and 24-hour PM2.5 associated with operations would be significant as compared to the SCAQMD incremental thresholds.

- **Cumulative Air Impacts:**

- Impact AQ-8 from the EIR analyzed if, “*the Proposed Project could result in GHG [greenhouse gas] emissions that would hinder or delay the state's ability to meet the reduction targets contained in [Assembly Bill] AB 32.*” The Project is still anticipated to generate approximately 80,000 (30,000 with truck displacement) tons per year of CO2e even with mitigation applied. Additionally, Section 5.4.2 of the EIR analyzes cumulative effects and explains that although there are regional benefits to air from the Project, the analysis takes the most conservative approach and concludes that any new source of pollution that contributes to a cumulative exceedance of daily operational emissions thresholds or contributes to a cumulative net increase GHG emissions is significant. Beyond the Project level measures identified in Section 3.2 of the EIR, there are no additional feasible mitigations available. As such, the Project’s air quality impacts related to criteria pollutants and GHG are cumulatively considerable, significant and unavoidable. However, the EIR also concluded that even though the environmental documents conservatively determine the impacts to be significant and unavoidable, given the EIR analysis, it is unlikely that the Project would hinder or delay the State’s ability to meet the reduction targets of AB 32.

1 • Impacts to Surrounding Communities

- 2 ○ *The SMER.* The EIR explained that PM10 and NO2 impacts are of primary
3 interest in evaluating air quality impacts on the SMER because the other pollutant
4 impacts are equally as small. The increases in these particulates were far less than
5 the most stringent annual federal and California ambient air quality standard
6 threshold for PM10 and NO2 and far under the SCAQMD annual threshold for a
7 project-related increase. Therefore, the EIR determined that the potential air
8 quality impacts at the SMER are less than significant.

9 The EIR also provides that the levels of sulfate and nitrate deposition are less
10 than levels associated with vegetative injury as discussed in Section 3.2.3 and
11 Table 3.2-31 of the EIR. Consequently, the EIR concluded that when considering
12 existing and future research projects that analyze deposition rates and effects on
13 soils and vegetation, the Project would result in a less than significant impact
14 from sulfate and nitrate deposition. Additionally, questionnaire responses
15 indicated that approximately ten research projects were related to air quality, four
16 of which were assessing nitrogen deposition impacts to vegetation that could be
17 affected by nitrate and dust deposition. According to the EIR, since deposition is
18 less than the thresholds, it is not expected that the incremental increases in nitrate
19 deposition would affect the ongoing vegetation research within the SMER.
20 Similarly for dust deposition, the anticipated deposition rate at the point of
21 maximum impact would be less than 10 percent of the minimum amount that has
22 been shown in published literature to have an adverse effect on vegetation.

23 The EIR also studied the cancer risk from exposure to hexavalent chromium,
24 diesel exhaust, and crystalline silica. Because the cancer risk is below the
25 SCAQMD threshold of 10 in a million, the EIR determined that the Project would
26 result in less than significant health risk impacts to researchers working near the
27 property boundary and on research projects that would be conducted within the
28 SMER.

The SMER also maintains a network of data acquisition sensors and towers
throughout the SMER. According to the EIR, the Project would not affect these
sensors and their ability to collect data. With implementation of recommended
mitigation measures, the EIR concluded that direct and indirect project specific
emissions would not significantly impact research projects within the SMER
related to air quality or to other biological resources affected by air emissions
deposition.

- 23 ○ *City of Temecula, Rainbow, De Luz and Fallbrook.* Regarding air quality
24 impacts to the City of Temecula and communities of Rainbow, De Luz and
25 Fallbrook, the EIR explained that PM10 and NO2 impacts are of primary
26 interest in evaluating air quality impacts on the SMER because the other pollutant
27 impacts are equally as small. The increases in these particulates were far less than
28 the most stringent annual federal and California ambient air quality standard
threshold for PM10 and NO2 and far under the SCAQMD annual threshold for a
project-related increase. Therefore, the EIR concluded that potential air quality
impacts to the surrounding cities and communities are less than significant.

1 The EIR studied the cancer risk from exposure to hexavalent chromium, diesel
2 exhaust, and crystalline silica. Because the cancer risk, as modeled at receptor
3 locations near the communities, were below the SCAQMD threshold of 10 in a
4 million, the EIR concluded that the Project would result in less than significant
5 health risk impacts to residences in the surrounding cities and communities.

6 b.Public Testimony

- 7 ○ During the public hearings several experts testified in opposition with regard to
8 Air Quality Impacts. In particular, Paul Weir, Senior Engineer for Sage
9 Environmental Consulting.
- 10 ○ Mr. Weir explained that air quality emission factors, used by the EIR, are
11 specifically discouraged by the EPA for hard rock blast modeling. He also
12 explained that because the particulate levels for PM10 in the EIR were 98% of
13 the AQMD requirements, small changes to the emission factors could result in
14 important changes to the significance determination.
- 15 ○ Additionally, Mr. Weir indicated that higher emission factors contribute to higher
16 concentrations of toxic dust contaminants.
- 17 ○ Mr. Weir also commented that the Project site has lower moisture content than
18 the air quality model indicates.
- 19 ○ Several area doctors also testified that the Project would create detrimental health
20 impacts to the community.

21 c.Air Quality Conclusions Made by the Planning Commission

- 22 1. Based on the public's testimony, the Project presents health risks to the
23 surrounding communities. These risks include air quality impacts in the form
24 of silica dust. While these impacts would be small and have minimal impacts
25 in the short term, the level of impact in the long term imposes a danger to the
26 public's health and safety.
- 27 2. Additionally, the air quality impacts resulting from the Project would reduce
28 the number of researchers and research projects willing to use the SMER
because researchers may perceive the operating mine as an impediment to their
research.
3. Despite mitigation measures, the Project would also increase emissions from
truck activities creating incremental adverse impacts to air quality.
4. In light of the public's testimony, the Project would cause air quality impacts
and result in unavoidable environmental risks that are not outweighed by the
Project's benefits set forth above. Therefore, the air quality impacts are not
acceptable.
5. Additionally, the unavoidable environmental effects listed above are
detrimental to the public's health, safety and general welfare.

1 2. Aesthetics and Light

2 a. EIR Information-

3 Aesthetics and Light EIR Background

4 Aesthetics, or visual resources, are the natural and cultural features of the landscape
5 that can be seen and contribute to the public's appreciative enjoyment of the
6 environment. Visual resource or aesthetic impacts are generally defined in terms of a
7 project's physical characteristics and potential visibility, and the extent to which the
8 project's presence would change the perceived visual character and quality of the
9 environment in which it would be located.

10 Section 3.1 of the EIR summarized project specific research contained mainly in the
11 following reports prepared by CH2M HILL which were reviewed to assess the
12 potential nighttime light impacts and are included as Appendix M (Lighting Plan for
13 the Proposed Liberty Quarry [Lighting Plan] [CH2M HILL, 2007a]) and Appendix M-
14 1 (An Analysis of Potential Light Impacts for the Proposed Liberty Quarry [Light
15 Impact Technical Report] [CH2M HILL, 2007b]). The Lighting Plan was reviewed by
16 the Riverside County Environmental Programs Division for consistency with the
17 County's MSHCP in September 2007. In addition, the analysis of potential light
18 impacts was reviewed by Palomar Observatory in 2007. Criteria for determining both
19 the construction and operation impacts associated with the aesthetics and light have
20 been developed in accordance with Appendix G of the CEQA Guidelines.

21 Summary of EIR Evaluation and General Methodology for Aesthetics

22 For aesthetics, the EIR included a comparison of the "before" photographs with the
23 simulations of the Project as it would appear during its operational phase. This
24 provided the basis for determining Project impacts on views and visual quality. Two to
25 three images were included for each specific vantage point as follows: a view toward
26 the site under existing conditions; a view toward the site as it would appear without
27 full mitigation; and, a view toward the site with mitigation measures incorporated.
28 The EIR concluded that all potentially significant impacts for aesthetics were reduced
with mitigation to a level of less than significant.

Summary of EIR Evaluation and General Methodology for Light Impact

In regards to lighting, The EIR determined that with implementation of the applicable
County Ordinances, potentially significant impacts from lighting would be less than
significant. The EIR's analysis of the Project's potential light-related impacts, found
that in terms of the standards for determining the significance, the Project would not
create a significant impact because of the following:

- o It would not result in light spilling onto off site areas creating light trespass and
changes in ambient lighting conditions. In particular, the EIR found that the
Project would have no effect on the ambient lighting conditions in the adjacent
SMER or on residential properties in the Project vicinity;
- o it would not result in substantial adverse alteration of nighttime views; and
- o it would not create substantial daytime or nighttime glare.

The County of Riverside has not established specific assessment criteria or thresholds
for evaluating the significance of a project's light impacts in terms of effects on sky

1 glow. Riverside and San Diego Counties, however, have adopted ordinances whose
2 objectives include limiting sky glow to protect visibility of the nighttime skies from
3 the Palomar Observatory. As a result, the EIR states that a reasonable standard for
4 assessing a project's sky glow impact is the extent to which a project is in
5 conformance with these ordinances. The EIR concludes that the use of low wattage
6 lighting, low pressure sodium lamps, shielding, pointing all lights downward, and full
7 cutoff fixtures specified by these ordinances will prevent direct transmission of light
8 up into the atmosphere, and will minimize the amount of light that is cast onto the
9 surface of the quarry and then reflected upwards. Therefore, the EIR determined that
10 the Project's net contribution to the skyglow conditions will be minimized.

11 Mitigation Measures

12 The EIR includes numerous mitigation measures for the Project to further reduce
13 impacts, a full list of mitigation is provided in Table ES-1 of the FEIR.

14 Impacts to Surrounding Communities

15 The EIR also specifically analyzed the impacts to surrounding communities.

- 16 • *Tribal lands.* The area of the Tribal lands east of the Project site and I-15 is
17 vacant, mostly undisturbed rocky hills and ridges similar to much of the open
18 space mountains in the area. There are no homes or marked trails in the area,
19 therefore, the EIR determined that few if any viewers would be affected by
20 views of the Project which results in low viewer sensitivity. While the site
21 would be seen from this area, due to the fact that there are no permanent
22 receptors and infrequent hikers and even less potential viewers at night, the
23 EIR concluded that visual impacts from this area are considered less than
24 significant. Nighttime lighting of the process plants, mining, and street lights
25 along the access road, however, would be visible.
- 26 • *Luiseno Ancestral Origin Landscape.* With respect to the two potential
27 traditional cultural properties (TCP) identified in the EIR, the EIR concludes
28 that the Project would not result in changes to the ambient lighting conditions
north and west of the Project site. The EIR addresses potential project light
impacts in and around the asserted Luiseno Ancestral Origin Landscape and, as
noted above, concluded that with the application of mitigation the Project
would not result in the spilling or trespass of light onto adjacent properties or
increase ambient nighttime lighting conditions.
- *The SMER.* The SMER borders the site on its north and west boundary. Views
from adjacent higher elevations in SMER, would be able to see the Project
quarry. Views from SMER areas to the west of the site would be able to see the
hills and ridges within the property boundary. The Project ridgeline would
reduce most direct views of the quarry and plants from the central and western
portions of SMER including the North and South Stations. The site would not
be visible from anywhere along the Santa Margarita River because of the
canyon depth and intervening ridges. The remaining areas of potential
visibility are 3.5 or more miles from the site on higher elevation areas where
viewers are few.

1 The EIR provided that to the extent that there are any human nighttime viewers
2 in the SMER, their views toward lighting associated with the Project quarry
3 would be very limited. From this area, the lighting at the aggregate processing
4 area and asphalt plant would be visible in the distance. The EIR emphasized
5 that although the Project lighting might be visible as distant points of light
6 visible from limited areas in the SMER, this lighting would have no effect on
7 ambient lighting conditions within the SMER's boundaries.

8 The EIR provided that from most other portions of the area north and west of
9 the site, the Project's lighting would not be visible. The only exception is that
10 lighting from the processing area and asphalt plant has the potential to be seen
11 from the upper portions of the ridgeline located immediately to the west of the
12 SMER's western boundary and from some small higher elevation areas located
13 north of the SMER's northwest corner. The EIR determined that new light
14 sources would be minimal areas of illumination seen at a distance of more than
15 3 miles, the overall effect on the views from these areas would be low. Night
16 lighting at the quarry site was of concern to potential influence on bat behavior
17 and conflict with SMER research programs striving to understand bat feeding
18 behavior in natural environments. According to the EIR, the extent to which
19 additional regional lighting may influence bat behavior, if at all, is uncertain.

20 According to the EIR, two SMER researches currently utilize lights to attract
21 species for collection, one at the North and South Stations and one throughout
22 the SMER. Small mammals and crickets sensitive to light are studied near the
23 North Station and South Station, nearly 2 miles from the Project's light sources
24 and blocked from view by intervening ridges. Additionally, another researcher
25 records wildlife movement along I-15 where vehicle lights and the border
26 patrol checkpoint create substantial lighting. The EIR concluded that lighting
27 at the site would not be discernable from the I-15 corridor.

28 The EIR determined that it is not expected that Project lighting would affect
the SMER, SMER projects, or wildlife within the SMER due to
implementation of design and mitigation measures, distance between light
sources and SMER, and topography that blocks Project lighting.

- *The City of Temecula.* The Temecula vantage points used for the EIR's analysis included the entire area located to the northeast and east of the site beyond the I-15 corridor. Ridgelines as high as 2,350 feet in elevation separate the Temecula Valley from the site and would obstruct most views from the north-northeast. Based on topographic maps, portions of the high ridge tops impacted by the Project would be visible from some limited locations in Temecula, where it would be seen at distances ranging from 3.5 to over 6 miles. A representative location within the Temecula Valley from which the Project could be visible, located approximately 6 miles northeast of the site near Highway 79 and Anza Road, would not be substantially altered by the Project. Therefore, the EIR determined that there would be no substantial alteration of the existing character of the view. The EIR did provide that a small area of the distant ridgeline would appear slightly reduced, but the visual quality of the view would remain average.

1 The EIR's lighting visibility analyses prepared in conducting the lighting
2 impact assessment establish that none of the Project lighting, including lighting
3 associated with the Project access road, would be visible from Temecula.
4 Therefore, the EIR concluded that the Project would have little to no effect on
views with project design measures and mitigation, and no light would be
visible from Temecula.

- 5 • *The Community of De Luz.* De Luz is located north of the SMER, which
6 borders the site on its north and west boundary. In this area, the Project would
7 have little to no effect on views seen by any substantial numbers of viewers.
8 Areas of potential visibility in De Luz are 3.5 or more miles from the site on
9 higher elevation areas where viewers are also few. The EIR provided that the
10 views toward lighting associated with the proposed quarry from nighttime
viewers in De Luz would be very limited. Because the new light sources would
be small limited areas of illumination seen at a distance of more than 3 miles,
the overall effect on the views from these areas would be low.
- 11 • *The Community of Rainbow.* The unincorporated Community of Rainbow is
12 located approximately 0.5 mile southeast of the site in San Diego County. Most
13 locations within Rainbow have unobstructed views of the prominent peaks and
14 ridges on the southeast portion of the site. These peaks and ridges would not be
developed as part of the Project, and would block views of the quarry and
15 plants from some points in the Rainbow Landscape Unit. The proposed access
road would be visible in unobstructed views from Rainbow Valley Boulevard
and from many locations in Rainbow depending on line of site.

16 Two typical vantage points within Rainbow, approximately 1.5 miles south of
17 the site, were included in the EIR to represent relatively unobstructed views of
18 the site. The existing character of this view is that of a somewhat intensively
developed rural residential setting, and the overall visual quality is average. The
19 views from these locations show the effects of the access road cuts on the
distant hills. Although clearly visible from this location, the EIR determined
20 that the presence of these cuts would not substantially alter the character of the
view from this developed rural residential setting.

21 According to the EIR, none of the lights in the quarry's operational areas would
22 be visible from the portion of Rainbow located on the valley floor, and the only
lighting that would have the potential to be seen would be the roadway lights
23 and vehicle lights associated with the Project's access road. At many locations
24 in Rainbow, views toward the access road are blocked to some degree by
structures and vegetation. The EIR provided that since these lights would be
25 small, distant features in the landscape and would be seen in the context of
views that include lighting associated with residences and other land uses in the
26 foreground, the change in the overall visual character and quality of the
nighttime view would be low.

27
28 From the area of low density and highly dispersed rural residential development
located in the hills that border Rainbow to the east, more of the proposed

1 quarry's lighting would be visible than from the valley floor. According to the
2 EIR, the lighting at the quarry's working face would be visible from some
3 locations at the higher elevations, as well as the lighting at the maintenance and
4 employee facilities, the aggregate processing area, the asphalt plant, and the
5 roadway lighting and vehicle lights along the quarry's access road. From these
6 areas, the lighting associated with the Project access road would have a limited
7 effect on the visual character and quality of the view because it would be 1.7
8 miles or more in the distance and would be seen in the context of the similar
9 light fixtures and vehicle lights at the Rainbow Valley Boulevard weigh station,
10 which are already visible in these views. The EIR determined that the Project
11 would have a less than significant effect on views with mitigation, and the
12 effects of lighting would be moderated by other visible existing freeway and
13 community lighting as well as by project design measures.

- 14 • *The Community of Fallbrook.* Fallbrook is an unincorporated community in
15 San Diego County that is located approximately 3 to 6 miles to the southwest of
16 the site. The EIR provided that the Project would have relatively little effect on
17 views in Fallbrook, because in many areas, views toward the site are screened
18 by intervening structures and vegetation. Changes associated with the Project
19 (such as alterations of ridgelines or permanently visible cut slopes) that are
20 visible from the Fallbrook area (viewing distances range from 3 to 8 miles)
21 would appear as small and distant elements in the view. Although Project-
22 related changes might be detectable in some views from Fallbrook, they have
23 little potential to be visually dominant elements that would substantially alter
24 the character or quality of the view. Furthermore, the Reduced Quarry Footprint
25 Alternative would eliminate the settling pond from the southwest portion of the
26 Quarry Area, eliminating this potential visual impact.

27 Consequently, although the Project could result in minor impact to some views
28 from Fallbrook, the EIR determined that these impacts would not be substantial.
The lighting visibility analyses prepared in conducting the lighting impact
assessment indicate that for the most part, the lighting proposed at the site
would not be visible from Fallbrook. The only exception is that in a small area
of Fallbrook located 5.5 miles and farther from the site, lighting associated with
the aggregate processing and loading area and the asphalt plant has the potential
to be visible. Because of the great distance of this lighting in the view, its
potential to be screened by structures and trees in the foreground, and because it
would be seen in the context of lighting at residences and other land uses in the
foreground, this lighting has little potential to have a substantial effect on the
overall character and quality of nighttime views from these areas of Fallbrook.
Because the new light sources would be small, limited areas of illumination
seen at a distance of more than 3 to 8 miles, the overall effect on the views from
these areas would be low.

26 b.Public Testimony

27 During the public hearings, many speakers testified to concerns related to aesthetics,
28 light and the potential impacts to biology. These concerns are further discussed in
Section D.3.b. herein.

1 c. Aesthetics and Light Conclusions Made by the Planning Commission-

- 2
- 3 1. Based on public testimony, the Project's light impacts would reduce the
- 4 number of researchers and research projects willing to use the SMER because
- 5 researchers may perceive the operating mine as an impediment to their
- 6 research.
- 7 2. Additionally, despite proposed mitigation, the scenic resources for the site
- 8 would be impacted by the line of trucks using the access road. These trucks
- 9 would be visible at all hours of the day and night from the surrounding
- 10 communities.
- 11 3. The public's testimony also indicated that the Project's light would refract in
- 12 the air moisture creating a night glow that would be visibly and aesthetically
- 13 detrimental to the surrounding communities.
- 14 4. Aesthetic impacts of an open pit quarry would remain even after project
- 15 reclamation.
- 16 5. In light of the public's testimony, the Project would result in unavoidable
- 17 aesthetic and light impacts to the surrounding communities. These impacts are
- 18 not outweighed by the Project's benefits. Therefore, these unavoidable
- 19 environmental effects are not acceptable.

20 '3. Biology

21 a. EIR Information

22 Biology EIR Background

23 Biological resources generally include vegetation and habitat, wildlife, and biological

24 connectivity. Potential impacts to biological resources mainly occur when a project

25 has a substantial adverse effect on candidate, sensitive, or special-status species; has a

26 substantial adverse effect on sensitive habitat, including federally protected wetlands;

27 interferes substantially with the movement of migratory fish or wildlife; conflicts with

28 any local policies or ordinances protecting biological resources; or conflicts with the

provisions of an approved conservation plan.

Section 3.3 of the EIR summarized Project specific research including, a Biological

Technical Report (Appendix D), a Summary of Supplemental Biological Services

(Appendix D-1), a Determination of Biologically Equivalent or Superior Preservation

(Appendix D-2), and an MSHCP Consistency Analysis (Appendix E). Criteria for

determining both the construction and operation impacts associated with biology have

been developed in accordance with Appendix G of the CEQA Guidelines.

Summary of Biological Impact Evaluation

Upon review of potential impacts to biological resources, in particular to sensitive

species not covered in the Western Riverside County MSHCP, the EIR determined

that there would be less than significant impacts after mitigation.

Summary of the EIR Evaluation of the MSHCP

The EIR determined that the Project was consistent with the Multi Species Habitat

Conservation Plan ("MSHCP") and was not in any criteria cells. The Project is within

1 a Special Linkage Area (SLA). The EIR explains that designation of the SLA within
2 the Western Riverside County MSHCP was facilitated by the County in response to
3 comments received on the draft MSHCP related to the Santa Ana-Palomar Mountain
4 (SAPM) Linkage plan, which was released during the preparation of the MSHCP. The
5 EIR provided that the SLA does not stand alone and, instead, is intended to contribute
6 to the much larger Santa Ana-Palomar Mountains Linkage (SAPM) Linkage Area.
7 This SLA will contribute to the assembly of a portion of the SAPM for the benefit of
8 Covered Species. The SLA includes an approximately four (4) square mile area and is
9 bisected by Interstate 15 and Old US 395. Uses within the SLA currently include,
10 commercial, residential and light industrial uses particularly along the Old US 395
11 corridor. The EIR provided that, although proposed projects in the SLA are required
12 to undergo environmental review pursuant to CEQA, the SLA does not preclude
13 development from occurring provided that the appropriate environmental studies are
14 completed and mitigation measures are applied, if necessary and feasible.

9 Mitigation Measures

10 The EIR included numerous mitigation measures for the Project to further reduce
11 impacts, including the application of one of the project alternatives which suggested a
12 reduced footprint for the site that would provide additional open space. A full list of
13 mitigation measures is provided in Table ES-1 of the FEIR.

13 Significant and Unavoidable Biological Impacts

14 However, even with the reduced footprint and mitigation measures taken into account,
15 the EIR determined that the Project would have the following cumulative significant
16 and unavoidable impact to biology:

16 Cumulative biological impacts were assessed in Section 5.4.3 in the DEIR. The
17 biological function of the SAPM linkage area and the Pechanga Corridor is
18 currently substantially impaired by the eight-lane I-15, existing urban
19 development in north San Diego County (Community of Rainbow, Old US 395,
20 and CHP truck weigh station) and in southwest Riverside County (Border Patrol
21 checkpoint, CHP truck weigh Station, Temecula, and surrounding development).
22 Despite implementation of the MSHCP and recommended mitigation measures,
23 the projects in the cumulative list shown in DEIR/FEIR Table 5-1 would
24 contribute to cumulative effects to wildlife movement in the vicinity of the
25 Project. As no additional, feasible mitigation measures are available, the
26 Project's cumulative effects on wildlife movement remain significant and
27 unavoidable.

23 Impacts to Surrounding Communities

24 The EIR also analyzed the Biological impacts to surrounding communities. The EIR
25 did not find any potential biological impacts to surrounding residential communities,
26 only potential impacts to the neighboring SMER.

26 Regarding biological impacts specifically related to the SMER, the EIR explained
27 that the Project is immediately adjacent to open space lands that are dedicated to
28 long-term habitat conservation (i.e., SMER located to the north and west margins of
the site). Biological research projects identified through questionnaire responses
totaled over 44 and represent the prime resource area studied within the SMER.

1 According to the EIR, Project activities have the potential to result in adverse impacts
2 to the SMER research area and projects in several ways, as discussed below pursuant
3 to the MSHCP Urban/Wildlands Interface Guidelines.

3 *Drainage.* Drainage water would not be discharged to the MSHCP Conservation
4 Area. Drainage water would be collected and treated on site at the southern end of the
5 Plant Area and near the bottom of the access road. Drainage water would not be
6 allowed to enter into the watershed of the drainage feature located at the western
7 portion of the site, which is tributary to the Santa Margarita River, or into the
8 watersheds of any other off site drainages. As required under state and federal water
9 quality control laws, the applicant would prepare Storm Water Pollution Prevention
10 Plans (SWPPP) to demonstrate the collection and treatment of site drainage water.
11 With the implementation of the SWPPPs, the EIR determined that the Project would
12 not affect research projects related to the watershed downstream of the project within
13 the SMER. Therefore, impacts would be less than significant.

10 *Wildlife Movement Corridor.* In total, the disturbed area from the Project is estimated
11 to be about 164 acres, or about 6 percent of the 2,560-acre SLA identified in the
12 MSHCP. Even after application of mitigation measures including increasing the
13 distance between the quarry area and the known crossings north of the site,
14 establishment of 250 acres of conservation easements and providing a 400-ft buffer
15 to the north any incremental increase in impacts would be a cumulatively
16 considerable impact that cannot be mitigated to a less than significant level.

14 *Toxics.* The EIR provided that the mining operation would transport petroleum
15 products and asphalt oil on public roads, and use and store asphalt oil, petroleum
16 products, and used oils within the developed quarry area. These products would be
17 stored and used well away from the MSHCP Conservation Area and in accordance
18 with applicable Riverside County regulations. The drainage measures approved in the
19 SWPPP would also prevent accidental spills within the quarry area and elsewhere on
20 the site from draining potentially toxic materials onto the MSHCP Conservation
21 Area. With the appropriate design features and implementation of the SWPPPs, the
22 EIR concluded that impacts to the research projects within the SMER would be less
23 than significant.

21 *Lighting.* The EIR provided that night lighting shall be directed away from the
22 MSHCP Conservation Area to protect species within the conservation area from
23 direct night lighting. By compliance with County ordinances, the EIR determined
24 that impacts to biological resources at the SMER would be less than significant. Also
25 see Section D.2. of this document.

24 *Noise.* The EIR included mitigation measures to ensure the Project's operational
25 noise levels within the SMER comply with the Riverside County residential noise
26 standards. Such mitigation measures include that all mining operations would be
27 setback at least 400 feet from the north site boundary; mining activities would be
28 restricted between Riverside County-defined noise nighttime hours of 10 p.m. and 7
a.m., and the concrete truck filling operations associated with the concrete plant
would be enclosed by placing those operations in a tunnel-like structure so that the
sides of the truck and its engine are shielded by the walls of the tunnel.

1 *Invasives.* The EIR provided that Riverside County and State Mining and Geology
2 Board approval of landscape maintenance and revegetation plans would ensure that
3 the Project would avoid the use of potentially invasive species adjacent to the
4 MSHCP Conservation Area. For this reason, the EIR concluded that impacts would
5 be less than significant.

6 *Barriers.* The applicant is proposing to manage the site as an active mining project,
7 with access strictly limited by gates and fencing surrounding the developed area.
8 According to the EIR, with special signage installed, the Project would minimize
9 unwanted access to the SMER. For this reason, the EIR determined that impacts
10 would be less than significant.

11 *Grading.* The Project is designed such that earthwork on the site shall not affect or
12 extend off site. Grading, grubbing, and earthwork in general would only be
13 conducted within the approved mining area. Berms constructed to reduce project-
14 related visual and noise effects would be located on applicant-owned property and
15 the minimum 400-foot setback from Project boundaries with the SMER would ensure
16 no earthworks (e.g., slopes) extend onto adjacent MSHCP Conservation Area lands.
17 According to the EIR, with these features, the Project would meet the requirements
18 of the MSHCP and avoid grading impacts to the adjacent SMER. For these reasons,
19 the EIR determined that the impacts would be less than significant.

20 According to the EIR, with implementation of recommended mitigation measures,
21 direct and indirect project specific impacts to biological resources and research
22 projects within the SMER and wildlife corridors can be reduced to levels less than
23 significant.

24 b.Public Testimony

25 During the public hearings many speakers raised concerns regarding biological
26 impacts. Many were experts from, or representing, SDSU, the City of Temecula, and
27 Pechanga.

- 28 • Dr. Matt Rahn, Director for Development and Research with the San Diego State University Field Stations Program, testified in opposition regarding the Project's impact to the SMER. He explained that the SMER is used by researchers today because of its low noise levels and pristine conditions.
- Dr. Rahn indicated that mining activities can and will impact the level of research and researchers willing to use the SMER in the future based on impacts from the mine.
- Dr. Rahn indicated there are large volumes of study on vibration and noise impacts on biology. These impacts include behavioral impacts that result from stress levels impairing an animal's ability to find food, sleep, communicate and reproduce. Additionally, Dr. Rahn explained that any amount of light will impact and impede wildlife movement
- Dr. Rahn also provided that that an urban presence of species is not an indication of an animal's ability to adapt to urban environments. Often such animals are those with already significantly impacted behaviors

- Dr. Rahn also explained that Least Bell's Vireo, which was studied in the EIR, is not the best threshold candidate to test vibration impacts to biology near the SMER, because it can be urban associated.
- Mr. Ruben Ramirez, a speaker who indicated he had 17 years of expertise on radio tracking species, and Dr. Rahn indicated that the Project will impact many species through light, noise and other stressors; not just mountain lions.

c. Biology Conclusions Made by the Planning Commission-

1. Based on public testimony, the Project's activities would detrimentally impact the research conducted on the SMER, on nearby properties, and the biology's habitation, reproduction and migration patterns.
2. Additionally, the Project's biological impacts would reduce the number of researchers and research projects willing to use the SMER because researchers may perceive the operating mine as an impediment to their research.
3. Based on information presented during the hearings, the SMER, and biological habitation, reproduction and migration patterns would also be impacted by the glow created by the Project's light refracting in the air's moisture.
4. Furthermore, based on the public's comments, the crushing of granite/ concrete and heavy plant traffic, would produce noise, light and vibrations that would negatively affect wildlife using the linkage. This incremental loss to the already impaired habitat linkage is not acceptable.
5. In light of the public's testimony, and the impacts listed above, the Project would result in unavoidable adverse impacts on biology. These impacts are not outweighed by the Project's benefits; therefore, the impacts are not acceptable.

4. Cultural Resources

a. EIR Information-

Cultural Resources EIR Background

According to the EIR, cultural resources as defined by State and Federal regulations include tangible buildings, sites, structures, objects and manuscripts, each of which might have historical, architectural, archaeological, cultural, or scientific importance. Cultural resources can also be argued to include traditional places deemed significant by a living group's perspective or cultural history. It is possible that such places may not have tangible culturally modified remains or artifacts present. Evidence for such cultural resources is often found in oral history passed down from generation to generation. According to National Register Bulletin 38, published by the National Park Service, one kind of cultural significance a property may possess, and that may make it eligible for inclusion in the National Register of Historic Places, is traditional cultural significance. "Traditional" in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practices. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices.

1 Section 3.4 of the EIR discusses the impacts for cultural resources as a result of
2 implementing the Project. The EIR summarizes the cultural resources investigations
3 which included a Phase I Cultural Resources Assessment (Appendix F), a Phase I
4 Archaeological Assessment (Appendix F-1), and a Cultural Resources Technical
5 Report (Appendix F-2). Note that these appendices are confidential and are not for
6 public review; they are on file with the County. Criteria for determining both the
7 construction and operation impacts associated with cultural resources have been
8 developed in accordance with Appendix G of the CEQA Guidelines.

9 Additionally, a supplemental ethnographic study was prepared by Stephen O'Neal to
10 specifically address potential Pechanga traditional cultural properties (TCPs) in the
11 vicinity of the Project site. Mr. O'Neil noted that TCPs were generally defined in
12 relation to the National Park Services (NPS) Bulletin 38, Guidelines for Evaluating
13 and Documenting Traditional Cultural Properties. Mr. O'Neal's report generally
14 includes geographic areas that are eligible for inclusion in the National Register
15 because of the area's association with cultural practices or beliefs of a living
16 community. Such practices are rooted in that community's history, and are important
17 in maintaining the continuing cultural identity of the community.

18 Tribal Communications

19 The County initiated communications with Pechanga in 2005 and continued
20 communications, which included field surveys by Pechanga Tribal monitors, through
21 2010 in an effort to identify and address potential cultural resource impacts associated
22 with the Project. The EIR identified a total of seven (7) potential TCPs in the region
23 surrounding the Project. Of those potential traditional cultural properties, however, the
24 EIR determined only two properties were in proximity such that they could be
25 potentially impacted by the Project's implementation. These potential impacts to the
26 two potential traditional cultural properties, identified as Wexewxi Pu'eska and
27 Rainbow Canyon Camp (also called the 1870s Diaspora Settlement), were analyzed in
28 Impact Section 3.4 of the DEIR.

29 Summary of Cultural Resources Impact Evaluation

30 The EIR's analysis of potential impacts to Tribal cultural resources proceeded under
31 the assumption that both the Wexewxi Pu'eska and the Rainbow Canyon Camp (also
32 called the 1870s Diaspora Settlement) were eligible for listing under both the
33 California and National Registers of Historic Places as TCPs.

34 According to the EIR, these potential TCPs will not be directly impacted by the
35 Project. The EIR, however, did identify the potential for the Project to result in
36 indirect impacts to these resources as a result of adjacent project operations and
37 identified mitigation measures to reduce those potential indirect impacts to a less than
38 significant level. The EIR includes a total of four mitigation measures to reduce the
39 Project's potential indirect impacts to Pechanga's identified potential TCPs.

40 As such, the EIR concluded that the Project would have no impact to tribal
41 archeological resources and determined that the Project would have a less than
42 significant impact to archeological resources. The EIR further concluded that the
43 Project would not have any direct impacts to the two identified potential TCPs.
44 Indirect impacts, however, were determined to be potentially significant due to the

1 Project's construction and operational activities (i.e. visual intrusion, noise, light, and
2 vibration), as well as the Project's potential to increase unwanted access to the TCPs.

3 b.Public Testimony

4 During the public hearings many speakers raised specific concerns with cultural
5 resources, specifically the Pechanga Tribe.

- 6 • Mr. Paul Macarro, the cultural representative of the Pechanga Tribe, explained
7 that Wuyoot, the Luiseno Chief and Father of the first ancestral group, the
8 Kaamalam, died near the Project site. Mr. Macarro explained this was the first
9 death and introduced the Kaamalam to death.
- 10 • Mr. Paul Macarro also explained that Kaamalam Pum'ki', home to the original
11 Luiseño, is larger than the applicant or the studies in the EIR suggested. He
12 indicated it comprises a larger area including the entire hill that includes the
13 Project site.
- 14 • Mr. Paul Macarro further testified that place names indicate areas that were
15 used by the Tribe in the past. He further explained that place names are
16 different from the locations related to the creation story and are not the same as
17 TCP's.
- 18 • Ms. Laura Miranda, legal counsel and member of Pechanga, explained that not
19 all place names are classifiable as sacred.
- 20 • Ms. Miranda testified that Pechanga gave the County information on the
21 Project's impacts to specific ancestral places, including some within the Project
22 site, in the form of comment letters and Mr. Macarro's ethnography.
- 23 • Ms. Miranda also provided that Pechanga has never developed on "sacred"
24 property. The developed area near Pechanga's casino may have impacted a
25 Pechanga place name, a gathering place, but not a location from the creation
26 story, or a sacred site.
- 27 • Mr. Peter Thorson, attorney for the City of Temecula and Ms. Courtney Coyle,
28 outside Counsel for Pechanga, indicated that the LAFCO Staff Report for the
2009 City of Temecula Annexation explained that minimal development was
possible on the Project site regardless of the General Plan and Zoning
designations proposed by the annexation. They indicated the City was
proposing designations that would have permitted the same number of
residential units currently permitted by the County. The City's designations,
however, would not have permitted a quarry.
- Ms. Coyle also testified that the land use intensity of 81 residential units would
be far less than that proposed by the Project.
- Dr. Thomas King, testified in opposition to the Project, explaining aspects of
Bulletin 38, which he authored for the National Historic Register. The Bulletin,
he argued, explains that only tribes should indicate what is important to a tribe.
Further, archeological evidence should not be required to determine if an area is
significant to a tribe, which the Tribe determines is a TCP.
- Dr. King testified that a smaller potential TCP can be within another larger
TCP.
- Dr. King also explained that tribes generally attempt various forms of
protection, regarding sites, when sites are specifically threatened.

- Dr. Lisa Woodward, archivist with Pechanga, presented a number of maps including John P. Harrington's map which was created about 100 years ago showing place name locations and other location specific information, and maps showing TCP boundaries over portions of the Project site.
- Dr. Woodward, read from a letter by Steven O'Neal indicating that many potential TCP's in the vicinity of the Project site could be included in a potential TCP district.

c. Cultural Conclusions Made by the Planning Commission-

1. Although there were no archeological items found on the Project site, public testimony has demonstrated that the Project site is in close proximity to several significant archeological and historical sites.
2. Additionally, in light of Pechanga's testimony, the Project site has strong ties to Pechanga's creation story and may be eligible as a TCP or a TCP District. As a result, the Project would adversely impact Pechanga's heritage and nearby lands.
3. Furthermore, an open pit mine would forever destroy the Project site, leaving a permanent and geologically modified landscape. This permanent impact would not result from a less intensive land use such as a large lot single family home development.
4. Therefore, based on the public's testimony, the Project would result in unavoidable adverse impacts to cultural resources that are not outweighed by the Project's benefits. As a result, these environmental impacts are not acceptable.
5. As outlined above, these impacts are detrimental to the public's health, safety and general welfare.

5. Geology and Hydrogeology

a. EIR Information-

Geology and Hydrogeology EIR Background

Section 3.5 of the EIR studied Geology and Section 3.7 studied Hydrology (and Hydrogeology). The information below from the EIR is specific to the groundwater and the connection of underground throughout the site. Because this topic is covered in both sections, the information below comes from both sections of the EIR and in part from the response to comments for the Final EIR.

Information contained within the EIR, specifically related to groundwater on the site has been largely obtained from the Geologic and Hydrologic Evaluation Proposed Liberty Quarry, Riverside County, California (see Appendix H) and Responses to Frequent Questions, Proposed Liberty Quarry, Riverside County, California (see Appendix H-1), which evaluated geologic and hydrogeologic conditions for the Project. The Response to County of Riverside Review Comments, County Geologic Report No. 1902, Geotechnical Report, Proposed Liberty Quarry, Riverside County, California clarifies comments from Riverside County's review. Criteria for determining both the construction and operation impacts associated with geology and

1 hydrogeology have been developed in accordance with Appendix G of the CEQA
2 Guidelines.

3 Summary of Geology and Hydrogeology Impact Evaluation

4 According to the EIR, the site is located in rugged mountainous bedrock terrain, and
5 the massive crystalline bedrock underlying the site is considered nonwater bearing
6 (California Department of Water Resources [DWR], 1956 and 2003). Groundwater
7 also occurs to a much lesser extent locally in the crystalline bedrock, but is primarily
8 limited to fracture and joint systems and in deeply weathered areas overlain by
9 saturated Quaternary or Tertiary deposits. The EIR also provides that lowland
10 groundwater basins are not hydrologically connected with the site. Two seasonal
11 surface seeps are located on the site and appear to be related to localized fractures
12 draining under the influence of gravity. A hydrologic evaluation of the site was
13 conducted.

14 During the investigation for the EIR's analysis, groundwater was encountered in three
15 deep, vertical borings drilled into the underlying granitic bedrock. The EIR's
16 evaluation found that groundwater, where observed at the site, is limited to joints and
17 fractures because of the massive igneous bedrock underlying the site, which is
18 considered nonwater bearing by DWR. Additionally, the EIR provided that limited
19 hydraulic connection exists between groundwater encountered in bedrock fractures
20 and joints at the site.

21 Based on a review of published literature, geologic and hydrogeologic assessment
22 activities performed at the site, and subsequent data analysis and evaluation performed
23 to date, the EIR determined that the site appears to be topographically, structurally,
24 and hydraulically isolated from near-by, off site intermontane valleys and topographic
25 lowlands. As a result, the EIR determined that the Project's operations are not
26 anticipated to adversely affect local or regional groundwater supplies for residents in
27 the surrounding area, or Temecula or Rainbow Valleys.

28 EIR Summary of Groundwater

The EIR does not state or suggest that groundwater will not be encountered at the site.
The EIR found generally a low volume of groundwater in the boreholes. According to
the EIR, in well MW-2 no flowing water into the borehole was noted above 200 feet
depth, also despite the presence of joints and fractures. The EIR provided that
groundwater occurs in the bedrock at the proposed quarry site; however, it's
occurrence is in very low volume and highly dependent on the hydraulic connectivity
of joints and fractures in the bedrock, which is low. According to the EIR, there is no
aquifer beneath the site.

The EIR also provided that hydraulic isolation of the proposed quarry location is well
supported by various lines of evidence. Additionally, the EIR indicated that the poor
performance of pumping tests described above and the lack of response at observation
wells during the tests, the high seasonality of flow in local seeps, springs, and streams
suggests low connectivity with groundwater, since a good connection with a system of
high capacity should supply a more perennial flow to these features. According to the
EIR, stream flow and springs in the area exhibit seasonal flow, derived primarily from

1 recent precipitation via surface flow and/or local joints and fractures that drain to
2 ground surface rather than transmitting water through the bedrock.

3 Mitigation Measures

4 The EIR included numerous mitigation measures were applied to the Project to further
5 reduce impacts, a full list of mitigation is provided in Table ES-1 of the FEIR.

6 Impacts to Surrounding Communities

7 The EIR also specifically addressed the impacts specific to the SMER. The EIR
8 provided that groundwater is limited to joints and fractures in the massive crystalline
9 bedrock and is considered non-water bearing. Hydrogeologic testing found little, if
10 any, groundwater intercommunication on or off of the property. Therefore, the EIR
11 determined that potential impacts to groundwater off site or to groundwater seeping
12 into rivers or creeks off site are not expected.

13 b. Public Testimony

14 During the public hearings many speakers raised specific concerns regarding geology
15 and hydrogeology.

- 16 • Mr. Kerry Cato, Geologist at Cato Geoscience, Inc. provided opposition testimony,
17 contending that vertical wells are not optimal if attempting to intersect fractures.
- 18 • Mr. Cato indicated that proper testing of wells require additional pumping after the
19 first test because water recharges wells over a longer period of time. He indicated
20 the EIR only did one test in mid-summer 2006 over a two-week period.
- 21 • Mr. Cato indicated that proper testing requires drilling in lineaments. He further
22 indicated that one of the test sites was drilled about sixty-three feet from a
23 lineament. He indicated that none were drilled directly into lineaments.
- 24 • Mr. Cato testified that testing for water was not done on all thirteen wells drilled
25 on site, only three.
- 26 • Mr. Cato and Dr. Roy Shlemon, geology expert from Roy Shlemon and
27 Associates, Inc., provided opposition testimony, indicating there are unclassified
28 faults on the Project site. They indicated that faults can create pathways for water
that are different from fracture flows.
- Mr. Howard Omdahl, a local resident of the area, showed several images depicting
flora and fauna. He testified that the images indicate year round water sources
exist.
- Mr. Omdahl indicated that there are several oak trees on the site that have survived
seven year droughts which indicates connectivity of the underground water
sources, based on conversations he has had with oak tree experts.
- Chairman Mark Macarro of Pechanga indicated that rocks on the east side of the
mountain have been seeping water for over one hundred years.
- Dr. Shlemon suggested fault studies should be done for mining project
applications.
- Dr. Shlemon suggested that balanced rock studies should be done for mining
projects on sites like the Project site.
- Dr. Matt Rahn explained that a significant volume of water is contributed to the
Santa Margareta River from the groundwater within the mountain.

- Dr. Rahn further testified that during a summer test in 2010 major upstream flows within the River were shut off, yet flowing water was still being contributed to the River from groundwater within the adjacent mountain.

c. Geology and Hydrogeology Conclusions Made by the Planning Commission-

1. The information presented by several public speakers, including information on the flora and fauna found on the site, demonstrates the interconnectivity of the underground hydrology which would be significantly impacted by the Project.
2. Additionally, based on the public's testimony, the continual expansion of fractures that would result from the Project's blasting will cause water to collect within the mine pit, and create quarry lake. This is not acceptable.
3. Based on information provided by the public, rocks on the side of the mountain have been seeping water for over 100 years. Such seep indicates that a continually replenished underground water source exists in the mountain.
4. Furthermore, after considering the public's testimony, the Project will cause dewatering of the site which will impact the weeping rocks, a culturally significant feature.
5. Therefore, in light of the above, the Project would result in unavoidable adverse impacts related to geology and hydrogeology that are not outweighed by the Project's benefits. As a result, these environmental impacts are not acceptable.
6. As illustrated by the above, these impacts are detrimental to the public's health, safety and general welfare.

6. Jobs

a. EIR/Fiscal Impact Report Study Information

Jobs Analysis Background

The EIR did not specifically analyze jobs as such analysis are not required by CEQA. A Fiscal Impact Report entitled Economic Impact on Riverside County and its Southeastern Area by John Husing of Economics and Politics, Inc. dated February 13, 2007 was done to determine the fiscal impacts the Project would have on the County. This study was not a part of the CEQA analysis. As the EIR explained in the response to comments, CEQA does not require a DEIR to address the potential impacts associated with an actuarial or financial analysis of a Project. CEQA Article 9, "Contents of Environmental Impact Reports", Section 15131(a) provides that economic or social effects of a project shall not be treated as significant effects on the environment.

Jobs Analysis Summary

The Fiscal Impact Report explained, within the Temecula-Murrieta area, a key concern has been the availability of good paying local jobs . The need for local job creation was underscored because the region has just 0.86 jobs for each occupied dwelling, compared to the 1.25 average for Southern California. According to the Fiscal Impact Report, this means that the area has 31% fewer jobs for each family than is required in the Southland for a sub-market to have a self-sustained labor market. This results in a

1 large number of commuters. The Fiscal Impact Report indicated that the Project
2 would help add 287 jobs, primarily in southwestern Riverside County.

3 Because jobs and economic factors are not generally under the purview of CEQA, no
4 significance determination was made pertaining to this category.

5 b.Public Testimony

6 During the public hearings many speakers raised specific concerns regarding jobs and
7 fiscal issues in general.

- 8 • Dr. Gary Smith, representing the Rose Institute, provided opposition testimony
9 indicating that total aggregate production in Riverside County will not change with
10 the Project. It will simply shift the production south. He also explained that the
11 production jobs will simply shift within the County but the total job count would
12 stay consistent. He indicated that the County cannot have a reduction in truck trips
13 and an increase in jobs. He further explained that as truck trip reduction is applied,
14 the total truck distance in miles traveled will fall, which means less truck driving
15 jobs. By his account, the total jobs will actually fall within the County.
- 16 • Dr. Smith also contended that sales taxes generated from the production of
17 aggregate at the site is not as simple as the Fiscal Impact Report indicates.
- 18 • Dr. Smith discussed a study by Ms. Diane Height that studied the impacts on home
19 prices and mines. The study used hedonic home pricing models and multiple
20 regression to show homes are worth less when close to mines. He argued that
21 hedonic home pricing models and multiple regression are critical to any study that
22 analyzes home prices and their relationship to mines.

23 c.Jobs Conclusions Made by the Planning Commission-

- 24 1. Although the Project would create approximately 100 jobs, these jobs would be
25 generated in the future at a time when all improving sectors would also show
26 increasing job needs. Jobs are needed now in the County.
- 27 2. Many of the jobs that would result from the Project would be truck driving
28 positions that would be transplanted jobs, not newly created jobs. This would
result in a less net increase of jobs within Riverside County.
3. As a result, based on the public's testimony, the increase in jobs is relatively
small and does not help justify or offset the Project's unavoidable adverse
environmental impacts.

1 7. Noise

2 a. EIR information-

3 Noise EIR Background

4 Noise impacts generally occur when project noise levels exceed applicable standards
5 in the General Plan and noise ordinances. According to the EIR, anticipated noise
6 levels associated with the Project were evaluated at 17 noise-sensitive land uses. The
7 receptor locations, which are generally within approximately 4.5 miles of Liberty
8 Quarry include locations in the SMER, Temecula, Rainbow, and Fallbrook.

9 The EIR analysis is based on a noise study included in Appendix I. Criteria for
10 determining the significant impacts associated with noise have been developed in
11 accordance with Appendix G of the CEQA Guidelines, noise Ordinance requirements
12 of San Diego County, Riverside County and City of Temecula and CEQA thresholds
13 used by the California Energy Commission (CEC) (CCR Title 20, Article 6, Appendix
14 B(g))[4][A]).

15 Design Features that Assist in Mitigation

16 The Project design for the operation of the quarry includes the implementation of
17 design features that assist in mitigating the noise impacts and were considered by the
18 Commission. The design features are the following:

- 19 • The excavations and Plant Area locations are designed to use the surrounding
20 ridgelines and on-site setbacks to limit noise from mining activities and the
21 processing plants.
- 22 • The processing plants would be constructed on an excavated building pad of
23 1,670 to 1,700 feet above mean sea level to lower the profile of the plants and
24 limit off site noise.
- 25 • A landscaped berm, a minimum of 25 feet high, would be constructed on the
26 southwest side of the Plant Area to limit off site noise.
- 27 • Crushers and screens at the aggregate processing, concrete batch, and recycling
28 plants would be enclosed (presumed required to satisfy air quality
requirements; noise reductions from standard enclosures were taken into
account).
- Concrete truck loading operations would be partially shielded by the reclaim
tunnel structure under the concrete batch plant.
- The asphalt plant exhaust fans would be fitted with effective silencing,
anticipated to be 5 feet long.
- Engine generator sets and heavy mobile equipment would be fitted with
appropriate mufflers and enclosures so that modeled levels are realized.
- Mining activities would be set back at least 400 feet from the north site
boundary. (This setback is identified as mitigation in the biology section and is
included in the noise assessment modeling.)

Mitigation Measures

In addition to the design features listed above, the EIR included numerous mitigation measures that were applied to the Project to further reduce impacts, a full list of mitigation is provided in Table ES-1 of the FEIR. According to the EIR, ambient, construction, operational, and ground borne noise would be less than significant with mitigation incorporated.

Impacts to Surrounding Communities

The EIR also specifically analyzed the impacts to surrounding communities.

- *The SMER.* As shown in Table 4-1 of the EIR, within the SMER (Receptors 14, 15, 16, 36, and 37) noise levels with the Project and mitigation measures comply with the Riverside County residential noise standard. Therefore, potential noise impacts within the SMER would be less than significant.

Based on questionnaires, twelve SMER research projects were potentially affected by noise; however, EIR concluded no impacts to noise are expected. Noise levels will increase only slightly or will not be affected throughout the SMER due to distance from the Project's noise sources, intervening terrain, project design, and required mitigation measures as discussed above. The EIR concluded that it is not expected that noise produced by the Project would substantially impact any SMER research projects.

- *The City of Temecula.* As shown in Table 4-2 of the EIR, within Temecula at Receptors 10, 20, 21, and 35, the Project would result in no significant change in noise levels. The project does not result in the city's 65 Ldn standard being exceeded and results in a less than 5 dBA increase in ambient levels. Therefore, the EIR determined that potential noise impacts within Temecula would be less than significant.
- *The Community of Rainbow.* As shown in Table 4-3 of the EIR, within Rainbow, at Receptors 2, 17 and 18, noise levels from the Project comply with the applicable requirements of San Diego and Riverside County. Therefore, potential noise impacts within Rainbow would be less than significant.
- *The Community of De Luz.* As shown in Table 4-4 of the EIR, within De Luz, at Receptors 7 and 15, noise levels from the Project comply with the applicable requirements of Riverside County. Therefore, potential noise impacts within De Luz would be less than significant.
- *The Community of Fallbrook.* As shown in Table 4-5 of the EIR, within Fallbrook, at Receptor 12, noise levels from the Project comply with the applicable requirements of San Diego and Riverside County. Therefore, potential noise impacts within Rainbow would be less than significant.

b. Public Testimony

During the public hearings many speakers raised specific concerns regarding noise. The following outlines the concerns raised by the public during the hearings. Many of the following concerns were also shown in the biological section of these findings in Section B.3.b.

- Dr. Matt Rahn indicated the SMER is used by researchers because it has low noise levels and that mining activities can and will impact the level of research

1 and researchers willing to use the SMER in the future based on impacts from
2 the mine.

- 3 • Dr. Rahn indicated there are large volumes of study on vibration and noise
4 impacts on biology.
- 5 • These impacts included increased behavioral impacts that result from stress
6 levels which impact animal's ability find food, sleep, communicate and
7 reproduce.
- 8 • Mr. Tom Cole, code enforcement officer for the City of Temecula, explained
9 that the baseline readings for the site should have been measured on site, not
10 simply modeled. Mr. Cole took 6 readings at all times of day and weather
11 conditions over a two month period near the site that were all below 30
12 decibels.
- 13 • Mr. Mike Jurkosky, the closest resident to the Project site, testified that his
14 family would hear all quarry operations and be significantly impacted by the
15 Project.

16 c. Noise Conclusions Made by the Planning Commission-

- 17 1. Based on information presented by the public, noise levels on the Project's site,
18 particularly nighttime operations, would be incompatible with the uses of the
19 neighboring SMER property and would impact research on the property.
- 20 2. Additionally, based on the public's testimony, noise impacts from the Project
21 would reduce the number of researchers and research projects willing to use
22 the SMER because researchers may perceive the operating mine, and noise it
23 creates, as an impediment to their research.
- 24 3. In light of the public testimony, the Project would result in unavoidable noise
25 impacts to the SMER and to residential properties close to the Project's site.
26 These unavoidable adverse impacts are not outweighed by the Project's
27 benefits, therefore, they are not acceptable.
- 28 4. Additionally, as outlined above, these impacts from the Project are detrimental
to the public's health, safety and general welfare.

8. Traffic and Truck Trip Reduction

a. EIR Information

Traffic Reduction EIR Background

Traffic and transportation impacts generally occur when a proposed activity would cause an increase in traffic that is substantial in relation to existing capacity; exceed an established LOS standard; result in inadequate parking or inadequate emergency access; alter waterborne, rail, or air traffic; affect maintenance roads or circulation during construction; or conflict with adopted policies, plans, or programs supporting alternative transportation.

Riverside County and Caltrans reviewed and approved the methodology and analysis conducted in support of the traffic and transportation analysis, which was primarily based on the Revised Traffic Impact Analysis (Urban Crossroads, 2008) and the responses to comments. Criteria for determining the significant impacts associated

1 with traffic and transportation have been developed in accordance with Appendix G of
2 the CEQA Guidelines.

3 Truck Trip Reduction EIR Background

4 Section 6.3.1 of the EIR discusses the findings from the Liberty Quarry Truck Traffic
5 Miles-Reduced Evaluation (Appendix K-1). This study analyzed the number of trucks
6 that could be displaced by the Project (i.e., the reduction in the number of trucks
7 needed to transport aggregate from distant sources versus having a local source of
8 aggregate closer to the market area where it would be used). The study found that the
9 Project would reduce aggregate truck travel on I-15 in Riverside County by up to 16.5
10 million vehicle miles.

11 Mitigation Measures

12 The EIR included numerous mitigation measures that were applied to the Project to
13 further reduce impacts, a full list of mitigation is provided in Table ES-1 of the FEIR.

14 Significant and Unavoidable Traffic Impacts

15 Even after mitigation measures were taken into account, the EIR determined that the
16 Project would have the following significant and unavoidable impacts to Traffic in two
17 categories:

- 18 • **Direct Traffic Impacts:**

- 19 ○ *Impact T-1a analyzed if, “the Proposed Project could cause an increase in*
20 *traffic that is substantial in relation to the existing traffic load and capacity*
21 *of the street system (i.e., result in reduction of [level of service] LOS at*
22 *intersections).”* According to the EIR, the Project has included mitigation
23 to pay for and construct intersection improvements that are outside the
24 County’s jurisdiction. Although this is technically (physically) feasible,
25 implementation would require approval of other agencies including
26 Caltrans, Temecula, and San Diego County. Because the intersections are
27 within the jurisdiction of Caltrans, Temecula, and San Diego County, and
28 because no improvement can be made without the approval of these
jurisdictions, Riverside County cannot ensure that the improvements would
mitigate the impacts of the Project. Therefore, although Riverside County
would undertake all reasonable steps to coordinate with these jurisdictions
to install the improvements, the Project’s impacts on these intersections are
significant and unavoidable.
- *Impact T-1b analyzed if, “the Proposed Project could cause an increase in*
traffic that is substantial in relation to the existing traffic load and capacity
of the street system (i.e., result in increased queue lengths).” The EIR
determined that this impact is significant and unavoidable for the same
reason noted above.
- *Impact T-1c analyzed if, “the Proposed Project could cause an increase in*
traffic that is substantial in relation to the existing traffic load and capacity
of the street system (i.e., result in increased traffic volume along roadway
segments).” The EIR concluded that is impact is significant and
unavoidable for the same reason noted above.
- *Impact T-3 analyzed if, “the Proposed Project could exceed, either*
individually or cumulatively, an LOS standard established by the San

1 *Diego County Congestion Management Agency for designated roads or*
2 *highways.” The EIR also determined that this impact is significant and*
3 *unavoidable for the same reason noted above.*

4 • **Cumulative Traffic-**

5 Cumulative Traffic impacts were assessed in Section 5.4.3 in the EIR.
6 According to the EIR, potential project-related local, regional, and
7 cumulative traffic impacts were determined to be less than significant with
8 implementation of mitigation measures. The applicant would pay their fair
9 share of cumulative traffic and transportation improvements including
10 participation in the Riverside County Development Impact Fees and
11 Transportation Uniform Mitigation Fee, as well as the San Diego County
12 Traffic Impact Fees for local road improvements. Although improvements
13 to roadways would mitigate impacts to a less than significant level, for the
14 same reasons noted in the transportation section above, the authority to fund
15 and implement those improvements would be outside the jurisdictional
16 authority of Riverside County in its role as the CEQA Lead Agency.
17 Because this analysis cannot assume or rely upon the funding and
18 construction by other entities, the EIR concluded that the impacts remain
19 significant and unavoidable. It is also important to note that the impacts to
20 intersections were determined without using the truck trip reduction concept
21 in an attempt to create the most conservative analysis possible.

22 Impacts to Surrounding Communities

23 The EIR also specifically analyzed the impacts to surrounding communities.

- 24 • *The City of Temecula.* Winchester Road, Rancho California Road, and SR-79
25 South provide access to and from I-15 within Temecula. As evaluated in
26 Section 3.11 of the EIR, the Project would result in these intersections
27 operating at a less than acceptable LOS and would cause an increase in traffic
28 that is substantial in relation to the existing traffic load and capacity of the
street system. Mitigation Measures T-1 and T-2 specify improvements that
would reduce delays and allow these intersections to operate at an acceptable
level of service and for traffic load to not exceed capacity of the street system.
Because the intersections are within the jurisdiction of Caltrans, and Temecula,
, and because no improvement can be made without approval of these
jurisdictions, Riverside County cannot ensure that improvements would
mitigate the impacts of the Project. Therefore, although Riverside County
would undertake all reasonable steps to coordinate with these jurisdictions to
install the improvements, the Project’s impacts on these intersections are
significant and unavoidable.
- *The Community of Rainbow.* Rainbow Valley Boulevard provides access to
and from I-15 from Rainbow. As evaluated in Section 3.11 of the EIR, the
Project would result in this intersection operating at a less than acceptable LOS
and would cause an increase in traffic, which is substantial in relation to the
existing traffic load and capacity of the street system. Mitigation Measures T-1
and T-2 specify improvements that would reduce delays and allow this
intersection to operate at an acceptable LOS and for traffic load to not exceed
capacity of the street system. The Project would add vehicle trips to the
southbound offramp at Rainbow Valley Road. The offramp is also used to

1 access a CHP weigh station. The additional vehicle traffic associated with
2 implementation of the Project would result in congestion at this offramp,
3 which could result in delayed access by fire and sheriff vehicles. Mitigation
4 Measure T-11 includes construction of a right turn lane, an additional through
5 lane, and an additional receiving lane at the Rainbow Valley Boulevard
6 southbound offramp and a two to four-lane access road to the quarry. This EIR
7 mitigation measure would reduce this potential impact to less than significant
8 because access to the weigh station would continue to be provided and is
9 considered to fall within acceptable levels. As shown in Table 4-3 of the EIR,
10 the Project would have a less than significant impact to CHP weigh station
11 access at Rainbow Valley Boulevard.

12 b. Public Testimony

13 During the public hearings many speakers raised specific concerns regarding traffic
14 and truck trip reduction.

- 15 • Dr. Gary Smith, representing the Rose Institute, testified that truck trip
16 reduction, if true, would cause the overall truck miles traveled in the County to
17 fall. He further testified that anytime overall truck miles traveled falls, it will
18 result in a decrease of truck driving jobs. Therefore, he contends, the total
19 truck driving jobs will actually fall within the County.
- 20 • Dr. Smith explained that if most of the aggregate production is going south into
21 San Diego County, truck trips would be further reduced if the Project was
22 located in San Diego County.
- 23 • Mr. Gary Gonzales, transportation engineer for the City of Temecula, argued
24 that additional unspecified intersections should have been analyzed for traffic
25 impacts.
- 26 • Mr. Jeff Heald from Fehr and Peers, provided opposition testimony contending
27 that it was not clear how Urban Crossroads ascertained if the counted
28 aggregate trucks were full aggregate trucks or empty aggregate trucks.
- Mr. Heald further argued that a passenger car equivalence of 3.0 should have
been used to be more conservative.
- Mr. Heald testified that not enough data was collected to support the claim of
reduced truck trips and that license plate surveys would have been more
appropriate.

29 c. Traffic and Truck Trip Reduction Conclusions Made by the Planning Commission-

- 30 1. Based on the public's testimony, the project will increase truck traffic.
- 31 2. Based on information presented by the public, overall truck trips throughout
32 Riverside County would not be reduced if other surface mines can compete
33 with the Project in terms of aggregate cost.
- 34 3. In light of the public's testimony, the Project would create an unavoidable
35 adverse traffic impact that is not outweighed by the Project's benefits. As a
36 result, the unavoidable traffic impacts are not acceptable.
- 37 4. Additionally, as outlined above, these traffic impacts are detrimental to the
38 public's health, safety and general welfare.

1
2
3 9. Water Supply Assessment (WSA)

4 a. EIR Information-

5 Water Supply EIR Background

6 The EIR studied the provision of water in Section 3.12, Utilities and Service Systems.
7 The Project is located within the boundaries of the Western Municipal Water District
(WMWD) and, as such, would receive water service as part of WMWD's retail service
8 area. The review of the water supply was not limited to the Water Supply Assessment.

9 A review of the local utility and service systems and of the commitments of the utility
10 and service system providers that would serve the Project was completed in support of
the analysis in the EIR. Criteria for determining both the construction and operation
11 impacts associated with the utility and service systems have been developed in
accordance with Appendix G of the CEQA Guidelines.

12 The Water Supply Assessment (WSA) Background

13 Consistent with the requirements of California Water Code section 10910 et seq., the
14 County and the Project Applicant contacted WMWD regarding preparation of a Water
Supply Assessment (WSA) for the Project.

15 In reviewing the Project, WMWD staff determined that the project did not meet the
16 threshold requirements for preparation of a WSA. Specifically, WMWD concluded
17 that the portions of the Project associated with industrial and/or processing activities
did not exceed the Water Code threshold of 40 acres because the Project's processing
18 facilities would occupy approximately 3.42 acres of the Project site. In addition, based
on Western Municipal's average annual residential demand of 0.88 acre feet per unit,
19 it was determined that the project's water usage would have to exceed 440 acre feet
per year to trigger the Water Code's 500 dwelling unit equivalency threshold. (2005
20 Urban Water Management Plan, page 18.) The Project is anticipated to demand 398
acre-feet of water per year. Given the above, WMWD concluded that the Project did
21 not trigger the need for preparation of a WSA. Furthermore, WMWD advised the
County that there are sufficient water supplies to serve the Project.

22 Notwithstanding WMWD's decision that a WSA was not legally required for the
23 Project pursuant to the Water Code, the County independently determined that
24 compliance with CEQA required a full analysis of the Project's potential water supply
impacts. (Vineyard Area Citizens v. City of Rancho Cordova (2007) 40 Cal.4th 412.)
25 As such, Section 3.12 of the DEIR provides a detailed discussion of water supply
26 issues and, based on the standards articulated in Water Code Section 10910 et seq., the
Section analyzes the Project's water demands under normal, single dry year, and
27 multiple dry year supply scenarios.

1 Summary of Water Supply Analysis from the EIR

2 As a result of this analysis, the County concluded that there are sufficient water
3 supplies available to serve the Project under normal, single dry year and multiple dry
4 year conditions consistent with the information provided by WMWD. However, the
5 responses to comments for the Final EIR explain that since the preparation of the EIR,
6 WMWD has prepared and approved a WSA which indicates a sufficient supply of
7 water for the Project for a 20-year period.

8 Mitigation Measures

9 A host of mitigation measures were applied to the Project to further reduce impacts, a
10 full list of mitigation is provided in Table ES-1 of the FEIR.

11 Significant and Unavoidable Water Supply Impacts

12 However, even after mitigation measures were taken into account, the EIR determined
13 that the Project would have the following significant and unavoidable impact to utility
14 and service systems:

15 *Impact USS-2 analyzed if, "the Proposed Project could have insufficient water*
16 *supplies from existing entitlements and resources, or new or expanded entitlements*
17 *might be needed."* WMWD has prepared and approved a Water Supply
18 Assessment (WSA) which indicates a sufficient supply of water to serve the Project
19 for a 20-year period. Impacts to water supply are determined to be less than
20 significant. However, cumulative water supply impacts were assessed in Section
21 5.4.12 in the DEIR. Despite implementation of recommended mitigation measures
22 to reduce demand to 369 ac ft/yr, the County has conservatively determined that
23 given the uncertainties in the ability of the State to provide future water supply, as
24 discussed in Sections 3.12 and 5.4.12, the Project's water supply impacts are
25 considered cumulatively significant.

26 b. Public Information-

27 During the public hearings many speakers raised general concerns with the water
28 supply. In particular, that the water supply in California is very unpredictable. No
water experts spoke regarding the water supply or the WSA.

c. Water Supply Assessment Conclusions Made by the Planning Commission-

1. The WSA was done correctly, in accordance with applicable State laws.
2. However, the uncertainties in the ability of the State to provide future water supply, make any time line longer than 20 years (the Project is requesting a 75 year lifespan) unacceptable. Therefore, the cumulative impacts identified by the EIR cannot be mitigated or balanced with any project benefits.

E. Overall Conclusions

1. As evidenced by the above, the Project is incompatible with the surrounding area and inconsistent with the neighboring uses.
2. The Project would export most of its aggregate south to San Diego County; however, based on information presented by the public, ample aggregate deposits exist in San Diego County.

- 1 3. While the aggregate from the Project would provide more benefit to San Diego County than
2 Riverside County, the majority of the environmental impacts remain in Riverside County. This
3 represents an environmental injustice to Riverside County.
- 4 4. Based on the information contained in the EIR and on evidence presented at the public
5 hearings, the impacts to air quality, aesthetics, traffic, noise, geology/hydrogeology, biological
6 resources and Pechanga's cultural heritage and nearby land are not outweighed by the
7 Project's benefits and would create negative effects for the region.
- 8 5. Therefore, the environmental impacts are deemed unacceptable and in accordance with CEQA
9 Guidelines Sections 15002(h)(5) and 15093(a), the Project is denied.
- 10 6. Pursuant to Section 15270(a) of the CEQA Guidelines, CEQA does not apply to projects
11 which a public agency disapproves, for this reason the EIR has not been certified.
- 12 7. Additionally, based on the above, the Commission hereby finds that the Project and proposed
13 conditions of approval for Surface Mining Permit No. 213 do not protect the public health,
14 safety or general welfare. The Surface Mining Permit, therefore, does not comply with
15 Ordinance No. 555 and is denied.
- 16 8. Additionally, granting the request for Change of Zone No. 7508 and Noise Ordinance
17 Exception No. 2 would foster and facilitate a surface mine, which, as stated above, would not
18 protect the public health safety and welfare and are hereby also denied.
- 19 9. The Commission's decision is final unless appealed or the Board of Supervisors assumes
20 jurisdiction by ordering the matter set for public hearing.
- 21 10. These findings and conclusions were adopted by the Planning Commission on December 7,
22 2011.

**PLANNING COMMISSION HEARING
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1.0 CONSENT CALENDAR

1.1 Staff Recommendation:
Adoption of Project Denial Findings

Staff Recommendation at Hearing:
Adoption of Project Denial Findings

Planning Commission Action:
Adoption of Project Denial after changes

SURFACE MINING PERMIT NO. 213 (Liberty Quarry), CHANGE OF ZONE NO. 7508 and NOISE ORDINANCE EXCEPTION NO. 2 – First Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Rural: Rural Mountainous (R: RM) – 414 Gross Acres - Zoning: Rural Residential (R-R) (Public Hearing Closed for All Purposes)

- A. Adoption of Project denial findings.
- B. Approve and Authorize the Chairman to sign Planning Commission letter to the Board of Supervisors.

Project Contact, Matt Straite at 951-955-8631 or e-mail mstraite@rctlma.org.
(Public Hearing Closed for All Purposes)

1.2 Staff Recommendation:
Receive and File

Staff Recommendation at Hearing:
Receive and File

Planning Commission Action:
Received and Filed

PLOT PLAN NO. 24773 – Intent to Adopt a Mitigated Negative Declaration – Applicant: T-Mobile West Corporation – Engineer/Representative: KDC Architects Engineers, P.C. - Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Open Space: Conservation (OS:C) – Location: Northerly of Murrieta Hot Springs Rd and southerly of Bow Bridge Dr – 3.21 Acres - Zoning: Specific Plan (SP No. 213 - Planning Area 26) - **REQUEST:** Receive and File the Notice of Decision acted on by the Planning Director on November 14, 2011 for the plot plan that proposes a wireless communication facility, for T-Mobile, disguised as a 45 foot high palm tree with nine (9) panel antennas located on three (3) sectors along with one (1) microwave antenna. The project includes four (4) equipment cabinets and one (1) GPS antenna surrounded by a 6 foot high concrete masonry wall enclosure designed to match existing walls in the area in a 465 square foot lease area. Three live palm trees (20 ft., 25 ft., and 30 ft. high) and additional landscaping are also proposed to be planted around the project area. The subject property currently contains an EMWD regional water tank (approx. 50 ft. in diameter and 36 ft. high) with a 12 ft. wide access road leading from Murrieta Hot Springs Road up to the tank location. Project Planner, Damaris Abraham at 951-955-4719 or e-mail dabraham@rctlma.org. (Quasi-judicial)

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- 1.3 Staff Recommendation:**
Receive and File
- Staff Recommendation at Hearing:**
Receive and File
- Planning Commission Action:**
Received and Filed
- PLOT PLAN NO. 24227** – Intent to adopt a Mitigated Negative Declaration – Applicant: Royal Street Communications California, LLC – Engineer/Representative: Sequoia Deployment Services, Inc. - First Supervisorial District – Glen Ivy Zoning Area – Temescal Canyon Area Plan: Rural Community: Estate Density Residential (RC:EDR) (2 Acre Minimum) – Location: Northerly of Hunt Road and on the easterly side of Knabe Road – 4.09 Acres - Zoning: Residential Agricultural – 2½ Acre Minimum (R-A-2½) - **REQUEST:** Receive and File the Notice of Decision acted on by the Planning Director on November 14, 2011 for the plot plan that proposes a wireless communication facility, for Royal Street Communications, disguised as a 50 foot high pine tree with six (6) panel antennas located on three (3) sectors along with one (1) microwave antenna. The project includes four (4) equipment cabinets and one (1) GPS antenna mounted on a raised concrete pad surrounded by a six (6) foot high wrought iron fence enclosure and landscaping in a 325 square foot lease area. The facility is proposed to be located on the northerly portion of the property adjacent to several live trees ranging in height from 30 ft to 45 ft and access to the facility will be provided via a 12 ft wide access easement running from Knabe Road that also provides access to the water tanks located on the adjacent property to the north of the project site. Approved at the November 14, 2011 Director’s Hearing. Project Planner, Damaris Abraham at 951-955-5719 or e-mail dabraham@rctlma.org. (Quasi-judicial)

- 1.4 Recommendation:**
Commissioner Petty nominated
Commissioner Snell for the 2012
Chair
- Commissioner Petty was
nominated for the 2012 Vice Chair
- Planning Commission Action:**
Both nominations received a 5-0
vote
- ELECTION OF PLANNING COMMISSION CHAIRMAN
AND VICE CHAIRMAN FOR 2012**

2.0 GENERAL PLAN AMENDMENT INITIATION PROCEEDINGS

- 2.1 None**

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3.0 PUBLIC HEARINGS

3.1 Staff Recommendation:
Adoption of Plot Plan 24226

Staff Recommendation at Hearing:
Adoption of Plot Plan 24226

Planning Commission Action:
Approved

GENERAL PLAN AMENDMENT NO. 1065, PLOT PLAN NO. 24226 – Intent to Adopt a Mitigated Negative Declaration – Applicant: Real Estate Investment & Development Company – Engineer/Representative: Grant Destache – First Supervisorial District – Glen Ivy Zoning District – Temescal Canyon Area Plan: Open Space: Mineral Resources (OS:MR) – Location: Northerly of Dawson Canyon Road and Easterly of Temescal Canyon Road – 15.25 acres – Zoning: Manufacturing – Medium (M-M) – **REQUEST:** The General Plan Amendment proposes to change the site's General Plan Land Use Designation from Open Space: Mineral Resources (OS: MIN) to Community Development: Light Industrial (CD: LI) (0.25-0.60 floor area ratio). The Plot Plan proposes the construction of four (4) traditional metal buildings on a 15.25 gross acre parcel for office and manufacturing uses with building sizes ranging from 15,750 to 45,600 square feet to be constructed in five (5) phases. Project Planner, Wendell Bugtai at 951-955-2419 or e-mail wbugtai@rctlma.org. (Legislative)

3.2 Staff Recommendation:
Adoption of Change of Zone 7762,
Tentative Tract Map No. 36327

Staff Recommendation at Hearing:
Adoption of Change of Zone 7762,
Tentative Tract Map No. 36327

Planning Commission Action:
Approved with Conditions

CHANGE OF ZONE NO. 7762, TENTATIVE TRACT MAP NO. 36327 – Intent to Adopt a Mitigated Negative Declaration – Applicant: Tricia Napolitano – Engineer/Representative: Alex Alatorre – Third Supervisorial District – Anza Zoning Area – Riverside Extended Mountain Area Plan (REMAP) – General Plan: Rural: Rural Residential (R:RR) (5 Acre Minimum) and Open Space: Rural (OS:R) (20 Acre Minimum) – Location: Northerly of Upper Valley Road, easterly of Bautista Road, and westerly of Pollwog Road – 265.2 Gross Acres – Zoning: Rural Residential – 5 Acre Minimum (R-R-5) – **REQUEST:** The change of zone proposes to change the zoning classification for the subject property from Rural Residential – 5 Acre Minimum (R-R-6), Rural Residential – 10 Acre Minimum (R-R-10) and Rural Residential – 20 Acre Minimum (R-R-20) to Rural Residential – 4 Acre Minimum (R-R-4), Rural Residential – 2 Acre Minimum (R-R-2) and Open Space Combining Zone – Residential Developments (R-5). The tentative tract map is a Schedule "C" subdivision of 265.2 gross acres into 46 single-family residential lots arranged in a clustered development with a lot size ranging from two (2) to four (4) gross acres, and one (1) approximately 140 gross acre

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common lot for open space with an overall density of 0.173 dwelling per acre (or an average of 1 dwelling unit per 5.89 acres.) The project proposes a private internal road system and post and beam foundations for all structures. Project Planner, Wendell Bugtai at 951-955-2419 or e-mail wbugtai@rctlma.org. (Legislative)

- 3.3 Staff Recommendation:**
Denial of Project and Appeal to Adopt a Mitigated Negative Declaration of Plot Plat 24775
- Staff Recommendation at Hearing:**
Adoption of Option 1) A Flag Pole, or Option 2) a Palm Tree
- Planning Commission Action:**
Approved Plot Plan for Options 2, a Palm Tree, with modifications

APPEAL OF PLOT PLAN NO. 24775 – Intent to Adopt a Mitigated Negative Declaration – Applicant: Royal Street Communications – Engineer/Representative: Metro PCS – First Supervisorial District – Lake Mathews Zoning District – Lake Mathews/Woodcrest Area Plan: Rural: Rural Residential (R:RR) (5 Acre Minimum) – Location: Northwesternly corner of Blackburn Road and McAllister Street, more specifically 17475 McAllister Street – 1.76 Acres – Zoning: Light Agriculture – 10 Acre Minimum (A-1-10) – **REQUEST:** The plot plan proposes a wireless communications facility, for Metro PCS, disguised as a 50 foot high flagpole with six (6) panel antennas mounted inside the flagpole. The 400 square foot lease area surrounded by an 8 foot high wood fence equipment enclosure with trellis cover will contain four (4) equipment cabinets and one (1) GPS antenna. (Continued from 11/16/11). Project Planner, Damaris Abraham at 951-955-5719 or e-mail dabraham@rctlma.org. (Quasi-judicial)

- 3.4 Staff Recommendation:**
Adoption of a Mitigated Negative Declaration
- Staff Recommendation at Hearing:**
Adoption of a Mitigated Negative Declaration
- Planning Commission Action:**
Continued till January 18, 2012

CHANGE OF ZONE NO. 7050 / TENTATIVE TRACT MAP NO. 32988 – Intent to Adopt a Mitigated Negative Declaration – Applicant: Anza / Butterfield Road 34, LLC – Engineer/Representative: CSL Engineering – Third Supervisorial District – Rancho California Zoning Area – Southwest Area Plan: Community Development: Medium Density Residential (CD: MDR) (2-5 dwelling units per acre) – Location: Northerly of Anza Road, westerly of Rio Linda Road, and southerly of Monte Verde Road – 12.9 Gross Acres – Zoning: Residential Agricultural – 5 Acre Minimum (R-A-5) **Request:** The change of zone proposes to change the site's zoning classification from Residential Agricultural – 5 Acre Minimum (R-A-5) to One Family Dwelling (R-1) and Open Area Combining Zone Residential Developments (R-5). The tentative tract map is a Schedule A subdivision of 12.9 acres into 37 single family residential lots with a minimum lot size of 7,200 square feet and three (3) open space lots for enhanced landscape treatments. (Continued from 9/6/2011, 2/7/2007, 1/10/2007, 10/05/11 & 11/16/11).

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Project Planner, Kinika Hesterly at 951-955-1888 or e-mail khesterl@rctlma.org. (Quasi-judicial)

4.0 **WORKSHOP**

5.0 **ORAL COMMUNICATION ON ANY MATTER NOT ON THE AGENDA**

6.0 **DIRECTOR'S REPORT**

7.0 **COMMISSIONER'S COMMENTS**

Harness, Teresa

From: trackingupdates@fedex.com
Sent: Tuesday, December 13, 2011 11:30 AM
To: Harness, Teresa
Subject: FedEx Shipment Notification

This tracking update has been requested by:

Company Name: COUNTY OF RIVERSIDE
Name: Teresa Harness
E-mail: tharness@rctlma.org

Teresa Harness of COUNTY OF RIVERSIDE sent Gary Johnson of Granite Construction Co. 1 FedEx Standard Overnight package(s).

This shipment is scheduled to be sent on 12/13/2011.

Status: Shipment information
sent to FedEx
Tracking number: [793006900536](#)

To track the latest status of your shipment, click on the tracking number above, or visit us at fedex.com.

To learn more about FedEx Express, please visit our website at fedex.com.

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

Agenda Item No.: 3.1
Area Plan: Southwest
Zoning Area: Rancho California
Supervisory District: First
Project Planner: Dave Jones/Matt Straite
Planning Commission: April 26 and May 3, 2011

CHANGE OF ZONE NO. 7508
NOISE ORDINANCE EXCEPTION NO. 2
SURFACE MINING PERMIT NO. 213
ENVIRONMENTAL IMPACT REPORT NO. 475
Applicant: Granite Construction Co.
Engineer/Representative: Lilburn Corporation

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

The project is proposing a Surface Mining Permit to construct and operate a mine on a 414 acre site located in southwest Riverside County. The 414 acre site would include 155 acres to be used for the quarry and associated support operations, 10 acres would be used for the access road and lower utility pad and the remaining 250 acres would serve as a buffer area intended for permanent conservation.

Applications include Surface Mining Permit No. 213, Change of Zone No. 7508, and Noise Ordinance Exception No. 2 ("project"). Surface Mining Permit No. 213 proposes an aggregate quarry; Change of Zone No. 7508 requests a zone change from Rural Residential (R-R) to Mineral Resources and Related Manufacturing (M-R-A) on 14 parcels consisting of 110 acres near the center of the site where the processing plant shall be located; and Noise Ordinance Exception No.2 requests an exception from County Ordinance No. 847. Environmental Impact Report No. 475 ("EIR") studied the project and its impacts.

The project site is located in the southern end of the Santa Ana Mountains in the Southwest Area Plan of unincorporated Riverside County, south of the City of Temecula, to the west of Interstate 15, just north of the San Diego County line. Note that approximately two and a half acres and the site entrance is located in San Diego County, north of the community of Rainbow.

SIGNIFICANT ISSUES OF POTENTIAL CONCERN:

The following is a list of items that Staff wanted to highlight. This list is not intended to explain all facets of the project, rather they are issues staff wanted to bring to the Commission's attention.

Project Acreage

The project, as proposed by the applicant, is described above as 414 acres with 155 acres intended for plant operations and quarry activities. This is consistent with the hearing notice, the EIR project description, and other related project documents. The EIR describes an alternative to the project entitled the "reduced footprint alternative" which proposes a 20 acre reduction of the quarry footprint (11 acres from the south of the proposed disturbance area and 9 acres from the northern section of the proposed disturbance area, reducing the footprint from 155 acres to 135 acres). This would reduce the permitted reserves by approximately 33 million tons (MT) (approximately 12 percent). This reduction will not impact the site access, area proposed for the access road, or the size of the plant operations (30 acres) within the quarry footprint. In addition, the EIR has recommended a number of mitigation measures (see AL-2b, BIO-1b(1) and BIO-1c(4)), that reduce the quarry footprint to address various impacts. Staff supports these reductions in the size of the quarry footprint. The EIR deemed this alternative the environmentally superior alternative in the EIR. All Staff project recommendations are based on the modified, reduced footprint project description.

Certification of the EIR

The three entitlements before the Commission are from three separate County Ordinances - Surface Mining Permit No. 213 (SMP) is from Ordinance No. 555, which implements the State Surface Mining and Reclamation Act (SMARA), Change of Zone No. 7508 is from Ordinance No. 348, the County Land Use Ordinance, and the Noise Ordinance Exception No. 2 is from Ordinance No. 847, the County Noise Ordinance. The Planning Commission's decision on the Change of Zone is a written recommendation transmitted to the Board of Supervisors for final action. The Planning Commission's decision on the SMP and the Noise Ordinance Exception, however, is considered final unless appealed in accordance with the applicable ordinance. As a result, the EIR will need to be certified prior to approving the SMP and the Noise Ordinance Exception.

EIR Issues- Significant and Unavoidable Impacts

The EIR studied the project's potential environmental impacts. The report is divided by areas of environmental study such as geological impacts, cultural impacts, air quality impacts, etc. The report concluded that there are six (6) categories (12 specific impacts) that remained significant, even after mitigation was analyzed. These six (6) significant and unavoidable impacts are direct impacts to both Air Quality and Traffic as well as Cumulative impacts to Air, Biological Resources, Traffic, and Utilities (water). In the event that the project is approved, these six (6) significant and unavoidable impacts will require the Planning Commission to make statements of overriding considerations balancing the benefits of the project against its unavoidable impacts. Each of these six (6) significant and unavoidable impacts are explained below:

- *Direct Air-*
 - *Impact AQ-2 analyzed if, "construction-related air emissions from the Proposed Project could result in construction-related emissions that exceed any of the South Coast Air Quality Management District (SCAQMD) thresholds of significance in [DEIR] Table 3.2-8 (SCAQMD Thresholds for Construction Emissions)." The DEIR/FEIR identified that the impacts would be significant but temporary. According to DEIR/FEIR Table 3.2-15, particulate matter less than 10 microns in size (PM10) and Sulfur Dioxide (SO2) emissions would be below the South Coast Air Quality Management District (SCAQMD) thresholds. However, emissions of Nitrogen Oxides (NOx), Organic Gases (ROG), Carbon Monoxide (CO), and particulate matter less than 2.5 microns in size (PM2.5) would exceed SCAQMD daily emission thresholds for construction and would be considered a potentially significant impact. These impacts are related to construction only and would, therefore, be temporary in nature.*
 - *Impact AQ-3 analyzed if, "operational emissions from the Proposed Project could exceed any of the SCAQMD thresholds of significance in [DEIR] Table 3.2-10 (SCAQMD Thresholds for Operational Emissions)." According to DEIR/FEIR Table 3.2-20, after mitigation, the emissions of ROG, PM10, and PM2.5 are expected to be reduced to less than their SCAQMD CEQA operation emission significance thresholds. However, NOx and CO emissions are expected to remain above their SCAQMD CEQA operation significance thresholds and would be considered a potentially significant impact.*

**CHANGE OF ZONE NO. 7508
NOISE ORDINANCE EXCEPTION NO. 2
SURFACE MINING PERMIT NO. 213
ENVIRONMENTAL IMPACT REPORT NO. 475
Planning Commission Staff Report: April 26 and May 3, 2011
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Exceedance of the SCAQMD thresholds is not uncommon in EIR's processed by the County.

- *Impact AQ-5 analyzed if, "construction from the Proposed Project could result in offsite ambient air pollutant concentrations that exceed the SCAQMD thresholds of significance in [DEIR] Table 3.2-9 (SCAQMD Thresholds for Ambient Air Quality Concentrations Associated with Proposed Project Construction)." Construction impacts are short term (approximately 2 years), and there are no residential or worker receptors (i.e., no human exposure) at the point of maximum impact. According to DEIR/FEIR Table 3.2-24, Modeled air quality concentrations for construction activities all remain below the SCAQMD air quality impact thresholds, except the 24-hour and annual PM10 concentrations. Therefore, offsite air pollutant concentrations due to Proposed Project construction would be significant for PM10. These impacts are related to construction only and would, therefore, be temporary in nature.*
- *Impact AQ-6 analyzed if, "Proposed Project operations could result in offsite ambient air pollutant concentrations that exceed a SCAQMD threshold of significance in [DEIR] Table 3.2-11 (SCAQMD Thresholds for Ambient Air Quality Concentrations Associated with Proposed Project Operations)." According to DEIR/FEIR Table 3.2-25, the offsite ambient concentration impacts associated with the Proposed Projects operation would be less than significant for NO2, SO2, CO, and annual PM2.5. However, the DEIR/FEIR concludes that the maximum offsite ambient pollutant concentrations of 24-hour PM10, annual PM10, and 24-hour PM2.5 associated with operations would be significant as compared to the SCAQMD incremental thresholds.*
- *Traffic-*
 - *Impact T-1a analyzed if, "the Proposed Project could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in reduction of [level of service] LOS at intersections)." The project has included mitigation to pay for and construct intersection improvements that are outside the County's jurisdiction. Although this is technically (physically) feasible, implementation would require approval of other agencies including Caltrans, Temecula, and San Diego County. Because the intersections are within the jurisdiction of Caltrans, Temecula, and San Diego County, and because no improvement can be made without the approval of these jurisdictions, Riverside County cannot ensure that the improvements would mitigate the impacts of the Proposed Project. Therefore, although Riverside County would undertake all reasonable steps to coordinate with these jurisdictions to install the improvements, the Proposed Project's impacts on these intersections are significant and unavoidable. It is also important to note that the impacts to intersections were determined without using the truck trip reduction concept in an attempt to create the most conservative analysis possible.*
 - *Impact T-1b analyzed if, "the Proposed Project could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in increased queue lengths)." This impact is significant and unavoidable for the same reason noted above.*

- Impact T-1c analyzed if, “the Proposed Project could cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in increased traffic volume along roadway segments).” This impact is significant and unavoidable for the same reason noted above.
- Impact T-3 analyzed if, “the Proposed Project could exceed, either individually or cumulatively, an LOS standard established by the San Diego County Congestion Management Agency for designated roads or highways.” This impact is significant and unavoidable for the same reason noted above.
- Cumulative Air-
Impact AQ-8 analyzed if, “the Proposed Project could result in GHG [greenhouse gas] emissions that would hinder or delay the state's ability to meet the reduction targets contained in [Assembly Bill] AB 32.” The Proposed Project is still anticipated to generate approximately 80,000 (30,000 with truck displacement) tons per year of CO₂e even with mitigation applied. Additionally, Section 5.4.2 of the DEIR/FEIR analyzes cumulative effects and explains that although there are regional benefits to air from the Proposed Project, the analysis takes the most conservative approach and concludes that any new source of pollution that contributes to a cumulative exceedance of daily operational emissions thresholds or contributes to a cumulative net increase GHG emissions is significant. Beyond the project level measures identified in Section 3.2, there are no additional feasible mitigations available. As such, the Proposed Project's air quality impacts related to criteria pollutants and GHG are cumulatively considerable, significant and unavoidable. Even though the environmental documents conservatively determine the impacts to be significant and unavoidable, given the DEIR/FEIR analysis, it is unlikely that the Proposed Project would hinder or delay the state's ability to meet the reduction targets of AB 32.
- Cumulative Biological-
Cumulative biological impacts were assessed in Section 5.4.3 in the DEIR. The biological function of the SAPM linkage area and the Pechanga Corridor is currently substantially impaired by the eight-lane I-15, existing urban development in north San Diego County (Community of Rainbow, Old US 395, and CHP truck weigh station) and in southwest Riverside County (Border Patrol checkpoint, CHP truck weigh Station, Temecula, and surrounding development). Despite implementation of the MSHCP and recommended mitigation measures, the projects in the cumulative list shown in DEIR/FEIR Table 5-1 would contribute to cumulative effects to wildlife movement in the vicinity of the Proposed Project. As no additional, feasible mitigation measures are available, the project's cumulative effects on wildlife movement remain significant and unavoidable.
- Cumulative Traffic-
Cumulative Traffic impacts were assessed in Section 5.4.3 in the DEIR. Potential project-related local, regional, and cumulative traffic impacts were determined to be less than significant with implementation of mitigation measures. The Applicant would pay its fair share of cumulative traffic and transportation improvements including participation in the Riverside County Development Impact Fees and Transportation Uniform Mitigation Fee, as well as the San Diego County Traffic Impact Fees for local road improvements. Although improvements to roadways would mitigate impacts to a less than significant level, for the same reasons noted in the transportation section above, the authority to fund and implement those improvements would be

outside the jurisdictional authority of Riverside County in its role as the CEQA Lead Agency. Because this analysis cannot assume or rely upon the funding and construction by other entities, the impacts remain significant and unavoidable. It is also important to note that the impacts to intersections were determined without using the truck trip reduction concept in an attempt to create the most conservative analysis possible.

- *Cumulative utilities (water)-
Impact USS-2 analyzed if, "the Proposed Project could have insufficient water supplies from existing entitlements and resources, or new or expanded entitlements might be needed."* Based on the Proposed Project make-up water usage estimates of 398 ac-ft/yr (see Figure 3.12-1 of the DEIR/FEIR), Western Municipal Water District (WMWD) has indicated it has sufficient capacity, based on its 2005 Urban Water Management Plan (UWMP Estimates for industrial growth, to serve the Proposed Project under average, single-year dry, and multiple-year dry conditions and issued a Can and Will Serve Letter to the Applicant in February 2009 (see Appendix O-1) Since the preparation of the DEIR, WMWD has prepared and approved a Water Supply Assessment (WSA) which indicates a sufficient supply of water to serve the Proposed Project for a 20-year period. This WSA supersedes the need for a Will Serve Letter and is included in the FEIR Appendix S. Note that the WMWD's proposed condition incorporated by the County requires the Applicant to use non-potable water for the Proposed Project's industrial processes and for fire protection (please refer to Comment Letter L13 from WMWD). Impacts to water supply are determined to be less than significant.

Cumulative water supply impacts were assessed in Section 5.4.12 in the DEIR. Despite implementation of recommended mitigation measures to reduce demand to 369 ac-ft/yr, the County has conservatively determined that given the uncertainties in the ability of the state to provide future water supply, as discussed in Sections 3.12 and 5.4.12, the Proposed Project's water supply impacts are considered cumulatively significant.

SMER Proximity

The Project is located immediately east of, and adjacent to, the Santa Margarita Ecological Reserve (SMER) which is a research field station of San Diego State University (SDSU) and the San Diego State University Foundation. The concern expressed in several comments is regarding the Project's potential noise, vibration, dust and light and how that may impact wildlife, habitat and scientific research projects at the SMER. The DEIR/FEIR analyzed these impacts as they specifically relate to the preserve and found them to be less than significant with mitigation.

Multi Jurisdictional

The Project includes 2.5 acres of property located in San Diego County. This property is the location of the Project's point of entry and lower portion of the Project's access road. In addition, the Rainbow Valley Boulevard / I-15 off-ramps/on-ramps, the ramps that accesses this Project, are located mostly in San Diego County. The EIR analyzed the Project's impacts within San Diego County using San Diego County's standards. The Project's impacts within San Diego County were found to be all less than

significant or less than significant with mitigation with the exception of Cumulative Traffic. Some permits will be needed from San Diego County in order to construct the needed improvements.

Aggregate Demand

The Project is mining aggregate. Aggregate is used in a variety of construction applications, including Portland cement concrete, asphaltic concrete, plaster and stucco, road base, railroad ballast, levees, and fill. Aggregate is required in all construction projects to build, maintain, and repair structures, foundations and infrastructure. California Geologic Survey Map Sheet 52 is a statewide map that compares projected aggregate demand for the next 50 years with currently permitted aggregate resources in 31 regions of the state (CGS, 2006). According to the 26-page report that accompanies Map Sheet 52, the Temescal Valley – Orange County Region (which is the region in which the Proposed Project site is located) "...has only 32 percent of the permitted reserves needed for the next 50 years." Southwest Riverside County and northern San Diego County are among the fastest growing areas in Southern California. The estimated annual demand for aggregates based on projected population in the area is approximately 12.5 million tons by 2050. Quarries in the market area have limited production capacity and are not able to meet the growing demand in this area. Permitted aggregate reserves within Southern California could be exhausted in less than 20 years if no new sites are permitted. If the Proposed Project is permitted at 5 million tons per year, the target market area would still experience on average 7.3 million tons per year of unmet demand through 2050.

While the market demands for aggregate have recently subsided, construction trends are cyclical in nature. Historic patterns indicate that this recent downturn in aggregate need will not result in permanent decreased demand for aggregate. Given the proposed 75 year life of the project, current market trends do not impact the Map Sheet 52 forecast in a way that would substantially impact the long term need for aggregate in this area of California.

Truck Trip Reduction

The Proposed Project is anticipated to serve southwest Riverside County and northern San Diego County. These areas are currently served by quarries located to the north in the Corona and Lake Elsinore area, San Bernardino County and the Coachella Valley. It is anticipated that the proposed quarry would reduce the number of truck miles to serve Southern Riverside and Northern San Diego counties by providing an aggregate facility closer to the areas that demand this product. The closer the product is to the job site, the lower the cost of the material due to reduced transportation costs and the lower the impacts to air quality and fuel consumption due to reduced transportation distances.

Although the Proposed Project is anticipated to reduce the number of truck miles (see Appendix K of the DEIR/FEIR) and, hence, reduce local aggregate costs, fuel consumption and transportation emission, no reduction of vehicle miles or truck trips was utilized in the assessment of impacts associated with the Proposed Project. The the EIR analysis assumed a worst case scenario in order to fully comprehend the possible impacts, and thus, added all truck trips to the existing, future, and cumulative conditions. However, the EIR provides additional studies (not used in the individual determinations) that indicate the project will bring regional air quality benefits, and have regional reductions in overall traffic and cost of aggregate.

Special Linkage Area (SLA)

The Proposed Project is located within an area of the County designated by the Multiple Species Habitat Conservation Plan (MSHCP) as a "Special Linkage Area" or SLA. The SLA includes an approximately four (4) square mile area and is bisected by Interstate 15 and Old US 395. Uses within the SLA currently include, commercial, residential and light industrial uses particularly along the Old US 395 corridor. As the DEIR/FEIR notes, designation of the SLA within the Western Riverside County MSHCP was added by the County in response to comments received on the draft MSHCP related to the separately prepared Santa Ana-Palomar Mountain (SAPM) Linkage plan, which was released during the final preparation of the MSHCP. Therefore, the SLA does not stand alone and, instead, is intended to contribute to the much larger SAPM Linkage Area.

This Special Linkage Area will contribute to assembly of a portion of the Santa Ana-Palomar Mountains Linkage for the benefit of Covered Species. (MSHCP Section 3.3.15)

The SLA is not in a core area or a criteria area as those terms are defined in the MSHCP and, unlike existing core areas and linkages, the MSHCP does not provide specific management goals for the SLA or restrict development in any manner. Instead, for land use planning purposes, projects within the SLA are only required to study the relationship between the SLA and the Project in a CEQA level document. Additionally the analysis must be subject to the following rebuttable presumption of significance for the purposes of environmental review:

Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (MSHCP Section 3.3.15)

Therefore, although proposed projects in the SLA are required to undergo environmental review pursuant to the California Environmental Quality Act (CEQA), the SLA does not preclude development from occurring provided that the appropriate environmental studies are completed and mitigation measures are applied.

Public Opposition

Of the approximately 2,200 comments from a total of 232 commenters submitted on the Draft EIR, only eleven (11) represented support or a neutral stance on the Proposed Project. The largest number of comments received was relative to air quality impacts and the potential effect Project related airborne constituents may have on the health of the residents surrounding the Proposed Project. Notwithstanding the determination of significant and unavoidable impacts based on incremental increases in PM10 and PM2.5 being greater than the SCAQMD's Operation Ambient Air Quality Significance Thresholds, the Proposed Project would not cause an exceedance of the ambient air quality standards. Also, health risk analysis determined a less than significant increase in the cancer risk.

OVERVIEW:

The County has reviewed the project and determined that it is consistent with all zoning standards, General Plan requirements and policies and is consistent with all other applicable ordinances. Additionally, the Environmental Impact Report has been completed in accordance, consistent with all California Environmental Quality Act (CEQA) requirements.

The project would bring many benefits to the County, the region, and the community surrounding the site. As explained previously, the State of California, through Map Sheet 52, has indicated that this region has a need for aggregate that the project will only partially satisfy. The mining operation will utilize a significant economic mineral resource (MRZ-2a classification). Approximately one hundred (100) high quality jobs can be directly attributed to the mining operation. As explained in the EIR, the project is located close to existing major transportation infrastructure, which minimizes impacts through design; the project will not be visible to significant population areas; and the location will reduce truck trips which will have regional traffic, air quality and aggregate cost benefits.

The Planning Department has determined that the possible impacts that may result from the project are outweighed by the benefits the project will bring to the County; as such, Staff is recommending approval of the project.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #5): Rural: Rural Mountainous (R:RM)
2. Surrounding General Plan Land Use (Ex. #5): City of Temecula to the north and west, Community Development: Light Industrial (CD:LI) to the east, and the County of San Diego to the south.
3. Proposed Zoning (Ex. #3): Rural Residential (R-R) proposed to remain for 304 acres of the site and Mineral Resources and Related Manufacturing (M-R-A) proposed for 110 acres of the site.
4. Surrounding Zoning (Ex. #2): City of Temecula to the north and west, Rural Residential (RR) to the east, and the County of San Diego to the south.
5. Existing Land Use (Ex. #1): Vacant
6. Surrounding Land Use (Ex. #1): Freeway and scattered businesses to the east, the County of San Diego featuring truck scales and limited single family residential to the south, and the City of Temecula to the west and north featuring the Santa Margarita Ecological Reserve (SMER).
7. Project Data: Total Acreage: 414
Total Acreage of active mining: 135 (with reduced footprint)

8. Environmental Concerns: See Environmental Impact Report No. 475

FINDINGS: The following findings are in addition to those incorporated in the summary of findings, and in the EIR which is incorporated herein by reference.

1. The project site is designated Rural: Rural Mountainous (R:RM) on the Southwest Area Plan.
2. The proposed use, surface mining and related activities, are permitted uses in the Rural: Rural Mountainous (R:RM) designation which specifically explains "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."¹
3. The proposed project is in conformance with Land Use Policies of the General Plan specifically regarding the Rural Mountainous designation, including:
 - a. LU 17.1 which requires blending of natural contours, which the project achieves by placing the project behind ridges and staining all cuts needed for the access road.
 - b. LU 17.2 which requires adequate infrastructure, such as roads and water to be provided to the site. Sewer use on the site is limited, based on the use, water supply will mostly be using untreated raw water which is locally available, and the project is located on a transportation corridor (I-15) that is capable of providing all needed circulation.
 - c. LU 17.3 which requires that development not adversely impact character of surrounding areas. The project has been conditioned to address direct impacts to surrounding communities.
4. The project site is surrounded by properties which are designated Open Space (OS) by the City of Temecula to the north and west, Community Development: Light Industrial (CD:LI) to the east, and the Multiple Rural Use by the County of San Diego to the south.
5. The County of San Diego General Plan Land Use Designation on 2.5 acres of the project site and surrounding property to the south of the project site is Multiple Rural Use (MRU) which, according to the San Diego County General Plan, is not intended for any development to occur, except single family development (lot size based on slope).
6. The City of Temecula on November 10, 2010 annexed the surrounding property to the north and west of the site, also part of the Santa Margarita Ecological Reserve (SMER). The City has designated the land directly contiguous to the site as Open Space (OS) in their General Plan.

¹ Riverside County General Plan, Land Use Section

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7. The zoning for the subject site is Rural Residential (R-R). The project is proposing to change the zoning for 110 acres of the subject property from Rural Residential (R-R) to Mineral Resources and Related Manufacturing (M-R-A).
8. The proposed use, surface mining and related activities, is a permitted use, per section 5.1a(15) of Article V, the Rural Residential (R-R) zone, of Ordinance No. 348.
9. The proposed use, surface mining and related activities, is consistent with the development standards set forth in the Rural Residential (R-R) zone.
10. The project site is surrounded by properties which are zoned Open Space-Conservation-Santa Margarita (OS-C-SM) by the City of Temecula to the north and west, Rural Residential (R-R) to the east, and A-70 by the County of San Diego to the south.
11. A 2.5-acre portion of the project site located in San Diego County is zoned as A-70. Surface mining operations, and related facilities and activities are permitted in this zoning district, subject to a San Diego County approved Major Grading Permit. A private access road to the project site would be constructed on the 2.5-acre portion. The access road would be, in part, on a dedicated and recorded 60-foot wide easement within the 2.5-acre parcel. A Major Grading Permit will need to be obtained from San Diego County for construction of the access road, pursuant to the San Diego County Grading Ordinance.
12. The City of Temecula has recently annexed the property directly contiguous to the site on the north and west. As part of that annexation they have designated the property boarding the site as Open Space- Conservation- Santa Margarita (OS-C-SM).
13. The proposed project is consistent with the provisions of Sections 4, 5 and 6 of Ordinance No. 555 which implements the Surface Mining and Reclamation Act (SMARA) of 1975.
14. The project is not consistent with the provisions of Ordinance No. 847, Section 4 (and Table 1), which lists specific noise level requirements by Land Use designation.
15. Section 7 of Ordinance No. 847 allows exceptions from the standards set forth in Section 4 and Section 6 of Ordinance No. 847.
16. A continuous events exception, per section 7.a.3 of the Ordinance, has been requested as part of the project. As described in the Environmental Noise Analysis (Appendix I of the DEIR/FEIR) and shown in Table 3.10-18 of the DEIR/FEIR, the existing maximum noise levels at all monitoring locations exceed the applicable Riverside County Noise Ordinance maximum noise level standards of 45 Lmax dBA at night.
17. The ambient noise levels in the region are dominated largely by traffic-related noise from I-5. Because the current noise levels exceed the Lmax levels specified in the Riverside County Noise Ordinance, it is impossible for the project to comply with this standard. To the extent that project-related noise sources might exceed the noise ordinance standards, those sources are located such that they would be essentially indistinguishable from the ambient noise from I-15. Therefore, the project would not be detrimental to the health, safety, or general welfare of the community.

18. This project is not located within a Criteria Area of the Multi-Species Habitat Conservation Plan.
19. The project site is within an area of the Multi-Species Habitat Conservation Plan designated as the Special Linkage Area (SLA). Designation of this SLA within the Western Riverside County MSHCP was added by Riverside County in response to comments received on the draft MSHCP related to the separately prepared Santa Ana-Palomar Mountains (SAPM) Linkage Plan, which was released during the final preparation of the MSHCP. The SLA is an approximate 4-square-mile area adjacent to and east of Criterion Cell No. EC-G and south of Cell PCL-14. The SLA is bisected by I-15; Old US 395; and commercial, residential, and light industrial development along Old US 395 east of the Site. With the exception of a 2.5-acre portion of the Site access roadway located in San Diego County, the Proposed Project is contained entirely within this SLA.
20. The Western Riverside County MSHCP does not provide specific management goals for the SLA. Rather, for land use planning purposes, projects within the SLA are subject to the following rebuttable presumption of significance, "Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?"² The EIR level analysis studied this question and found that the projects impacts were cumulatively significant and unavoidable.
21. Environmental Impact Report No. 475 studied the site. Mitigation Measures were made conditions of approval. The analysis found that the following six (6) categories would be significant and unavoidable and require statements of overriding considerations:
 - (1) Air
 - (2) Traffic
 - (3) Cumulative Air
 - (4) Cumulative Biological
 - (5) Cumulative Traffic
 - (6) Cumulative utilities (water)

CONCLUSIONS:

1. The proposed project is in conformance with the Rural: Rural Mountainous Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Rural Residential (R-R) and Mineral Resources and Related Manufacturing (M-R-A) zoning classifications of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The proposed project is consistent with the exception requirements of Ordinance No. 847, and with other applicable provisions of Ordinance No. 847.

² MSHCP Section 3.3.15

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4. The proposed project is consistent with the surface mining requirements of Ordinance No. 555, and with other applicable provisions of Ordinance No. 555.
5. The public's health, safety, and general welfare are protected through project design.
6. The proposed project is conditionally compatible with the present and future logical development of the area.
7. The proposed project will have a significant effect on the environment as defined by CEQA.
8. The proposed project will not preclude reserve design for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

RECOMMENDATIONS:

TENTATIVE CERTIFICATION of **ENVIRONMENTAL IMPACT REPORT NO. 475** based on the findings incorporated in the Staff Report and subject to resolution adoption by the Planning Commission certifying the Environmental Impact Report; and,

TENTATIVE APPROVAL of **CHANGE OF ZONE NO. 7508**, amending the zoning classification for 110 acres of the subject property from Rural Residential (R-R) to Mineral Resources and Related Manufacturing (M-R-A) in accordance with Exhibit# 3, based upon the findings and conclusions incorporated in the staff report; and,

TENTATIVE APPROVAL of **NOISE ORDINANCE EXCEPTION NO. 2**, as per Section 7 of Ordinance No. 847, requesting exception to Sections 4 and 6 (**GENERAL SOUND LEVEL STANDARDS and SPECIAL SOUND SOURCES STANDARDS**) based upon the findings and conclusions incorporated in the staff report; and,

TENTATIVE APPROVAL of **SURFACE MINING PERMIT NO. 213**, with the reduced footprint as modified by the EIR and the conditions of approval subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

INFORMATIONAL ITEMS:

1. As of this writing, letters in support and opposition have been received and are attached to this Staff Report, including an attached compact disk containing several letter received by the community of Redhawk in Temecula in 2006.
2. The project site is not located within:
 - a. A city sphere of influence;
 - b. A 100-year flood plain, an area drainage plan, or dam inundation area;
 - c. A Parks and Recreation District (or a CSA that provides for park facilities);
 - d. An Area drainage plan;
 - e. A dam inundation area; or,
 - f. An area prone to liquefaction.

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3. The project site is located within:
 - a. High Fire Area;
 - b. The boundaries of the Southwest Area Plan;
 - c. The Stephens Kangaroo Rat Fee Area; and,
 - d. Adjacent to the Santa Margarita Ecological Reserve (SMER).

4. The subject site is currently designated as Assessor's Parcel Numbers 918-090-007 through 042, 918-100-001 through 008, 918-110-001, 918-100-012, 918-110-028, 918-120-044, 918-130-043, 918-130-031.

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Date Prepared: 01/01/01
Date Revised: 6/08/09 by RJuarez