

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



ITEM
1.4
(ID # 3451)

MEETING DATE:

Tuesday, February 7, 2017

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: Receive and File the Planning Commission's Decision to Approve Surface Mining Permit No. 119, Revised Permit No. 3 – EA42620 – Applicant: Temescal Land Company – Engineer/Representative: Grant E. Destache – First Supervisorial District – Glen Ivy Zoning Area – Temescal Canyon Area Plan: Open Space: Mineral Resources (OS:MIN), Open Space: Water (OS:W) and Community Development: Light Industrial (CD:LI) (0.25-0.60 Floor Area Ratio) – Location: Northerly of Dawson Canyon Road, southerly of Leroy Road, easterly of Interstate 15 and westerly of Temescal Wash – 31.5 Gross Acres - Zoning: Mineral Resources and Related Manufacturing (M-R-A), Mineral Resources (M-R), and Watercourse, Watershed and Conservation Areas (W-1) – Request: The Revised Permit Proposes to Extend the Life of the Mining Permit for 20 years. [Deposit Based Funds 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **Receive and File** the Notice of Decision for the above referenced case acted on by the Planning Commission on December 7, 2016.

ACTION: Policy

Steven Weiss, Director

1/26/2017

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Tavaglione, Washington and Ashley
Nays: None
Absent: None
Date: February 7, 2017
xc: Planning, Applicant

Kecia Harper-Ihem
Clerk of the Board

By:
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Deposit Based Funds (100%). No General funds will be used on this project.			Budget Adjustment: No	
			For Fiscal Year: 16/17	

C.E.O. RECOMMENDATION: Approve

RECOMMENDED MOTION Continued :

The Planning Commission by a 5-0 Vote:

Adopted a Mitigated Negative Declaration for Environmental Assessment No. 42620, based on the findings incorporated in the initial study and the conclusion that the Project will not have a significant effect on the environment; and

Approved Surface Mining Permit No. 119 Revision No. 3, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

BACKGROUND:

Summary

In 1994, the County of Riverside (County) issued Surface Mine Permit (SMP) No. 119 to establish a Mobile Sand Mine. The permit allowed for mining of sand and gravel and related aggregate processing (crushing, screening, and washing). On October 5, 1999, the County Board of Supervisors approved a revision to permit SMP No. 119. The permit was set to expire six (6) years from the issuance date, in 2005. On February 11, 2003, the Board of Supervisors approved a second revision to extend the life of the permit for an additional 10 years, expiring in 2015 and modifications to excavation depths. The project Applicant timely filed this application (SMP00119R3) on September 17, 2013, to extend the life of this mining permit an additional 20 years (permit to expire December 31, 2037).

The Planning Commission heard the project revision on December 7, 2016.

The Planning Commission questioned staff regarding the mining operation's standing and record with regard to compliance with their existing mining permit and related mining regulations. Staff confirmed the mining operation was in compliance and typically operates as such.

The Planning Commission heard public testimony from one concerned neighbor regarding the mining operation's potential to access Leroy Road. It was confirmed by staff as well as the mine operator's consultant that the mining operation is not permitted to utilize Leroy Road, has not utilized this road in the past and would not utilize this road in the future.

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No modification or addition of the project design or conditions were warranted or implemented as a matter of the Planning Commission's action on this mining permit revision.

The Planning Commission adopted a Mitigated Negative Declaration and approved Surface Mining Permit No. 119, Revised Permit No. 3 by a vote of 5-0.

Board Action

The Planning Commission's decision is final and no action by the Board of Supervisors is required unless the Board assumes jurisdiction by ordering the matter set for a future noticed public hearing, or the applicant or an interested person files a complete appeal application within 10 days of this notice appearing on the Board's agenda.

Impact on Residents and Businesses

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

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Planning Commission Minutes

Planning Commission Staff Report



RIVERSIDE COUNTY
PLANNING DEPARTMENT

**PLANNING COMMISSION
MINUTE ORDER
DECEMBER 7, 2016**

I. AGENDA ITEM 3.2

SURFACE MINING PERMIT NO. 119, REVISED PERMIT NO. 3 – Intent to Adopt a Mitigated Negative Declaration – Applicant: Temescal Land Company – Engineer/Representative: Grant E. Destache – First/First Supervisorial District – Glen Ivy Zoning Area – Temescal Canyon Area Plan: Open Space: Mineral Resources (OS:MIN), Open Space: Water (OS:W) and Community Development: Light Industrial (CD:LI) (0.25-0.60 Floor Area Ratio) – Location: Northerly of Dawson Canyon Road, southerly of Leroy Road, easterly of Interstate 15, and westerly of Temescal Wash – 31.5 Gross Acres – Zoning: Mineral Resources and Related manufacturing (M-R-A), Mineral Resources (M-R), and Watercourse, Watershed & Conservation Areas (W-1).

II. PROJECT DESCRIPTION:

The revised permit proposes to extend the life of the mining permit for 20 years.

III. MEETING SUMMARY:

The following staff presented the subject proposal:

Project Planner and Chief Engineering Geologist: David Jones at (951) 955-6838 or email dljones@rctlma.org.

- Grant Destache, Applicant's Representative, 7825 E. Redfield Rd. #106A, Scottsdale, AZ 85022 (619) 895-6264, spoke in favor of the proposal.
- Cindy Cool, Neighbor, 9170 LeRoy Rd., Corona (909) 816-4517, spoke in a neutral position and some opposition.

IV. CONTROVERSIAL ISSUES:

None.

V. PLANNING COMMISSION ACTION:

Public Comments: Closed

Motion by Chair Leach, 2nd by Commissioner Taylor Berger

A vote of 5-0

ADOPTED A MITIGATION NEGATIVE DECLARATION; and,

APPROVED SURFACE MINING PERMIT NO. 119, REVISED NO. 3.

CD The entire discussion of this agenda item can be found on CD. For a copy of the CD, please contact Mary Stark, TLMA Commission Secretary, at (951) 955-7436 or email at mcstark@rctlma.org.

Agenda Item No.:
Area Plan: Temescal Canyon
Zoning District: El Cerrito
Supervisorial District: First
Project Planner: David L. Jones
Planning Commission: December 7, 2016

**SURFACE MINING PERMIT NO. 119, REVISED
NO. 3**
E.A. Number: 42620
Applicant: Temescal Land Co. LLC
Engineer/Representative: Grant E. Destache

Steve Weiss, AICP
Planning Director

COUNTY OF RIVERSIDE PLANNING DEPARTMENT STAFF REPORT

PROJECT DESCRIPTION AND LOCATION:

SURFACE MINING PERMIT (SMP) NO. 119 REVISED NO. 3 proposes to revise the Mining Plan for Phase 1 and subsequently update the Reclamation Plan and requests a 20 year extension to the life of the permit to allow for continued operations for mining on a site encompassing a total of 31.3 acres.

Specifically, the modification to the Mining Plan includes raising the floor of the above surface water elevation excavations to prevent upstream headward erosion from the adjacent Temescal Creek. An access road will also be provided for Riverside County Flood Control District and the property owner. The Reclamation Plan will be updated to reflect only Phase 1 of the mining operations as Phase II, III, and IV have already been reclaimed. Designated days and hours of operation, number of employees and daily vehicular trips will remain unchanged from the previously permitted levels. With the proposed 20 year extension, the permit would expire on December 31, 2037.

The proposed project is located northerly of Dawson Canyon Road, Southerly of Leroy Road, easterly of Interstate 15, and westerly of Temescal Wash.

PROJECT BACKGROUND:

In 1994, the County of Riverside issued Surface Mine Permit No. 119 to establish a Mobile Sand Mine. The permit allowed for mining of sand and gravel and related aggregate processing (crushing, screening, and washing). On October 5, 1999 the County Board of Supervisors approved a revision to permit SMP No. 119. The permit was set to expire six (6) years from the issuance date, in 2005. On February 11, 2003 the BOS approved a second revision to extend the life of the permit for an additional 10 years, expiring in 2015 and modifications to excavation depths. The project Applicant timely filed the application to extend the life of this mining permit on September 17, 2013.

Operations: Mining and processing at the site will remain unchanged from current operations. Existing approved site operations include mixing and blending specialty soils, mining, entitlement for a concrete batch plant, dredging of Flood Control Easement for flood abatement and material resource recovery. There are no changes to the amount of production, hours of operation, or truck traffic from the currently permitted use. The site has been in compliance with State and Federal air quality, water quality and mine safety requirements during current operations, and will continue to operate in compliance for the duration of this extension.

Reclamation: SMP00119R3 will incorporate elements of the existing reclamation plan (SMP119R2) however; Phases II, III, and IV will be removed from the reclamation plan as those phases were previously reclaimed and are no longer required to be part of this mining permit. Further, this reclamation plan will also incorporate update revegetation performance standards as coordinated with the Department of Conservation Office of Mine Reclamation and the County. Some reclamation has been initiated on the southern slopes of Phase I, the slopes adjacent to the existing pond and the area containing the existing wetland. Reclamation of the remaining Phase 1 area shall progress as excavated areas reach finish grade and are cleared of processing equipment.

SUMMARY OF FINDINGS:

1. Existing General Plan Land Use (Ex. #3): Open Space- Mineral Resources (OS-MIN), Open Space-Water (OS-W), and Community Development-Light Industrial (LI)
2. Surrounding General Plan Land Use (Ex. #3): Open Space-Water (OS-W), Community Development-Light Industrial (CD-LI), and Community Development-Low Density Residential (CD-LDR) to the north, Open Space-Water (OS-W) to the east, Community Development-Light Industrial (CD-LI) to the south, Open Space-Mineral Resources (OS-MIN), Community Development-Public Facilities (CD-PF), and Community Development-Light Industrial (CD-LI) to the west.
3. Existing Zoning (Ex. #2): Mineral Resources and Related Manufacturing (M-R-A), Mineral Resources (M-R), Specific Plan (SP) and Watercourse, Watershed & Conservation Areas (W-1).
4. Surrounding Zoning (Ex. #2): Mineral Resources (M-R), Watercourse, Watershed & Conservation Areas (W-1), and Residential Agricultural 1 Acre Min. (R-A-1) to the north, Watercourse, Watershed & Conservation Areas (W-1) and Mineral Resources and Related Manufacturing (M-R-A), to the east, Mineral Resources and Related Manufacturing (M-R-A) and Specific Plan (SP) to the south and east.
5. Existing Land Use (Ex. #1): Mining Operations
6. Surrounding Land Use (Ex. #1): Large Lot residential homes and vacant to the north, Temescal Wash to the east, Industrial uses to the south and west.
7. Project Data: Total Acreage: 31.3
8. Environmental Concerns: See attached environmental assessment No. 42620

Exhibit #1 Vicinity Map

Exhibit #2 Zoning Map

Exhibit #3 Land Use Map

RECOMMENDATIONS:

ADOPT MITIGATED NEGATIVE DECLARATION for **ENVIRONMENTAL ASSESSMENT NO. 42620**, based on the findings incorporated in the initial study and the conclusion that the project will not have a significant effect on the environment; and,

APPROVE SURFACE MINING PERMIT NO. 119 REVISED NO. 3, subject to the attached conditions of approval, and based upon the findings and conclusions incorporated in the staff report.

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

1. Ordinance No. 555 Section 13 requires a request for approval of a modification to an approved surface mining permit or reclamation plan shall be made in accordance with the provisions of this section. Section 13 c. requires extensions to the overall life of the permitted use be made through a revised permit.
2. The project site is designated Open Space - Mineral Resources (OS-MIN), Open Space-Water (OS-W), and Community Development-Light Industrial (CD-LI) on the Temescal Canyon Area Plan. The following are facts that indicate this project is consistent with the site's indicated land use designations:
 - a. (OS-MIN) - The Open Space-Mineral Resource land use designation allows for mineral extraction and processing facilities designated on the basis of the Surface Mining and Reclamation Act (SMARA) of 1975 classification.
 - b. (OS-W) - Open Space-Water designated areas include bodies of water and major floodplains and natural drainage corridors. Ancillary structures or uses may be permitted for flood control or recreational purposes. The extraction of mineral resources subject to an approved surface mining permit may be permissible, provided that the proposed project can be undertaken in a manner that does not result in increased flooding hazards and that is consistent with maintenance of long-term habitat and riparian values.
 - c. (CD-LI) - The Light Industrial land use designation allows for a wide variety of industrial and related uses, including assembly and light manufacturing, repair and other service facilities, warehousing, distribution centers, and supporting retail uses.
3. The project site is surrounded by properties which are designated Open Space-Water (OS-W), Community Development-Light Industrial (CD-LI), and Community Development-Low Density Residential (CD-LDR) to the north, Open Space-Water (OS-W) to the east, Community Development-Light Industrial (CD-LI) to the south, Open Space- Mineral Resources (OS-MIN), Community Development-Public Facilities (CD-PF), and Community Development-Light Industrial (CD-LI) to the east.
4. The zoning for the subject site is Mineral Resources and Related Manufacturing (M-R-A), Mineral Resources (M-R), Specific Plan (SP) and Watercourse, Watershed & Conservation Areas (W-1).
 - a. County Ordinance No. 348 Section 12.60. (M-R-A Zone) B. states: The following uses are permitted in conformance with the development and performance standards of this article provided that the operator thereof holds a permit to conduct surface mining operations, issued pursuant to County Ordinance No. 555, which has not been revoked or suspended: 1. Mining,

- quarrying, excavating, beneficiating, concentrating, processing, and stockpiling of rock, sand, gravel, decomposed granite, clay, gypsum, limestone, metallic ores, and similar materials, and the rehabilitation of the resulting excavations. 2. Rock crushing plants, aggregate washing, screening and drying facilities and equipment, and concrete batching plants. 3. Ore reduction plants, and specialty plants for processing mineral products; and the manufacture of block, pipe, tile, bricks, cement, plaster, and asphaltic concrete, provided that such plants and manufacturing operations observe a minimum setback of 300 feet from any zone, other than the M-R, M-R-A, M-H and M-M Zones.
- b. County Ordinance No. 348 Section 12.50. (M-R Zone) B. states: B. The following uses are permitted in conformance with the development and performance standards of this article provided that the operator thereof holds a permit to conduct surface mining operations, issued pursuant to County Ordinance No. 555, which has not been revoked or suspended: 1. Mining, quarrying, excavating, beneficiating, concentrating, processing, and stockpiling of rock, sand, gravel, decomposed granite, clay gypsum, limestone, metallic ores, and similar materials, and the rehabilitation of the resulting excavations. 2. Rock crushing plants, aggregate washing, screening and drying facilities and equipment, and concrete batching plants.
 - c. County Ordinance No. 348 Section 16.2 (Uses permitted in the W-1 Zone) D.1. states: The following uses are permitted provided that the operator thereof holds a permit to conduct surface mining operations issued pursuant to County Ordinance No. 555, which has not been revoked or suspended: 1. Any mining operation that is subject to the California Surface Mining and Reclamation Act of 1975.
5. The project site is surrounded by properties which are zoned Mineral Resources (M-R), Watercourse, Watershed & Conservation Areas (W-1), and Residential Agricultural 1 Acre Mine (R-A-1) to the north, Watercourse, Watershed & Conservation Areas (W-1) and Mineral Resources and Related Manufacturing (M-R-A), to the east, Mineral Resources and Related Manufacturing (M-R-A) and Specific Plan (SP) to the south and east.
 6. Large lot single family homes are located northeast of the project and various industrial and commercial uses are located to the east of the project site with the Temescal Wash to the east.
 7. This project is located within Criteria Cell Areas 2723 and 2827 of the Western Riverside County Multiple Species Habitat Conservation Plan, and as such is required to dedicate 2.6 acres of MSHCP Conservation Area as indicated on the exhibit titled "MSHCP HANS – PAR01144 – Intake 1834" and dated September 24, 2007. This project fulfills those requirements.
 8. Fire protection and suppression services will be available for the mining operation through Riverside County Fire Department.
 9. Environmental Assessment No. 42620 identified no potentially significant impacts that cannot be mitigated to a level of less than significant.
 10. This project was presented to the following Native American Indian tribes pursuant to Assembly Bill 52 (AB52) to engage them in Tribal Cultural Resources consultation: Agua Caliente, Pechanga, Rincon, and Soboba. The County received a request to consult under AB 52 from the Pechanga, only. Consultation ensued and was ultimately completed 10/05/16 with no mitigation recommendations deemed necessary by the Pechanga tribe. The Pechanga requested the County's standard language for inadvertent finds and human remains be applied as conditions of approval.

CONCLUSIONS:

1. The proposed project is in conformance with the Open Space- Mineral Resources (OS-MIN), Open Space-Water (OS-W), and Community Development-Light Industrial (CD-LI) Land Use Designation, and with all other elements of the Riverside County General Plan.
2. The proposed project is consistent with the Mineral Resources and Related Manufacturing (M-R-A), Mineral Resources (M-R), Specific Plan (SP) and Watercourse, Watershed & Conservation Areas (W-1) zoning classification of Ordinance No. 348, and with all other applicable provisions of Ordinance No. 348.
3. The public's health, safety, and general welfare are protected through project design.
4. The proposed project is compatible with the present and future logical development of the area.
5. The proposed project will not preclude reserve design for the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP).
6. The proposed project will not have a significant effect on the environment. The potential impacts documented within the environmental assessment for this project will be fully mitigated by the measures indicated in the environmental assessment and the conditions of approval. No other significant impacts were identified.

INFORMATIONAL ITEMS:

1. As of this writing, no letters, in support or opposition have been received.
2. The project site is not located within:
 - a. Historic Preservation District;
 - b. Earthquake Fault Hazard Zone; or
 - c. County Service Area.
3. The project site is located within:
 - a. Corona-Norco Unified;
 - b. City of Corona Sphere of Influence;
 - c. Riverside County Flood Control District;
 - d. The Stephens Kangaroo Rat Fee Area;
 - e. Low liquefaction potential area;
 - f. High Fire Area.
 - g. Criteria Cell 2723 & 2827 of WRMSHCP; or
 - h. Areas of flooding sensitivity and dam inundation area;
4. The subject site is currently designated as Assessor's Parcel Numbers: 283-100-045, 283-390-011, and 283-390-013.