

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



AGENDA NO.
21.3
(MT 22564)

MEETING DATE:
August 1, 2023

10:00 a.m. being the time set for public hearing on the recommendation from Transportation And Land Management Agency/Planning regarding the Public Hearing on the Robertson's Ready Mix ("RRM") Vesting Rights Determination Request (PAR210273) - Not a Project under CEQA. District 2. The Chairman called the matter for hearing.

John Hildebrand, Planning Department Staff, presented the matter.

The following people spoke on the matter:

John Wilson

On motion of Supervisor Spiegel, seconded by Supervisor Jeffries and duly carried, IT WAS ORDERED that the above matter is continued to Tuesday, February 6, 2024, at 10:00 a.m. or as soon as possible thereafter.

Roll Call:

Ayes: Jeffries, Spiegel and Gutierrez
Nays: None
Absent: Perez
Recused: Washington

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on August 1, 2023 of Supervisors Minutes.

(seal) WITNESS my hand and the seal of the Board of Supervisors
Dated: August 1, 2023
Kimberly A. Rector, Clerk of the Board of Supervisors, in
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.
21.3

xc: Planning, COB

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



ITEM: 21.3
(ID # 22564)

MEETING DATE:
Tuesday, August 01, 2023

FROM : TLMA-PLANNING:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING: Public Hearing on Robertson's Ready Mix ("RRM") Vesting Rights Determination Request (PAR210273) - Not a Project under CEQA. District 2. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) **TENTATIVELY DETERMINE** that there is no vested right to conduct quarrying and related mining operations on approximately 657.05 acres under consideration because Robertson's Ready Mix (RRM) has not shown by a preponderance of the evidence that their predecessors in interest manifested an objective intent to extend surface mining activities for aggregate to the entire Proposed Vested Rights Area as of the 1949 vesting date, and even if they have shown the predecessor in interest had manifested an objective intent to extend surface mining activities for aggregate to the entire Proposed Vested Rights area as of the 1949 vesting date, there is clear and convincing evidence that any vested right was abandoned when this property was sold to third parties, who did not mine the property and then sold to a developer who sought to build a residential community on this land, and when certain parcels were sold to utilities with conditions that restrict mining on the parcels;
- 2) **CONFIRM AND DETERMINE** that there is a vested right to conduct aggregate quarrying on approximately 135.17 acres of the Proposed Vested Rights Area where RRM currently operates, and that based on the evidence of historical mining activities, RRM's vested activities is aggregate mining (which may include excavation, crushing, washing, sorting, stockpiling, loading, transporting, and otherwise managing an aggregate surface mine) including using equipment as reasonable and necessary so long as such use does not affect a prohibited intensification or expansion of the use; and
- 3) **DIRECT** staff to prepare findings consistent with the Board's determination, and to prepare a notice of determination that identifies upon which specific property the vested right is and is not established, and the scope and nature of surface mining operations included within the established vested right.

ACTION:Policy


John Hildebrand, Planning Director 7/24/2023

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MINUTES OF THE BOARD OF SUPERVISORS

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: Applicant – DBF 100%			Budget Adjustment: No	
			For Fiscal Year: N/A	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Applicant Robertson’s Ready Mix (RRM) operates an aggregate surface mining operation on approximately 135.17 acres of land located immediately east of the Dos Lagos Golf Course and south of Cajalco Road, along the Temescal Wash. RRM conducts these operations on land leased from Corona Road Quarry, LLC and Corona Cajalco Road Development LP and also conducts operations on parcels owned by third parties. The mining operation includes extracting aggregate material from the hillside and conveying the excavated and initially crushed material to the existing processing area. Aggregate material is then fed to the crushing and screening plant for sorting, sizing, crushing of oversized rock, and stockpiling of the finished materials. Equipment used at the site in the mining operations includes mobile equipment such as dozers and front-end loaders as well as the fixed processing plant. This operation has an approved Reclamation Plan 118 (as amended in 2020 by Substantial Conformance 4).

In December 2021, RRM applied to the County for a Determination of Vested Rights (Application) under Section 2776 of the Surface Mining and Reclamation Act and Riverside County Ordinance No. 555. RRM requests that its “previously confirmed vested right (to mine aggregate and conduct related surface mining operations, across approximately 132 acres of RRM’s property) be confirmed to include the remaining area of RRM’s contiguous mining property, which encompasses approximately 792.22 total acres of land, colloquially known as the Hubbs Harlow Quarry (‘HH VRA’), inclusive of the previously confirmed 132 acre vested right area.”

Staff recommends a partial approval and partial denial. Based on staff’s review and research, staff recommends approving and confirming the existing vested rights to mine approximately 135.17 acres. Staff also recommends denying vested rights to mine on the remaining approximately 657.05 acres on the grounds that RRM has not shown an

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objective intent to extend surface mining activities for aggregate to the area as of the 1949 vesting date, and that even if RRM has shown vested rights on this area, there is clear and convincing evidence that the predecessors in interest abandoned any vested rights to mine without a permit by selling parcels to third parties, developers that sought to build housing, and sold property to a utility company with restrictions that prevented the seller from surface mining.

The complete staff report and analysis, along with the accompanying exhibits, are included in this Board of Supervisor's report as Exhibit A. The Application is attached hereto as Exhibits B through AB. Written public comments are attached as Exhibit AC. RRM submitted additional materials on April 28, 2023, which are attached hereto as Exhibit AD. RRM also submitted additional materials at the beginning of the May 2, 2023 Board meeting, which are attached as Exhibit AE.

Prior Hearings

This vesting rights mine determination request (PAR210273) was initially scheduled as a public hearing item for the **February 28, 2023** Board of Supervisors (BOS) hearing. At Robertson's Ready Mix's request, the item was continued to the **March 28, 2023** BOS hearing. Just prior to this second hearing date, the applicant requested the item be continued once more to the **May 2, 2023** BOS hearing. On March 28, 2023, the BOS indicated that any additional continuances beyond May 2, 2023, would require the item be continued off calendar and re-noticed.

This item was heard at the **May 2, 2023** BOS hearing. The item was opened for a public hearing, where the Board took public testimony and heard a staff presentation, as well as a presentation from the applicant. The Board concluded the item by closing the public hearing and continuing the item to the **June 27, 2023** BOS hearing. On **June 16, 2023**, the applicant requested the item be continued for an additional 30-days to **August 1, 2023**. The Board continued the item.

ATTACHMENTS:

Exhibit A: Staff Report

Exhibit B: RRM Request for Determination of Vested Rights ("Application")

Exhibit C: RRM General Application Forms

Exhibit D: RRM Letter to Charissa Leach


Exhibit E: RRM Appendix B (and Figures B-1.1 through B-7.4.2)

Exhibit F: RRM Appendix C

Exhibit G: RRM Exhibits C-1

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- Exhibit H:** RRM Exhibits C-2
- Exhibit I:** RRM Exhibits C-3.1 through C-3.30
- Exhibit J:** RRM Exhibits C-3.31 through C-3.60
- Exhibit K:** RRM Exhibits C-3.61 through C-3.90
- Exhibit L:** RRM Exhibits C-3.91 through C-3.114
- Exhibit M:** RRM Exhibits C-4
- Exhibit N:** RRM Exhibits C-5
- Exhibit O:** RRM Appendix D
- Exhibit P:** RRM Declaration of John McKeown
- Exhibit Q:** RRM Errata Table B-1
- Exhibit R:** RRM Exhibits A-1 through A-34
- Exhibit S:** RRM Exhibit A-11
- Exhibit T:** RRM Supplemental Memorandum
- Exhibit U:** RRM Supplemental B Figures
- Exhibit V:** RRM Letter re Supplemental Information
- Exhibit W:** RRM Supplemental Table A
- Exhibit X:** RRM Exhibits S-1
- Exhibit Y:** RRM Exhibits S-2
- Exhibit Z:** RRM Exhibits S-3
- Exhibit AA:** RRM Exhibits S-4
- Exhibit AB:** RRM Supplemental Exhibits (submitted March 26, 2023)
- Exhibit AC:** Public Comments
- Exhibit AD:** RRM Supplemental Exhibits (submitted April 28, 2023)
- Exhibit AE:** RRM Supplemental Exhibits (submitted May 2, 2023)


Jason Farin, Principal Management Analyst 7/26/2023


Aaron Gettis, Deputy County Counsel 7/21/2023



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 to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: John Nelson

Address: 525 B. St

City: San Diego Zip: 92101

Phone #: (619) 515-3260

Date: 8/1/23 Agenda # 21.3

PLEASE STATE YOUR POSITION BELOW:

Position on "Regular" (non-appealed) Agenda Item:

 Support X 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/Public Comment:

Notwithstanding any other provisions of these rules, a 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. Donated time is not permitted during Public Comment.

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 ensure 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 to 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 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.