

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



FROM: Supervisor John Benoit

SUBMITTAL DATE:
July 24, 2013

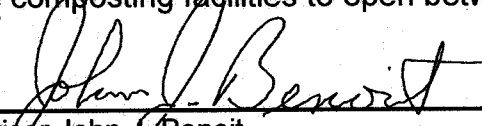
SUBJECT: Initiation of an Ordinance and Ordinance Amendment that would Regulate the Siting, Approval and Operation of Composting Facilities

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt an order initiating an ordinance that would regulate the siting, approval and operations of composting facilities; and
2. Adopt an order initiating an amendment to Ordinance No. 348 that would regulate the siting, approval and operations of composting facilities; and
3. Direct the Departments of Code Enforcement, Environmental Health, Waste Management and Planning to work collaboratively with County Counsel to prepare and process the ordinances.

BACKGROUND: On October 11, 2011, Assembly Bill 341 was approved by Governor Jerry Brown. The bill introduced a statewide policy goal of source reducing, recycling or composting 75% of waste generated by the year 2020. A large portion of such waste is green waste and food waste that will need to be diverted to composting facilities. Compost industry representatives estimate that the County will require 5-6 large scale composting facilities to open between now and 2020 so that the County can meet this goal.

(Continued)
JJB:SVS:jw



 Supervisor John J. Benoit
 Fourth District

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$	Budget Adjustment:	Yes
	Annual Net County Cost:	\$	For Fiscal Year:	2013/2014

SOURCE OF FUNDS: Waste Management Enterprise Funds	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

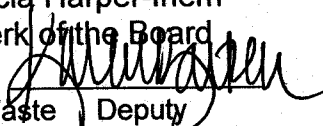
C.E.O. RECOMMENDATION:

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None

Kecia Harper-Ihem
 Clerk of the Board
 By: 

Date: July 30, 2013
 Supvr. Benoit, Co.Co., Auditor, Code Enforce., Enviro. Health, Waste Deputy

Prev. Agn. Ref.: _____ District: ALL Agenda Number: **3-67**

BY: TIFFANY N. NORTH 7/24/13 DAT
 Departmental Concurrence
 Policy Policy
 Consent Consent
 Dept's Recomm.: _____ Per Exec. Ofc.: _____

RE: Initiation of an Ordinance and Ordinance Amendment that would Regulate the Siting, Approval and Operation of Composting Facilities

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This Board recently enacted a clean-up action on Cal Bio-Mass, a large scale composting facility to eliminate an odor problem that was adversely affecting residents living within one mile of the location. In the past, another site that composted sewage sludge was closed primarily due to odors generated during the processing of material.

Currently, "sewage sludge/organic waste composting facilities" are allowed with a conditional use permit in the following three zones in Ordinance No. 348: (1) Mineral Resources (M-R), (2) Mineral Resources and Related Manufacturing (M-R-A), and (3) Heavy Agriculture (A-2). Any composting facilities in these zones are subject to the development standards of the applicable zone, as well as the conditions of approval for the project. However, as shown by the two composting facilities mentioned above, the general development standards of the zone may not be adequate to address the operations of composting facilities.

In order for the County to meet the waste diversion goals for the year 2020 and to avoid negatively impacting the residents of Riverside County by this potential influx of composting facilities, the County should act to adopt permanent zoning provisions, development standards, conditions and requirements to address composting facilities.

A collaborative multi-department ordinance planning and preparation strategy is recommended. Departments such as Code Enforcement, Environmental Health, Waste Management, Planning and County Counsel will likely each be required to enforce or process some provision of the ordinances once effective. For this reason, it is important that each of these departments be fully involved during the drafting process to develop new rules governing the siting, approval, and operations of composting facilities within Riverside County to do the following:

1. Identify the zones in the County that can house a composting facility without negatively affecting the residents of Riverside County from odors emanating from the site.
2. Establish appropriate development standards, conditions and requirements for composting facilities to ensure compatibility of such facilities with other surrounding uses and properties, avoid any negative impacts, and address public health, safety and welfare concerns.
3. Ensure State accepted Best Management Practices are used at all composting facilities in Riverside County such as enclosed operational areas and other odor mitigating procedures.
4. Require the companies wishing to operate composting facilities within Riverside County meet waste diversion needs but operate under terms to mitigate odors and other negative impacts to residents.

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5. Require appropriate restoration bond amounts, letter of credit or some other form of financial security acceptable to the County.
6. Establish and enforce storage amount limits and/or storage times established in the operating permit.

This can be done solely through an amendment to Ordinance No. 348 or through both an amendment to Ordinance No. 348 and a separate new ordinance. Approval of this order to initiate will allow the departments flexibility to proceed in either manner depending upon which is found to be most appropriate by the departments during the drafting process.

FISCAL: Board of Supervisors Policy No. A-67 requires the Board to consider the costs associated with preparing, processing and implementing an ordinance or ordinance amendment in deciding whether to adopt an order to initiate. County staff estimates that it will cost approximately \$100,000 to prepare and process the ordinance and ordinance amendment. This estimate includes \$25,000 for Planning Department staff costs, costs associated with preparing an Environmental Assessment and Negative Declaration, advertising costs, and public hearing costs. The estimate also includes \$17,000.00 in County Counsel costs for researching and drafting the ordinance and ordinance amendment. The balance of the \$100,000 will be expended by Environmental Health, Code Enforcement, Waste Management, Planning Department, County Counsel and other involved County departments for internal meetings and possible meetings with concerned citizen groups or industry representatives. If during the process it is determined that an Environmental Impact Report is required, or that further public hearings are required, the costs will be higher.

These estimated costs are currently unbudgeted for Fiscal Year 2013/2014 by the departments such that approval of budget adjustments will be necessary.

The costs of implementing and enforcing the ordinance and ordinance amendment will be covered by the conditional use permit fees and other applicable permit fees for composting facilities.

**Riverside County Board of Supervisors
Request to Speak**

Submit request to Clerk of Board (right of podium),
Speakers are entitled to three (3) minutes, subject
Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: Paul Jacobs

Address: _____
(only if follow-up mail response requested)

City: Temecula **Zip:** _____

Phone #: ~~_____~~

Date: 7/30/13 **Agenda #** 3.67

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:
 Support **Oppose** **Neutral**

Note: If you are here for an agenda item that is filed
for "Appeal", please state separately your position on
the appeal below:

Support **Oppose** **Neutral**

I give my 3 minutes to: _____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. **Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.**

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.