

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



ITEM: 3.37  
(ID # 28239)

MEETING DATE:  
Tuesday, July 01, 2025

FROM : TLMA-PLANNING

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/PLANNING:  
PAR230043 - Mead Valley Vesting Mine Determination Findings - Not a project under CEQA.  
District 1. [Applicant Fees 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. **ADOPT** Resolution Number 2025-182 findings to support the Mead Valley Vested Rights Determination request (PAR No. 230043);
2. **APPROVE** a notice of determination of vesting rights for Mead Valley Mine on an approximate total of 375 acres, pursuant to the facts, findings, and testimony within this report; and,
3. **CONFIRM** that the vested activities related to mining include aggregate mining (which may include excavation, crushing, washing, sorting, stockpiling, loading, transporting, and overall management of an aggregate mine) and also includes use of aggregate mining equipment as needed for general operations.

ACTION:Policy

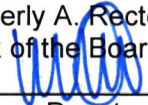
  
John Hildebrand, Planning Director 6/23/2025

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MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Medina, Spiegel, Washington, Perez and Gutierrez  
Nays: None  
Absent: None  
Date: July 1, 2025  
xc: Planning

Kimberly A. Rector  
Clerk of the Board  
By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS:</b> Applicant Fees 100% (DBF)			<b>Budget Adjustment:</b> No	
			<b>For Fiscal Year:</b> N/A	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

Riverside Legacy IV-Mead Valley, LLC (“Riverside Legacy”) owns an approximately 375-acre property in the County of Riverside (“County”) currently known as the Mead Valley Quarry (“Quarry” or “Quarry Property”), which is the site of a historic mining operation. The Quarry Property is located in an unincorporated area west of the City of Perris. Quarry activities have occurred on portions of the Quarry Property periodically since the early 1940’s. The vested rights confirmation for the Quarry Property includes eight (8) parcels as identified by the following Assessor Parcel Numbers (APNs):

- 317-080-033 (0.48 acre)
- 317-060-038 (3.02 acres)
- 317-070-001 (79.0 acres)
- 317-090-010 (10.0 acres)
- 317-090-011 (2.5 acres)
- 317-180-008 (188.4 acres)
- 317-180-009 (12.4 acres)
- 317-190-004 (79.2 acres)

- **375 ACRES TOTAL**

**Determination of Vesting:**

In June 2023, Riverside Legacy submitted a Vested Right Petition (“Petition”) to the County under section 2776 of the Surface Mining and Reclamation Act (SMARA)<sup>1</sup> and Riverside County Ordinance No. 555, seeking a vested mining rights determination. At the **May 20<sup>th</sup>, 2025** Board of Supervisors hearing, the Board unanimously approved a determination of vesting rights for the subject site identified under PAR230043. The following findings, as stated in Resolution No. 2025-182, are in support of this vesting determination:

**A. Environmental Findings:**

1. The Board’s determination of vested rights is not a project for purposes of the California Environmental Quality Act, California Public Resources Code Section 21000 *et seq.* (CEQA). CEQA applies to discretionary activities. The determination of a vested right is not a discretionary project for purposes of CEQA because the standards that govern the determination of vested rights do not provide the County with the authority or discretion to condition, modify, or deny the application based on environmental concerns.

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**B. Land Use Findings:**

1. Surface mining and associated reclamation activities are authorized uses at the Vested Rights Property, consistent with Ordinance No. 348. Surface mining activities and associated operations are a legal, non-conforming use, and the Board's determinations herein recognize that surface mining activities at the Vested Rights Property, do not require a separate conditional use or surface mining permit under Ordinance No. 555, and that reclamation of any mining-related disturbance created after January 1, 1976 is required to be conducted pursuant to an approved reclamation plan, consistent with the requirements of SMARA. No surface mining activities or ground disturbance shall occur until an approved Reclamation Plan has been obtained.
2. Pursuant to Ordinance No. 555, Section 17 (as amended through Ordinance No. 555.20) and SMARA Section 2776, Riverside Legacy, as landowner and mineral estate owner, maintains the Vested Rights to continue conducting surface mining activities and therefore, a surface mining permit is not required.

**C. Findings Regarding Location and Ownership:**

1. As of January 31, 1949, the Vested Rights were established, as described in the Petition. This vested property included the 375-acre Vested Rights Property, including the mineral estate encompassing rock, sand, and gravel, among other minerals, as well as any existing legal rights to surface use easements, as demonstrated by the information provided in the Petition and accompanying exhibits and appendices. Riverside Legacy is the successor-in-interest to the Vested Rights Property, as demonstrated by the information provided in the Petition and accompanying exhibits and appendices.

**D. Findings Regarding Geographic Scope of Vested Rights:**

1. The Record demonstrates that portions of the area within the Vested Rights Area were subject to surface mining activities, including rock quarry operations, prior to January 31, 1949. The Record demonstrates that as of January 31, 1949, there was an objective, demonstrated intent to mine the Vested Rights Property, based on the extent of actual surface mining activities and on documentation provided in the Record demonstrating an objective intent to expand operations throughout the Vested Rights Property. Consistent with California law regarding the establishment of a vested right to mine, the Record provides a preponderance of evidence that the Vested Rights encompass the entire 375 acres of the Vested Rights Area.
2. The Record further demonstrates that, subsequent to January 31, 1949, surface mining activities occurred on portions of the Vested Rights Property without additional County approvals being obtained, demonstrating the continued

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exercise of the Vested Rights and development of the Vested Rights Area as a legally non-conforming surface mining use, further corroborating the existence of Vested Rights.

3. Based on the foregoing facts, the Vested Rights subject to the Petition include the 375 acres comprising the Vested Rights Area.

**E. Findings Regarding No Impermissible Intensification:**

1. Based on evidence in the Record, mineral production from the Vested Rights Area was consistent with then-present market conditions on January 31, 1949, and the projected production from the Vested Rights Area described in the Petition and in Appendix D reflects a natural and gradual increase in production to serve the growth in market demand, and is not the result of impermissible intensification of surface mining activities. Regardless, no further mining activities shall occur until review and approval of a Reclamation Plan and Financial Assurances, along with any additional review under CEQA, has occurred by the County of Riverside and the California Department of Conservation, Division of Mine Reclamation.

**F. Findings Regarding a Lack of Abandonment or Waiver of Vested Rights:**

1. Based on evidence in the Record, including documents evidencing an intent to continue mining from current and previous landowners, the Vested Rights have not been discontinued, waived, abandoned, or extinguished, and, recognizing the burden of proof of clear and convincing evidence would be on a person or entity seeking to prove abandonment of the Vested Rights, no clear and convincing evidence has been presented to the County, or that otherwise is in the Record, or raised during the May 20, 2025, Public Hearing, including oral testimony and presentation documents provided to the Board, that would substantiate that there was ever a knowing intent to abandon the known Vested Rights, or that there was ever any subjective intent or overt act to abandon the Vested Rights.
2. Therefore, no owner or predecessor-in-interest to the Vested Rights Area has ever abandoned the Vested Rights, and, accordingly, said Vested Rights, encompassing the 375 acres of the Vested Rights Area, have never been abandoned, and the vested use may continue aggregate mining operations, including excavation, crushing, washing, sorting, stockpiling, loading, transporting, and otherwise managing an aggregate surface mine and utilizing equipment to do so with the review and approval of a Reclamation Plan and Financial Assurances by the County of Riverside and the California Department of Conservation, Division of Mine Reclamation.

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ATTACHMENTS:

Attachment A: Resolution No. 2025-182

  
Jason Farin, Principal Policy Analyst 6/25/2025

  
Aaron Gettis, Chief of Deputy County Counsel 6/23/2025

2  
3 RESOLUTION NO. 2025-182

4 RESOLUTION OF THE BOARD OF SUPERVISORS OF  
5 THE COUNTY OF RIVERSIDE FINDING TO SUPPORT MEAD VALLEY QUARRY VESTED  
6 RIGHTS DETERMINATION REQUEST PAR230043  
7

8 **WHEREAS**, Riverside Legacy IV-Mead Valley, LLC (“Riverside Legacy” or “Applicant”) owns approximately 649 acres (the “Overall Property”) of real property in unincorporated County of Riverside, northwest of the City of Perris; and

11 **WHEREAS**, approximately 375 acres of the Overall Property comprises the Mead Valley Quarry, that includes a historic mining site (the “Vested Rights Property”); and

13 **WHEREAS**, mining operations on the Vested Rights Property occurred prior to, at, and subsequent to January 31, 1949, which represents the effective date of Riverside County Ordinance No. 348, known as the vesting date; and

16 **WHEREAS**, in June 2023, Riverside Legacy submitted the subject Mead Valley Quarry Vested Right Petition (the “Petition”) and was assigned County tracking number PAR230043; and

18 **WHEREAS**, the Petition was submitted consistent with Section 2776 of the Surface Mining and Reclamation Act of 1975, California Public Resources Code section 2770 *et seq.* (“SMARA”) and Riverside County Ordinance No. 555 Section 17; and

21 **WHEREAS**, in the Petition, Riverside Legacy petitioned the County to recognize that the Vested Right encompasses 375 acres; and

23 **WHEREAS**, the Petition includes the following submitted documents:

- 24 a. The Petition, consisting of the 36-page narrative and legal standards document;
- 25 b. Required County materials, including (i) a cover letter; (ii) the County’s General Application Form; (iii) the Applicant-Property Owner Signature Form, signed by
- 26 Riverside Legacy; and (iv) a Request for Pre-Application Review;
- 27
- 28 c. Exhibits 1-47;

FORM APPROVED COUNTY COUNSEL  
BY:  AARON C. GETTIS  
DATE: 6/23/25

- 1 d. Appendix A, consisting of the Mineral Land Classification of the Temescal Valley Area  
2 – Special Report 165, California Department of Conservation, dated 1991;
- 3 e. Appendix B, consisting of *Mines and Mineral Resources of Riverside County,*  
4 *California*, California Division of Mines and Geology, dated 1961;
- 5 f. Appendix C, consisting of the Declaration of Jeffrey P. Light, a licensed geologist in the  
6 State of California with experience as an expert witness on the issue of vested mining  
7 rights;
- 8 g. Appendix D, consisting of a Memorandum on Rail Spur Investment and Historic  
9 Production Rates at Mead Valley Quarry, from subject expert Benchmark Resources,  
10 dated May 15, 2023;
- 11 h. Appendix E, consisting of a report on Historic Aggregate Production Trends in Western  
12 Riverside County, from subject expert EnviroMine Inc., dated February 9, 2020;
- 13 i. Appendix F, consisting of the Revised Mineral Land Classification for the Mead Valley  
14 Quarry site, California Department of Conservation, dated 2009.

15 **WHEREAS**, the Board of Supervisors conducted the public hearing on May 20, 2025,  
16 consistent with the requirements articulated within *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613  
17 and the County’s procedures in Ordinance No. 555, as well as all applicable evidentiary standards, including  
18 those standards articulated in *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th  
19 533; and

20 **WHEREAS**, the above identified documents, along with the County Staff Report and  
21 exhibits; and other documents submitted into the record on or prior to May 20, 2025, including  
22 communications with County Staff and Representatives regarding information requests and clarifications  
23 requested by County Staff regarding vested rights, the Vested Rights Property, the Overall Property, and  
24 responses by Applicant; and the oral testimony, materials, and presentations given by the County, Riverside  
25 Legacy, and members of the public on May 20, 2025 (including documents and presentations submitted  
26 concurrently therewith), comprise the entire administrative record (“Record”), on which the Board’s  
27 decision and these findings are based; and

28

1           **WHEREAS**, on May 20, 2025, the Board determined that Riverside Legacy had met its  
2 burden of proof by a preponderance of the evidence and had demonstrated that the Vested Right  
3 encompasses 375 acres requested by Riverside Legacy in its Petition; and

4           **WHEREAS**, the Board determined that Riverside Legacy has met its burden, by a  
5 preponderance of the evidence, and making the findings set forth herein, the Board analyzed and considered  
6 the entirety of the Record; now, therefore,

7           **NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Board of  
8 Supervisors of the County of Riverside, in regular session assembled on June 24, 2025, that

9           A. Environmental Findings:

10           1. The Board's determination of vested rights is not a project for purposes of the California  
11 Environmental Quality Act, California Public Resources Code Section 21000 *et seq.* (CEQA).  
12 CEQA applies to discretionary activities. The determination of a vested right is not a  
13 discretionary project for purposes of CEQA because the standards that govern the determination  
14 of vested rights do not provide the County with the authority or discretion to condition, modify,  
15 or deny the application based on environmental concerns.

16           B. Land Use Findings:

17           1. Surface mining and associated reclamation activities are authorized uses at the Vested Rights  
18 Property, consistent with Ordinance No. 348. Surface mining activities and associated  
19 operations are a legal, non-conforming use, and the Board's determinations herein recognize  
20 that surface mining activities at the Vested Rights Property, do not require a separate  
21 conditional use or surface mining permit under Ordinance No. 555, and that reclamation of  
22 any mining-related disturbance created after January 1, 1976 is required to be conducted  
23 pursuant to an approved reclamation plan, consistent with the requirements of SMARA. No  
24 surface mining activities or ground disturbance shall occur until an approved Reclamation  
25 Plan has been obtained.

26           2. Pursuant to Ordinance No. 555, Section 17 (as amended through Ordinance No. 555.20) and  
27 SMARA Section 2776, Riverside Legacy, as landowner and mineral estate owner, maintains  
28

1 the Vested Rights to continue conducting surface mining activities and therefore, a surface  
2 mining permit is not required.

3 C. Findings Regarding Location and Ownership:

4 1. As of January 31, 1949, the Vested Rights were established, as described in the Petition. This  
5 vested property included the 375 acre Vested Rights Property, including the mineral estate  
6 encompassing rock, sand, and gravel, among other minerals, as well as any existing legal rights  
7 to surface use easements, as demonstrated by the information provided in the Petition and  
8 accompanying exhibits and appendices. Riverside Legacy is the successor-in-interest to the  
9 Vested Rights Property, as demonstrated by the information provided in the Petition and  
10 accompanying exhibits and appendices.

11 D. Findings Regarding Geographic Scope of Vested Rights:

12 1. The Record demonstrates that portions of the area within the Vested Rights Area were subject  
13 to surface mining activities, including rock quarry operations, prior to January 31, 1949. The  
14 Record demonstrates that as of January 31, 1949, there was an objective, demonstrated intent to  
15 mine the Vested Rights Property, based on the extent of actual surface mining activities and on  
16 documentation provided in the Record demonstrating an objective intent to expand operations  
17 throughout the Vested Rights Property. Consistent with California law regarding the  
18 establishment of a vested right to mine, the Record provides a preponderance of evidence that  
19 the Vested Rights encompass the entirety 375 acres of the Vested Rights Area.

20 2. The Record further demonstrates that, subsequent to January 31, 1949, surface mining  
21 activities occurred on portions of the Vested Rights Property without additional County  
22 approvals being obtained, demonstrating the continued exercise of the Vested Rights and  
23 development of the Vested Rights Area as a legally non-conforming surface mining use, further  
24 corroborating the existence of Vested Rights.

25 3. Based on the foregoing facts, the Vested Rights subject to the Petition include the 375 acres  
26 comprising the Vested Rights Area.

27  
28 E. Findings Regarding No Impermissible Intensification:

1 1. Based on evidence in the Record, mineral production from the Vested Rights Area was  
2 consistent with then-present market conditions on January 31, 1949, and the projected  
3 production from the Vested Rights Area described in the Petition and in Appendix D reflects a  
4 natural and gradual increase in production to serve the growth in market demand, and is not the  
5 result of impermissible intensification of surface mining activities. Regardless, no further  
6 mining activities shall occur until review and approval of a Reclamation Plan and Financial  
7 Assurances, along with any additional review under CEQA, has occurred by the County of  
8 Riverside and the California Department of Conservation, Division of Mine Reclamation.

9 **F. Findings Regarding a Lack of Abandonment or Waiver of Vested Rights:**

10 1. Based on evidence in the Record, including documents evidencing an intent to continue  
11 mining from current and previous landowners, the Vested Rights have not been discontinued,  
12 waived, abandoned, or extinguished, and, recognizing the burden of proof of clear and  
13 convincing evidence would be on a person or entity seeking to prove abandonment of the Vested  
14 Rights, no clear and convincing evidence has been presented to the County, or that otherwise is  
15 in the Record, or raised during the May 20, 2025, Public Hearing, including oral testimony and  
16 presentation documents provided to the Board, that would substantiate that there was ever a  
17 knowing intent to abandon the known Vested Rights, or that there was ever any subjective intent  
18 or overt act to abandon the Vested Rights.

19 2. Therefore, no owner or predecessor-in-interest to the Vested Rights Area has ever abandoned  
20 the Vested Rights, and, accordingly, said Vested Rights, encompassing the 375 acres of the  
21 Vested Rights Area, have never been abandoned, and the vested use may continue aggregate  
22 mining operations, including excavation, crushing, washing, sorting, stockpiling, loading,  
23 transporting, and otherwise managing an aggregate surface mine and utilizing equipment to do  
24 so with the review and approval of a Reclamation Plan and Financial Assurances by the County  
25 of Riverside and the California Department of Conservation, Division of Mine Reclamation.  
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27 **BE IT FURTHER RESOLVED AND ORDERED** by the Board of Supervisors that the  
28 Vested Rights conferred to Riverside Legacy is consistent with the intent of Ordinance No. 555.

1           **BE IT FURTHER RESOLVED** by the Board of Supervisors that it has reviewed and  
2 considered all documents referenced as part of the Record and has determined Riverside Legacy has  
3 established Vested Rights for the 375-acre area comprising the Vested Rights Area.

4           **BE IT FURTHER RESOLVED** by the Board of Supervisors that the custodians of the  
5 documents upon which this decision is based are the Clerk of the Board of Supervisors and the County of  
6 Riverside Planning Department, and that such documents are located at 4080 Lemon Street, 12<sup>th</sup> Floor,  
7 Riverside, California 92501.

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3 RESOLUTION NO. 2025-182

4 RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
5 FINDING TO SUPPORT MEAD VALLEY QUARRY VESTED  
6 RIGHTS DETERMINATION REQUEST PAR230043

7 ROLL CALL:

8 Ayes: Medina, Spiegel, Washington, Perez, and Gutierrez

9 Nays: None

10 Absent: None

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12  
13 The foregoing is certified to be a true copy of a resolution duly adopted by said Board of  
14 Supervisors on the date therein set forth.

15  
16 KIMBERLY A. RECTOR, Clerk of said Board

17  
18 By:  \_\_\_\_\_

19 Deputy

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June 30, 2025

## VIA ELECTRONIC MAIL

Riverside County Board of Supervisors  
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**Re: Opposition to Consent Item No. 3.37: PAR230043 - Mead Valley Vesting Mine Determination Findings and Adoption of Resolution No. 2025-182**

Dear Honorable Supervisors:

This letter is submitted on behalf of the Rural Association of Mead Valley ("RAMV"), a California non-profit corporation dedicated to preserving the rural character and environmental integrity of Mead Valley in unincorporated Riverside County. RAMV strongly opposes the adoption of Resolution No. 2025-182 and the findings related to the Mead Valley Vesting Mine Determination (PAR230043), currently agendized as Consent Item No. 3.37 for the July 1, 2025 hearing.

As previously articulated in our letter of May 20, 2025, and reinforced by recent observations and concerns from RAMV's leadership, the Applicant, Riverside Legacy IV-Mead Valley, LLC ("Riverside Legacy"), has not met its burden of proof to establish vested rights consistent with California law and the County's own procedures. The proposed Resolution's findings are, in several key areas, unsupported by clear and convincing evidence, and in some instances, directly contradicted by observable facts.

We urge the Board to remove this item from the Consent Calendar and deny the Petition, or at a minimum, continue the item for further analysis and environmental review.

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Item  
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**I. The Applicant Has Not Met Its Burden of Proof Under *Hansen Brothers Enterprises and Calvert v. County of Yuba***

To establish a vested right to mine without a permit, Riverside Legacy must demonstrate by a preponderance of the evidence that its operation was a legal nonconforming use as of January 31, 1949, and that this right has not been abandoned. (See *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533; Riverside County Ordinance No. 555, Section 17.B.2.). Furthermore, the Board's findings must "bridge the analytical gap between raw evidence" and its ultimate decision, as required by *Topanga Ass'n for a Scenic Cmty. v. Cnty. of Los Angeles* (1974) 11 Cal.3d 506, 515. The current findings in Resolution No. 2025-182 fail to meet these standards.

**II. Counter-Arguments to the Proposed Findings in Resolution No. 2025-182**

We respectfully present specific counter-arguments to the findings proposed in Resolution No. 2025-182:

**A. Environmental Findings (Section A.1 of Resolution)**

- **Proposed Finding:** "The Board's determination of vested rights is not a project for purposes of the California Environmental Quality Act... because the standards that govern the determination of vested rights do not provide the County with the authority or discretion to condition, modify, or deny the application based on environmental concerns."
- **RAMV's Counter-Argument:** This finding is fundamentally flawed and directly contradicts the principles of CEQA. As stated in *Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171, 1197-1198, "a proposed activity is a CEQA project if, by its general nature, the activity is capable of causing a direct or reasonably foreseeable indirect physical change in the environment." The Staff Report itself acknowledges that a "legally adequate Reclamation Plan and Financial Assurance" must be submitted to, and approved by, the County of Riverside and the California Department of Conservation, Division of Mine Reclamation. This is precisely the "sort" of activity that triggers CEQA. The approval of a Reclamation Plan is a discretionary act that inherently involves environmental considerations and the potential for significant physical changes to the environment. To claim this determination is not a "project" under CEQA, especially when it explicitly allows for continued and potentially expanded mining operations, is to ignore the clear intent and requirements of CEQA. The environmental review required for a Reclamation Plan is precisely the "further inquiry into its actual effects" that CEQA mandates.
- Surface mining, which involves removing large sections of the Earth's surface to access mineral deposits, has a wide range of significant and often long-lasting environmental impacts. These impacts can affect land, water, air, and biodiversity. They include: (1) **Habitat Destruction and Land Degradation** through the clearing of vegetation and topsoil, altering landscapes and fragmenting ecosystems; (2) **Water Pollution and Depletion** from acid mine drainage, heavy metal contamination, and increased

sedimentation, as well as significant water usage for processing; (3) **Air Pollution** from dust (particulate matter), greenhouse gas emissions from heavy machinery, and toxic air contaminants; and (4) **Biodiversity Loss** due to habitat destruction, pollution, and disruption of ecological processes. Even after mining operations cease, environmental impacts can persist for decades or centuries without proper closure and extensive rehabilitation efforts.

**B. Land Use Findings (Section B.1 & B.2 of Resolution)**

- **Proposed Finding:** "Surface mining and associated reclamation activities are authorized uses at the Vested Rights Property, consistent with Ordinance No. 348. Surface mining activities and associated operations are a legal, non-conforming use..."
- **RAMV's Counter-Argument:** While Ordinance No. 348 may have established a vesting date, the Applicant has not provided sufficient evidence of continuous, active mining operations to maintain a legal non-conforming use. RAMV's directors have observed a distinct lack of active mining operations in the area, which raises serious questions about the ongoing nature of any purported "vested use." A historical right does not automatically equate to a perpetually active and legal non-conforming use without demonstrated continuity of operations. The burden is on the Applicant to prove this continuity, and mere historical aerial photographs may not suffice to demonstrate active, continuous mining up to the present day.

**C. Findings Regarding Location and Ownership (Section C.1 of Resolution)**

- **Proposed Finding:** "As of January 31, 1949, the Vested Rights were established... This vested property included the 375-acre Vested Rights Property... Riverside Legacy is the successor-in-interest to the Vested Rights Property..."
- **RAMV's Counter-Argument:** While ownership may have transferred, the critical issue is whether the *vested right itself* has been maintained and not abandoned. Successor-in-interest status does not automatically revive an abandoned right. The focus must remain on the continuous exercise of the vested right, not merely the transfer of property.

**D. Findings Regarding Geographic Scope of Vested Rights (Section D.1, D.2, & D.3 of Resolution)**

- **Proposed Finding:** "The Record demonstrates that as of January 31, 1949, there was an objective, demonstrated intent to mine the Vested Rights Property, based on the extent of actual surface mining activities and on documentation provided in the Record demonstrating an objective intent to expand operations throughout the Vested Rights Property. Consistent with California law regarding the establishment of a vested right to mine, the Record provides a preponderance of evidence that the Vested Rights encompass the entire 375 acres of the Vested Rights Area."
- **RAMV's Counter-Argument:** The concept of "objective intent to expand" must be scrutinized carefully. While some historical activity may have occurred, the evidence presented does not clearly and convincingly demonstrate an *objective intent* to mine the

*entire 375 acres* as of the vesting date, nor does it prove that such intent was consistently acted upon over the decades. The Staff Report's reliance on "preponderance of the evidence" for this expansive claim, especially for an area that may not have been actively mined, is insufficient given the significant environmental implications. Furthermore, RAMV's directors have indicated that the applicant is proposing expanded mining operations *outside* of the 649 acres, which would clearly constitute an impermissible expansion beyond any historical vested right and would require new permits and full CEQA review.

#### **E. Findings Regarding No Impermissible Intensification (Section E.1 of Resolution)**

- **Proposed Finding:** "mineral production from the Vested Rights Area was consistent with then-present market conditions on January 31, 1949, and the projected production from the Vested Rights Area described in the Petition and in Appendix D reflects a natural and gradual increase in production to serve the growth in market demand, and is not the result of impermissible intensification of surface mining activities."
- **RAMV's Counter-Argument:** This finding is speculative and lacks concrete, verifiable evidence of a "natural and gradual increase" tied to historical operations on the *entire 375 acres*. Without a clear and documented history of consistent production and expansion across the entire claimed area, any proposed increase in production represents an impermissible intensification. The burden is on the Applicant to demonstrate that current proposed operations are merely a continuation of a previously established, consistent level of activity, not a new or intensified use. The proposed production of 225 million tons over 200 years, with an increase from 200,000 tons in the first year to 1 million tons in the fifth year (as mentioned in the October 2018 PAR document), is a substantial operation that far exceeds any reasonable interpretation of a "natural and gradual increase" from historical, sporadic mining activities.

#### **F. Findings Regarding a Lack of Abandonment or Waiver of Vested Rights (Section F.1 & F.2 of Resolution)**

- **Proposed Finding:** "no clear and convincing evidence has been presented to the County... that would substantiate that there was ever a knowing intent to abandon the known Vested Rights, or that there was ever any subjective intent or overt act to abandon the Vested Rights."
- **RAMV's Counter-Argument:** This finding ignores critical evidence of abandonment. RAMV's directors have confirmed that the **railroad tracks once used for the mine have been removed years ago**. These tracks were removed prior to 1996. This is a significant, overt act demonstrating a clear intent to abandon the previous mode of operation and, by extension, the vested right as it existed. The removal of essential infrastructure directly undermines any claim of continuous operation or intent to continue. The Applicant's assertion of a letter from the railroad company indicating future service is a transparent attempt to "paper over" this indisputable fact. An easement terminates upon abandonment, reverting full ownership to the underlying landowner (*Marvin M. Brandt Revocable Trust v. United States*, 572 U.S. 93, 105 (2014)). The physical removal of the tracks is a strong indicator of abandonment, and the burden shifts to the Applicant to provide clear and

convincing evidence to the contrary, which a mere letter of intent does not provide. GIS imagery from the County's GIS Map My County system also shows no signs of any quarry operations going back to 1996. There are no trucks, equipment shown in the attached images. See **Exhibit 1**. An entrance to the property at Seaton and Rider also shows the entrance closed with a chain link fence, boulders and pipes See Google Image attached as **Exhibit 2**. The lack of active mining operations observed by RAMV's directors further supports the argument that the vested rights have been abandoned through non-use and overt acts of removal of infrastructure.

### **III. Distinguishing the Present Case from Precedent on Vested Rights**

The County's reliance on cases such as *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613, *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, and *Beck Development Co. v. Southern Pacific Transportation Co.* (1996) 44 Cal.App.4th 1160, to support the existence of vested rights in this instance is misplaced. While these cases address principles of vested rights, nonconforming uses, and the "diminishing asset" doctrine in the context of mining, the specific facts and evidentiary standards applied therein highlight why Riverside Legacy's claim should be denied.

- **Calvert v. County of Yuba (2006):** This case is cited by the County for its procedural requirements, emphasizing that vested rights determinations are adjudicative and require due process (notice and an opportunity to be heard). Crucially, *Calvert* involved a claim for vested rights to mine 3,430 acres, where the mining company *was already mining* on approximately 1,200 acres and intended to move into unmined areas as mined areas were depleted. The court remanded the case for a proper adjudicatory hearing precisely because the county had made the determination without adequate notice or hearing. In our case, while a hearing was held, the *substantive evidence* of continuous, active mining across the *entire 375 acres* since 1949, and the lack of abandonment, is severely lacking. Unlike the clear ongoing operations in *Calvert*, RAMV's observations indicate a lack of active mining, which directly challenges the Applicant's burden of proof regarding continuity.
- **Hansen Brothers Enterprises, Inc. v. Board of Supervisors (1996):** This Supreme Court case is central to the "diminishing asset" doctrine for mining operations. It recognized that a nonconforming mining use can expand into unexcavated areas of a property if there was an "objective manifestation of intent" to mine the entire parcel at the time the zoning ordinance became effective. However, *Hansen Brothers* also emphasized that the right to expand is limited to the area where such intent was objectively manifested and that an impermissible "intensification" is not allowed. The court found that the overall aggregate business had not been discontinued, but also noted that the record was inadequate to determine the full scope of the vested right or the extent of the area where intent to quarry was objectively manifested.
  - In contrast to *Hansen Brothers*, where the aggregate business was deemed continuous, the Mead Valley Quarry has shown significant periods of inactivity and the removal of critical infrastructure (railroad tracks), which strongly suggests abandonment of the *entire operation*, not just a component.

o Furthermore, while *Hansen Brothers* allowed for a "natural and gradual increase" in production, the proposed 225 million tons over 200 years, with an increase from 200,000 tons/year to 1 million tons/year, is a scale of operation that far exceeds any historical activity at Mead Valley Quarry and constitutes an impermissible intensification, not a natural growth. The "check the box" form used in *Hansen Brothers* to estimate production was deemed an inadequate basis for determining impermissible intensification; similarly, the broad projections in the Mead Valley Petition should not be accepted as evidence of a "natural and gradual increase."

- **Beck Development Co. v. Southern Pacific Transportation Co. (1996):** While primarily a nuisance case, *Beck Development* is relevant for its discussion of "abandonment" in the context of property interests. The court noted that a party claiming nuisance must show actual injury or a "likelihood and magnitude" of future injury, not mere speculation. More importantly, in the context of railroad rights-of-way, *Brandt Trust v. United States* (2014) 572 U.S. 93, reaffirmed that a railroad right-of-way is an easement that terminates upon abandonment, with full ownership reverting to the underlying landowner. The physical removal of the railroad tracks at the Mead Valley Quarry is an overt act of abandonment, directly analogous to the principles discussed in *Brandt Trust*. The County's finding that "no clear and convincing evidence has been presented... that would substantiate that there was ever a knowing intent to abandon" is directly contradicted by the physical removal of the tracks, which is a clear and objective manifestation of abandonment. The burden is on the Applicant to prove the *lack* of abandonment by clear and convincing evidence, which a mere letter of intent for future service does not achieve.

In summary, the precedents cited by the County, when properly understood and applied to the facts of the Mead Valley Quarry, do not support the Applicant's claim. Instead, they underscore the Applicant's failure to meet the high evidentiary burden required to establish and maintain a vested mining right, particularly in the face of clear evidence of abandonment and proposed impermissible intensification.

#### **IV. Failure to Meet Ordinance No. 555 Findings: Discretionary Approvals Required**

Riverside County Ordinance No. 555, which implements the Surface Mining and Reclamation Act of 1975 (SMARA), sets forth clear requirements for both the approval of Permits and Reclamation Plans (Section 12) and the determination of Vested Rights (Section 17). The Applicant's submittal and the current facts demonstrate a failure to meet these mandatory findings, thereby necessitating full discretionary land use approvals rather than a mere confirmation of vested rights.

##### **A. Mandatory Findings for Permit Approval (Ordinance No. 555, Section 12.A):**

Section 12.A of Ordinance No. 555 explicitly states that no Permit shall be approved unless the following findings are made:

1. "The Permit substantially meets the applicable requirements of SMARA and this ordinance."
2. "The Permit is consistent with the General Plan and any applicable specific plan."
3. "The Permit will not be detrimental to the public health, safety or general welfare."
4. "The Permit complies with all requirements of law including all applicable County ordinances, policies and standards."

As detailed in our counter-arguments above, the proposed operations, if not subject to full CEQA review, would be detrimental to public health, safety, and general welfare due to significant environmental impacts. Furthermore, the massive scale of the proposed operation, far exceeding historical activity, raises serious questions about its consistency with the General Plan and existing land use designations for the area, which are intended to preserve the rural nature of Mead Valley. Without a comprehensive environmental review and a clear demonstration of consistency with the General Plan, these fundamental findings cannot be made.

**B. Requirements for Vested Rights Determination (Ordinance No. 555, Section 17.B):**

Section 17.B.2 of Ordinance No. 555 requires the Board of Supervisors to "determine whether the Operator has demonstrated its claim for a Vested Right" utilizing a "preponderance of the evidence standard." This determination must identify the "specific property" and the "scope and nature of surface mining operations included within the established Vested Right."

- **Lack of Demonstrated Claim:** As argued, the evidence for continuous, active mining on the entire 375 acres since 1949 is insufficient. The physical removal of railroad tracks constitutes an "overt act" of abandonment, shifting the burden to the Applicant to provide clear and convincing evidence to the contrary, which has not been met.
- **Substantial Changes Require a Permit:** Section 17.A of Ordinance No. 555 states that "Any substantial changes made in a surface mining operation subsequent to January 1, 1976... shall require an approved Permit pursuant to this ordinance." The proposed intensification of mining, from sporadic historical activity to 225 million tons over 200 years at significantly increased annual rates, undeniably constitutes a "substantial change" in the scope and nature of the operation. This substantial change, coupled with the apparent abandonment of the prior operation, means that any future mining activities require a new Surface Mining Permit, subject to full discretionary review under CEQA and all applicable County ordinances.

Therefore, because the Applicant has failed to meet the evidentiary burden for establishing a continuous, non-abandoned vested right for the proposed scope of operations, and because the proposed operations represent a substantial change requiring a new Permit, the Board cannot make the mandatory findings under Ordinance No. 555. This compels the need for a full discretionary land use approval process, including a Surface Mining Permit and comprehensive environmental review under CEQA.

**V. This Item is Inappropriate for the Consent Calendar**

Riverside County Board of Supervisors' Agenda Procedures Policy A-5 outlines the criteria for placing items on the Consent Calendar. Consent items are generally routine, non-controversial matters that do not require extensive discussion or debate. Policy A-5, Section 12.B provides a list of typical consent items, including proclamations, agreements between County departments, canvass of election returns, and approval of findings of facts for abatement of nuisance cases *already approved by the Board at a public hearing*.

Conversely, Policy A-5, Section 12.C states that "Items that are not characterized as consent will be placed on the policy calendar." These often involve more detailed analysis, collaboration with affected departments, and coordination with outside agencies.

The Mead Valley Vesting Mine Determination (PAR230043) is currently listed as Consent Item No. 3.37. This placement is entirely inappropriate for the following reasons:

- **Significant Public Controversy:** RAMV, representing numerous concerned residents, has consistently and vociferously opposed this Petition. The issues raised, including environmental impacts, potential impermissible intensification, and evidence of abandonment, are highly contentious and directly affect the quality of life for Mead Valley residents.
- **Complex Legal and Factual Issues:** As detailed throughout this letter, the determination of vested rights for a mining operation of this scale involves intricate legal interpretations (e.g., the diminishing asset doctrine, abandonment criteria) and complex factual assessments (e.g., historical operational continuity, objective intent to expand). These are not routine matters suitable for a block vote without discussion.
- **Environmental Implications:** The potential for substantial environmental impacts, as discussed in our CEQA arguments, necessitates a thorough public review, not a streamlined consent process. The Board's determination has significant long-term consequences for the environment and public health.
- **Requirement for Discretionary Approvals:** As argued in Section IV, the Applicant has failed to meet the findings required by Ordinance No. 555 for a simple vested rights confirmation. This means that any future mining operations would necessitate a new Surface Mining Permit and full CEQA review, which are inherently discretionary actions requiring public scrutiny. Placing this item on the consent calendar bypasses the level of public engagement and deliberation commensurate with such a significant land use decision.

For these reasons, Consent Item No. 3.37 should be immediately removed from the Consent Calendar and, if considered at all, placed on the Policy Calendar to allow for proper public discussion and Board deliberation.

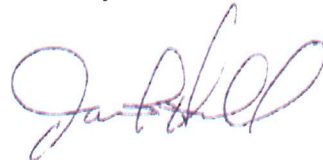
## **VI. Conclusion and Recommended Action**

The proposed findings in Resolution No. 2025-182 are not adequately supported by the administrative record and fail to properly apply California law regarding vested rights and CEQA. RAMV urges the Board of Supervisors to:

1. **Remove Consent Item No. 3.37 from the Consent Calendar** to allow for a full and open discussion of these critical issues.
2. **Deny the Vested Rights Petition (PAR230043)**, as the Applicant has not met its burden of proof to demonstrate a continuous, non-abandoned vested right for the entire 375 acres, and the proposed operations constitute an impermissible intensification and expansion.
3. Alternatively, **continue the item** and direct staff to conduct a thorough environmental review under CEQA, including the preparation of an Environmental Impact Report (EIR), given the significant environmental impacts associated with surface mining and the proposed scale of operations.

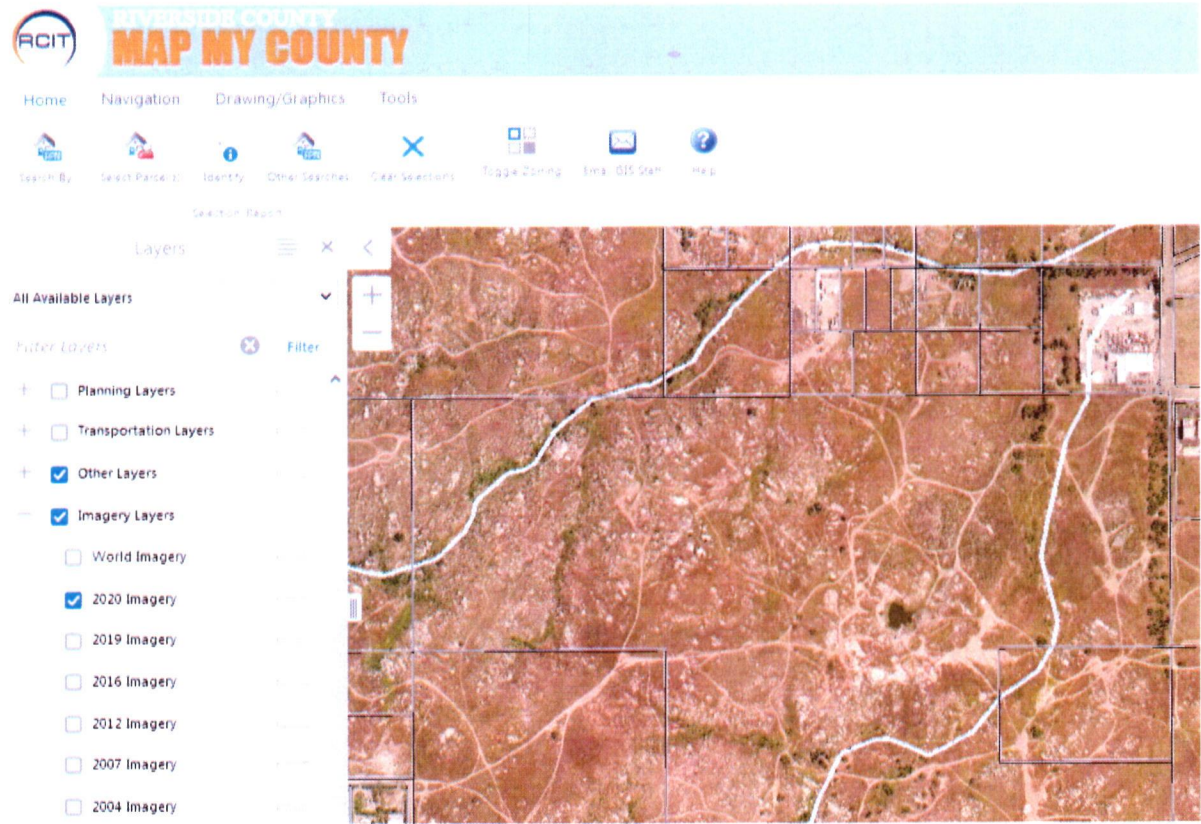
Thank you for your time and consideration of these vital matters impacting the Mead Valley community. I may be contacted at 310-982-1760 or at [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com) if you have any questions, comments or concerns.

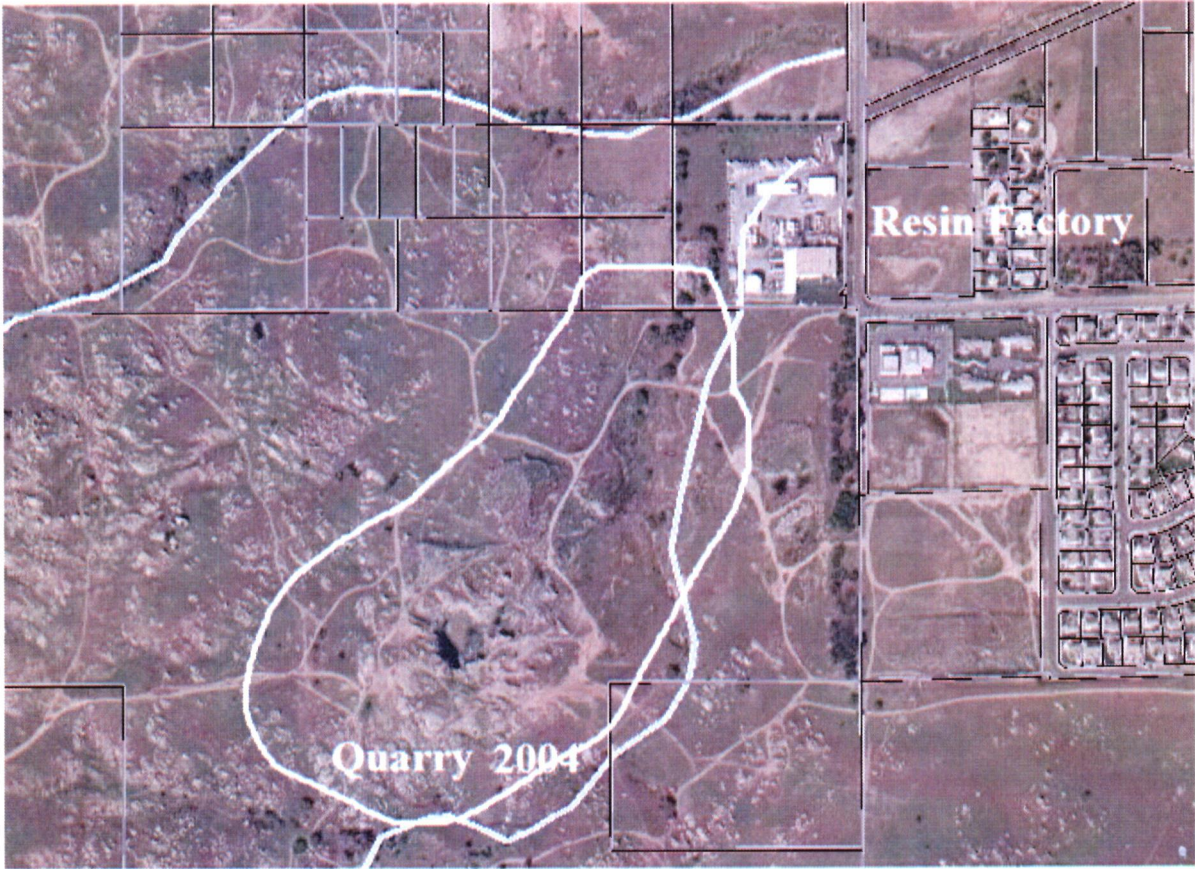
Sincerely,

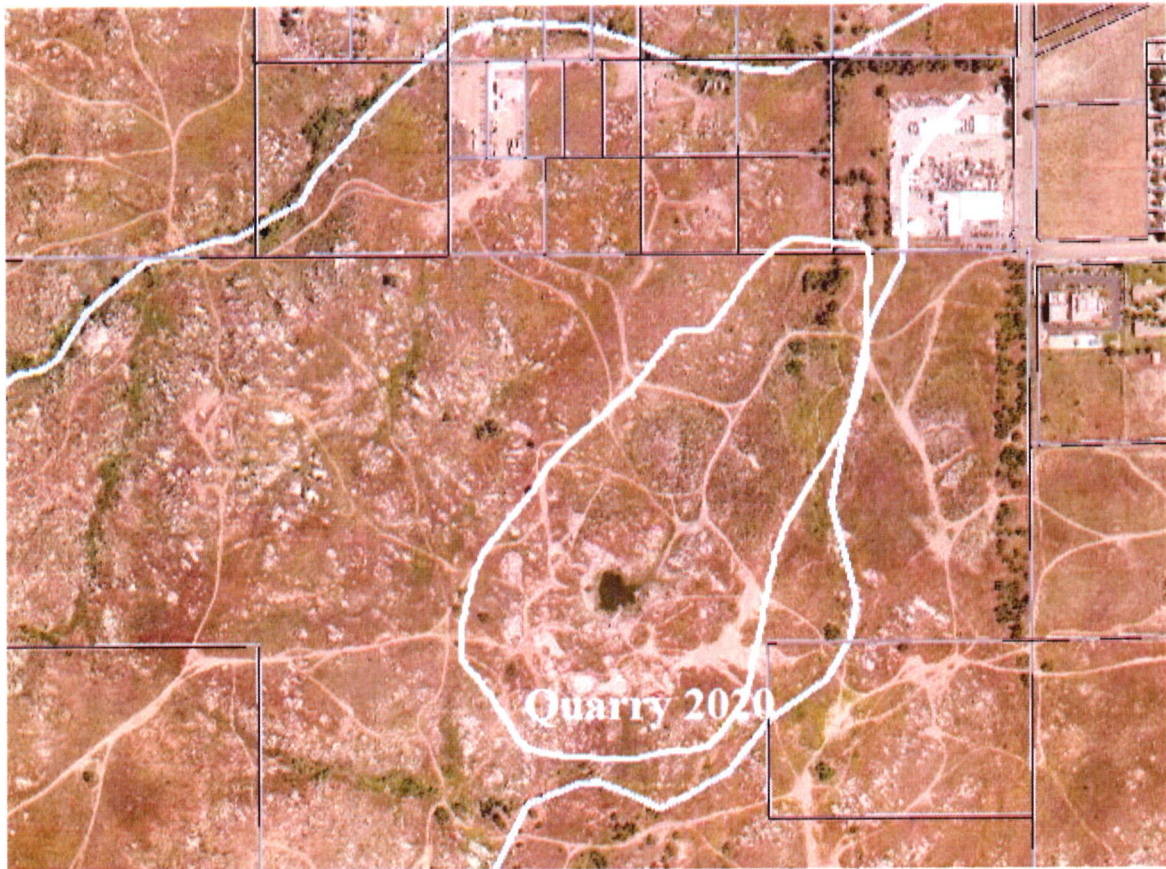


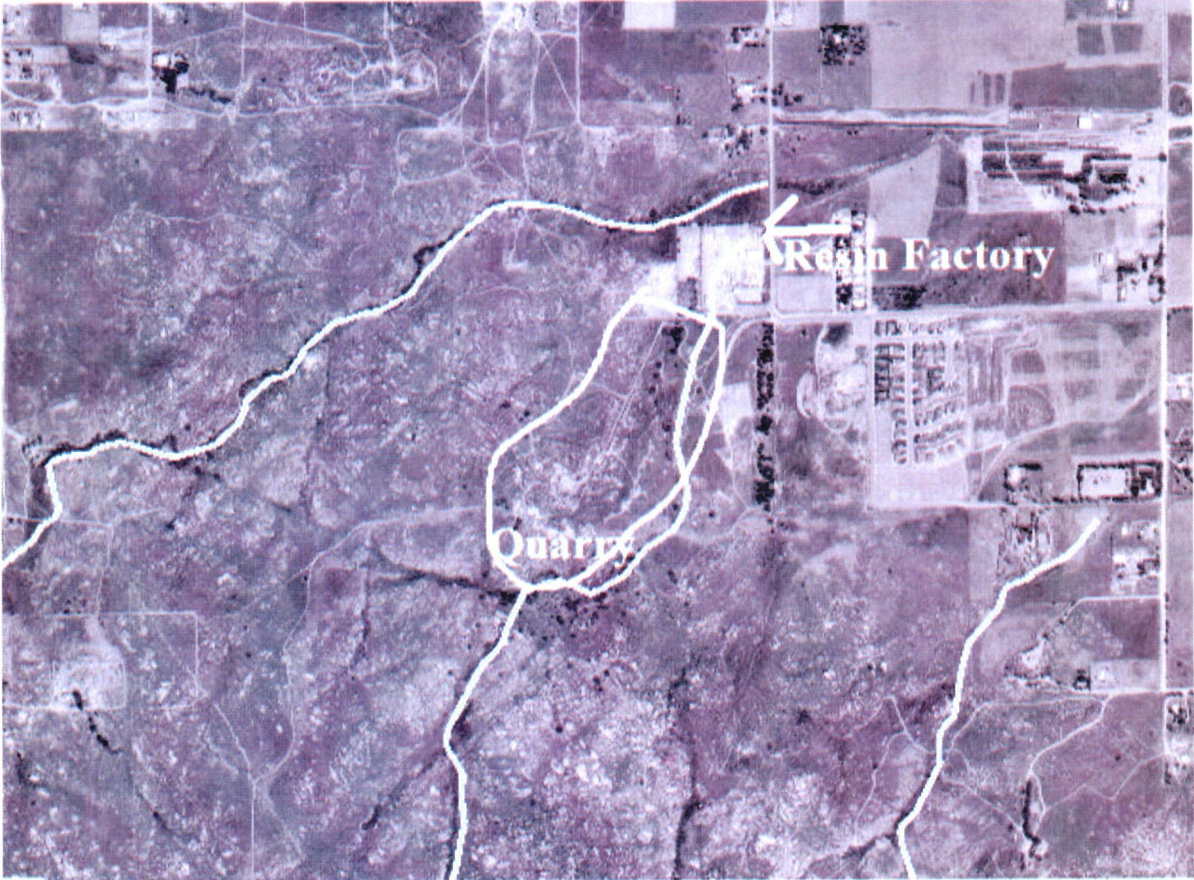
Jamie T. Hall

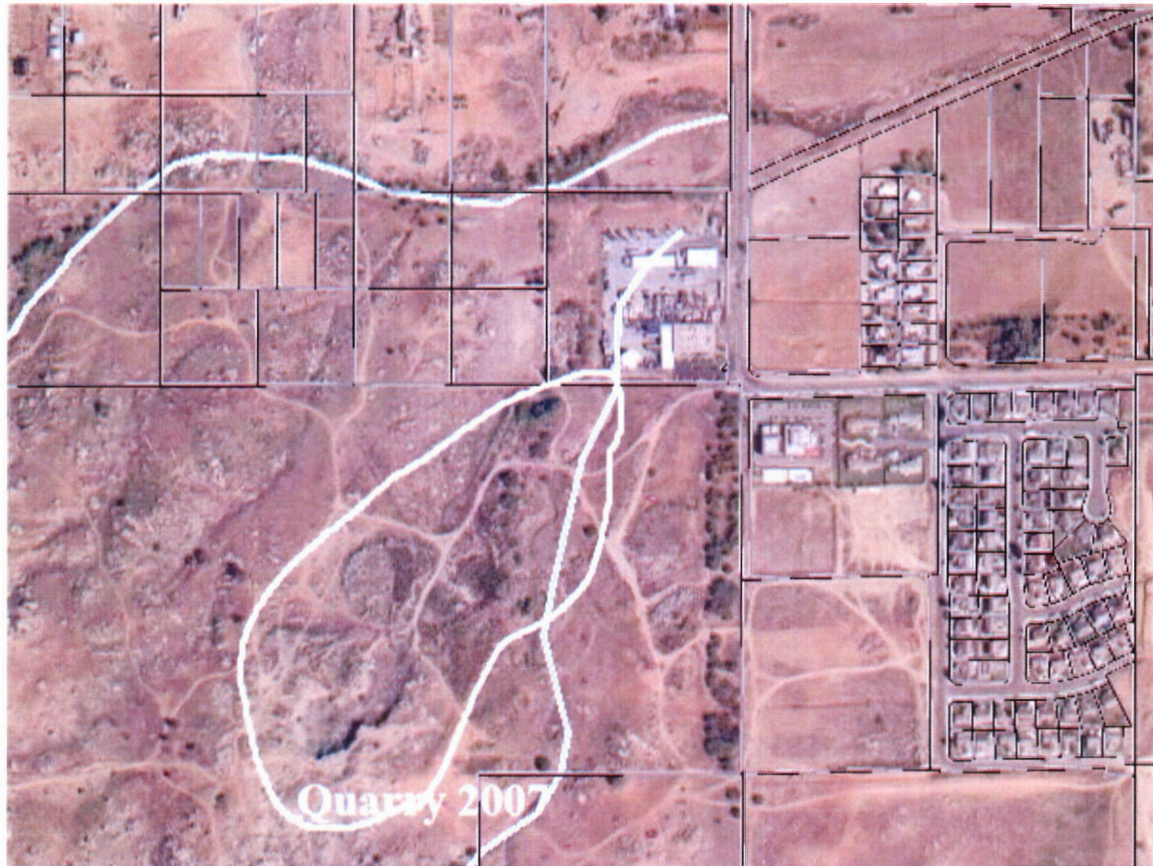
# **Exhibit 1**

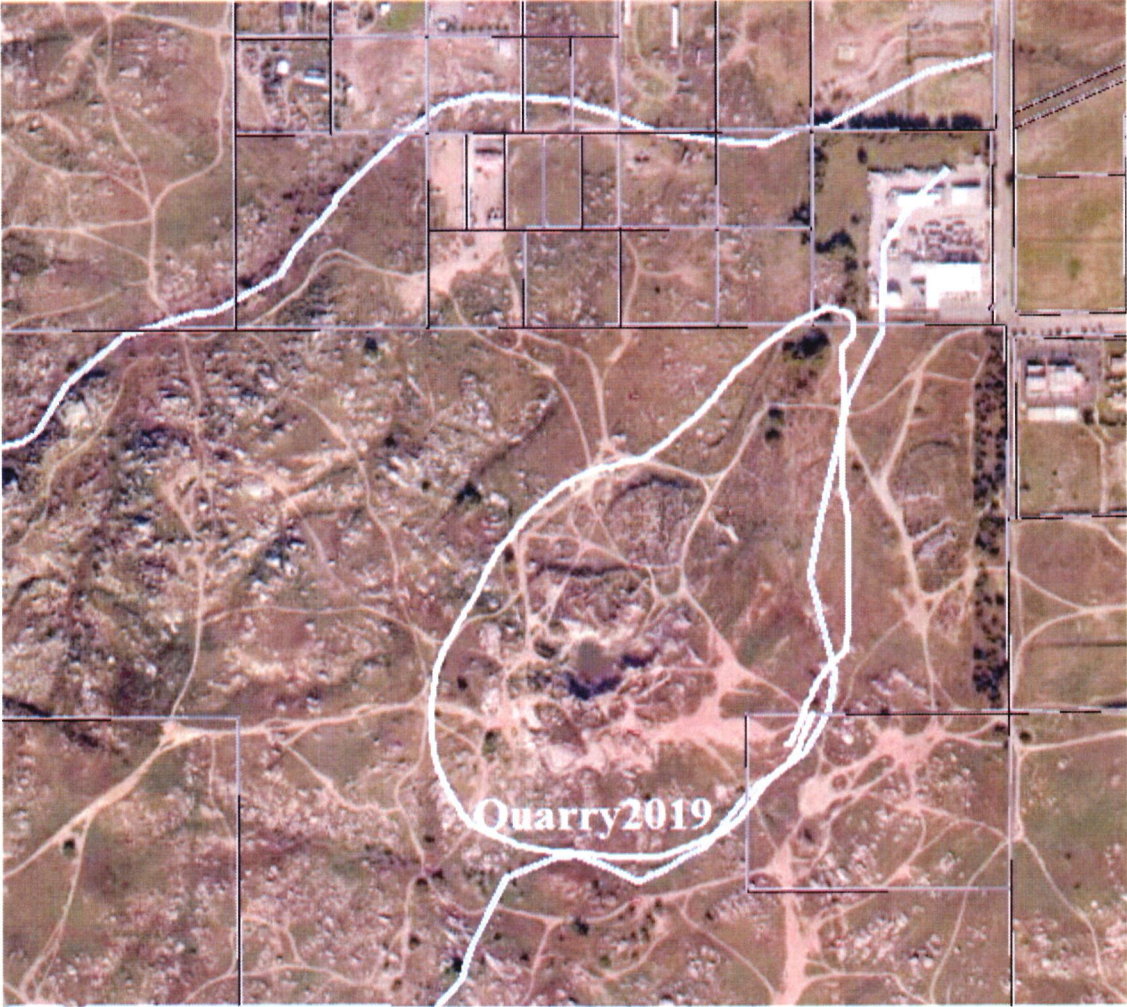




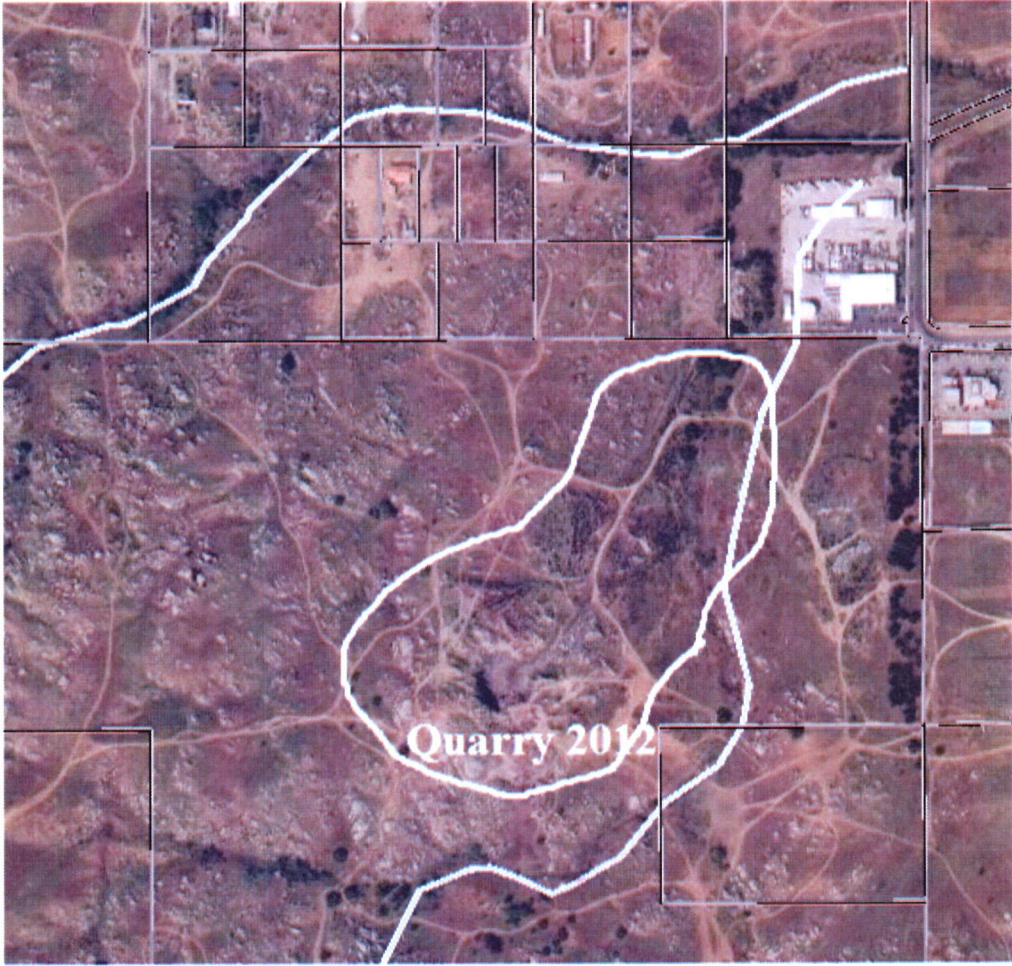












## **Exhibit 2**



Eden Greens  
grown micro

Google



Riverside County Board of Supervisors  
Request to Speak

Submit request to the Clerk of the Board (right of podium), Speakers are entitled to three (3) minutes, subject to Board Rules listed on the reverse side of this form. The Board may limit the public input on any item, based on the number of people requesting to speak and the business of the Board.

SPEAKER'S NAME: Debbie WALSH

Address: MEAD VALLEY RANCHO

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Date: July 1, 2025 Agenda # 3.37

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: \_\_\_\_\_

Parking validations available for speakers only – see Clerk of the Board.

(Revised: 04/23/2025)

## 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. The Board may limit the public input on any item, based on the number of people requesting to speak and the business of the Board.

### 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, ensuring 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. **Speakers are prohibited from bringing signs, placards, or posters into the hearing room.**

### Individual Speaker Limits:

**Individual speakers are limited to a maximum of three (3) minutes.** The Board may limit the public input on any item, based on the number of people requesting to speak and the business of the Board. Please step up to the podium when the Chair 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 Chair 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 Chair'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.

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Riverside County Board of Supervisors  
Request to Speak

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SPEAKER'S NAME: Braiden Chadwick ( I represent the applicant. I will only speak if there is opposition )

Address: 1420 Rockley Ridge Dr. # 260

City: Roseville Zip: 95661

Phone #: (916) 765-4525

Date: July 1 2025 Agenda # 37

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: \_\_\_\_\_

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(Revised: 04/23/2025)

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**Flores, Kate**

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**From:** Jamie Hall <jamie.hall@channellawgroup.com>  
**Sent:** Monday, June 30, 2025 10:24 PM  
**To:** jhildebrand@rivco.org; Medina, Esmeralda; Planning; Clerk of the Board  
**Cc:** Debbie Walsh  
**Subject:** Opposition to Consent Item No. 3.37: PAR230043 - Mead Valley Vesting Mine Determination Findings and Adoption of Resolution No. 2025-182  
**Attachments:** Opposition to Consent Item No. 3.37 PAR230043 - Mead Valley Vesting Mine Determination Findings and Adoption of Resolution No. 2025-182.pdf

**CAUTION:** This email originated externally from the **Riverside County** email system. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Dear Honorable Supervisors:

The attached letter is submitted on behalf of the Rural Association of Mead Valley ("RAMV"), a California non-profit corporation dedicated to preserving the rural character and environmental integrity of Mead Valley in unincorporated Riverside County. RAMV strongly opposes the adoption of Resolution No. 2025-182 and the findings related to the Mead Valley Vesting Mine Determination (PAR230043), currently agendized as Consent Item No. 3.37 for the July 1, 2025 hearing.

As previously articulated in our letter of May 20, 2025, and reinforced by recent observations and concerns from RAMV's leadership, the Applicant, Riverside Legacy IV-Mead Valley, LLC ("Riverside Legacy"), has not met its burden of proof to establish vested rights consistent with California law and the County's own procedures. The proposed Resolution's findings are, in several key areas, unsupported by clear and convincing evidence, and in some instances, directly contradicted by observable facts.

We urge the Board to remove this item from the Consent Calendar and deny the Petition, or at a minimum, continue the item for further analysis and environmental review.

Please confirm receipt of this letter and ensure it is made part of the record.

**Jamie T. Hall**  
Channel Law Group, LLP  
8383 Wilshire Blvd., Suite 750  
Beverly Hills, CA 90211  
Main Number: (310) 347-0050  
Direct: (310) 982-1760  
Fax: (323) 723-3960  
Email: jamie.hall@channellawgroup.com  
Website: www.channellawgroup.com

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JULIAN K. QUATTLEBAUM, III  
JAMIE T. HALL \*  
CHARLES J. McLURKIN  
GREGORY T. WITTMANN

Writer's Direct Line: (310) 982-1760  
jamie.hall@channellawgroup.com

\*ALSO Admitted in Texas

June 30, 2025

## VIA ELECTRONIC MAIL

Riverside County Board of Supervisors  
4080 Lemon Street  
Riverside, CA 92501  
[cob@rivco.org](mailto:cob@rivco.org)  
[jhildebrand@rivco.org](mailto:jhildebrand@rivco.org)  
[esmedina@rivco.org](mailto:esmedina@rivco.org)  
[planning@rivco.org](mailto:planning@rivco.org)

**Re: Opposition to Consent Item No. 3.37: PAR230043 - Mead Valley Vesting  
Mine Determination Findings and Adoption of Resolution No. 2025-182**

Dear Honorable Supervisors:

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We urge the Board to remove this item from the Consent Calendar and deny the Petition, or at a minimum, continue the item for further analysis and environmental review.

**I. The Applicant Has Not Met Its Burden of Proof Under *Hansen Brothers Enterprises and Calvert v. County of Yuba***

To establish a vested right to mine without a permit, Riverside Legacy must demonstrate by a preponderance of the evidence that its operation was a legal nonconforming use as of January 31, 1949, and that this right has not been abandoned. (See *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533; Riverside County Ordinance No. 555, Section 17.B.2.). Furthermore, the Board's findings must "bridge the analytical gap between raw evidence" and its ultimate decision, as required by *Topanga Ass'n for a Scenic Cmty. v. Cnty. of Los Angeles* (1974) 11 Cal.3d 506, 515. The current findings in Resolution No. 2025-182 fail to meet these standards.

**II. Counter-Arguments to the Proposed Findings in Resolution No. 2025-182**

We respectfully present specific counter-arguments to the findings proposed in Resolution No. 2025-182:

**A. Environmental Findings (Section A.1 of Resolution)**

- **Proposed Finding:** "The Board's determination of vested rights is not a project for purposes of the California Environmental Quality Act... because the standards that govern the determination of vested rights do not provide the County with the authority or discretion to condition, modify, or deny the application based on environmental concerns."
- **RAMV's Counter-Argument:** This finding is fundamentally flawed and directly contradicts the principles of CEQA. As stated in *Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171, 1197-1198, "a proposed activity is a CEQA project if, by its general nature, the activity is capable of causing a direct or reasonably foreseeable indirect physical change in the environment." The Staff Report itself acknowledges that a "legally adequate Reclamation Plan and Financial Assurance" must be submitted to, and approved by, the County of Riverside and the California Department of Conservation, Division of Mine Reclamation. This is precisely the "sort" of activity that triggers CEQA. The approval of a Reclamation Plan is a discretionary act that inherently involves environmental considerations and the potential for significant physical changes to the environment. To claim this determination is not a "project" under CEQA, especially when it explicitly allows for continued and potentially expanded mining operations, is to ignore the clear intent and requirements of CEQA. The environmental review required for a Reclamation Plan is precisely the "further inquiry into its actual effects" that CEQA mandates.
- Surface mining, which involves removing large sections of the Earth's surface to access mineral deposits, has a wide range of significant and often long-lasting environmental impacts. These impacts can affect land, water, air, and biodiversity. They include: (1) **Habitat Destruction and Land Degradation** through the clearing of vegetation and topsoil, altering landscapes and fragmenting ecosystems; (2) **Water Pollution and Depletion** from acid mine drainage, heavy metal contamination, and increased

sedimentation, as well as significant water usage for processing; (3) **Air Pollution** from dust (particulate matter), greenhouse gas emissions from heavy machinery, and toxic air contaminants; and (4) **Biodiversity Loss** due to habitat destruction, pollution, and disruption of ecological processes. Even after mining operations cease, environmental impacts can persist for decades or centuries without proper closure and extensive rehabilitation efforts.

**B. Land Use Findings (Section B.1 & B.2 of Resolution)**

- **Proposed Finding:** "Surface mining and associated reclamation activities are authorized uses at the Vested Rights Property, consistent with Ordinance No. 348. Surface mining activities and associated operations are a legal, non-conforming use..."
- **RAMV's Counter-Argument:** While Ordinance No. 348 may have established a vesting date, the Applicant has not provided sufficient evidence of continuous, active mining operations to maintain a legal non-conforming use. RAMV's directors have observed a distinct lack of active mining operations in the area, which raises serious questions about the ongoing nature of any purported "vested use." A historical right does not automatically equate to a perpetually active and legal non-conforming use without demonstrated continuity of operations. The burden is on the Applicant to prove this continuity, and mere historical aerial photographs may not suffice to demonstrate active, continuous mining up to the present day.

**C. Findings Regarding Location and Ownership (Section C.1 of Resolution)**

- **Proposed Finding:** "As of January 31, 1949, the Vested Rights were established... This vested property included the 375-acre Vested Rights Property... Riverside Legacy is the successor-in-interest to the Vested Rights Property..."
- **RAMV's Counter-Argument:** While ownership may have transferred, the critical issue is whether the *vested right itself* has been maintained and not abandoned. Successor-in-interest status does not automatically revive an abandoned right. The focus must remain on the continuous exercise of the vested right, not merely the transfer of property.

**D. Findings Regarding Geographic Scope of Vested Rights (Section D.1, D.2, & D.3 of Resolution)**

- **Proposed Finding:** "The Record demonstrates that as of January 31, 1949, there was an objective, demonstrated intent to mine the Vested Rights Property, based on the extent of actual surface mining activities and on documentation provided in the Record demonstrating an objective intent to expand operations throughout the Vested Rights Property. Consistent with California law regarding the establishment of a vested right to mine, the Record provides a preponderance of evidence that the Vested Rights encompass the entire 375 acres of the Vested Rights Area."
- **RAMV's Counter-Argument:** The concept of "objective intent to expand" must be scrutinized carefully. While some historical activity may have occurred, the evidence presented does not clearly and convincingly demonstrate an *objective intent* to mine the

*entire 375 acres* as of the vesting date, nor does it prove that such intent was consistently acted upon over the decades. The Staff Report's reliance on "preponderance of the evidence" for this expansive claim, especially for an area that may not have been actively mined, is insufficient given the significant environmental implications. Furthermore, RAMV's directors have indicated that the applicant is proposing expanded mining operations *outside* of the 649 acres, which would clearly constitute an impermissible expansion beyond any historical vested right and would require new permits and full CEQA review.

#### **E. Findings Regarding No Impermissible Intensification (Section E.1 of Resolution)**

- **Proposed Finding:** "mineral production from the Vested Rights Area was consistent with then-present market conditions on January 31, 1949, and the projected production from the Vested Rights Area described in the Petition and in Appendix D reflects a natural and gradual increase in production to serve the growth in market demand, and is not the result of impermissible intensification of surface mining activities."
- **RAMV's Counter-Argument:** This finding is speculative and lacks concrete, verifiable evidence of a "natural and gradual increase" tied to historical operations on the *entire 375 acres*. Without a clear and documented history of consistent production and expansion across the entire claimed area, any proposed increase in production represents an impermissible intensification. The burden is on the Applicant to demonstrate that current proposed operations are merely a continuation of a previously established, consistent level of activity, not a new or intensified use. The proposed production of 225 million tons over 200 years, with an increase from 200,000 tons in the first year to 1 million tons in the fifth year (as mentioned in the October 2018 PAR document), is a substantial operation that far exceeds any reasonable interpretation of a "natural and gradual increase" from historical, sporadic mining activities.

#### **F. Findings Regarding a Lack of Abandonment or Waiver of Vested Rights (Section F.1 & F.2 of Resolution)**

- **Proposed Finding:** "no clear and convincing evidence has been presented to the County... that would substantiate that there was ever a knowing intent to abandon the known Vested Rights, or that there was ever any subjective intent or overt act to abandon the Vested Rights."
- **RAMV's Counter-Argument:** This finding ignores critical evidence of abandonment. RAMV's directors have confirmed that the **railroad tracks once used for the mine have been removed years ago**. These tracks were removed prior to 1996. This is a significant, overt act demonstrating a clear intent to abandon the previous mode of operation and, by extension, the vested right as it existed. The removal of essential infrastructure directly undermines any claim of continuous operation or intent to continue. The Applicant's assertion of a letter from the railroad company indicating future service is a transparent attempt to "paper over" this indisputable fact. An easement terminates upon abandonment, reverting full ownership to the underlying landowner (*Marvin M. Brandt Revocable Trust v. United States*, 572 U.S. 93, 105 (2014)). The physical removal of the tracks is a strong indicator of abandonment, and the burden shifts to the Applicant to provide clear and

convincing evidence to the contrary, which a mere letter of intent does not provide. GIS imagery from the County's GIS Map My County system also shows no signs of any quarry operations going back to 1996. There are no trucks, equipment shown in the attached images. See **Exhibit 1**. An entrance to the property at Seaton and Rider also shows the entrance closed with a chain link fence, boulders and pipes See Google Image attached as **Exhibit 2**. The lack of active mining operations observed by RAMV's directors further supports the argument that the vested rights have been abandoned through non-use and overt acts of removal of infrastructure.

### **III. Distinguishing the Present Case from Precedent on Vested Rights**

The County's reliance on cases such as *Calvert v. County of Yuba* (2006) 145 Cal.App.4th 613, *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, and *Beck Development Co. v. Southern Pacific Transportation Co.* (1996) 44 Cal.App.4th 1160, to support the existence of vested rights in this instance is misplaced. While these cases address principles of vested rights, nonconforming uses, and the "diminishing asset" doctrine in the context of mining, the specific facts and evidentiary standards applied therein highlight why Riverside Legacy's claim should be denied.

- **Calvert v. County of Yuba (2006):** This case is cited by the County for its procedural requirements, emphasizing that vested rights determinations are adjudicative and require due process (notice and an opportunity to be heard). Crucially, *Calvert* involved a claim for vested rights to mine 3,430 acres, where the mining company *was already mining* on approximately 1,200 acres and intended to move into unmined areas as mined areas were depleted. The court remanded the case for a proper adjudicatory hearing precisely because the county had made the determination without adequate notice or hearing. In our case, while a hearing was held, the *substantive evidence* of continuous, active mining across the *entire 375 acres* since 1949, and the lack of abandonment, is severely lacking. Unlike the clear ongoing operations in *Calvert*, RAMV's observations indicate a lack of active mining, which directly challenges the Applicant's burden of proof regarding continuity.
- **Hansen Brothers Enterprises, Inc. v. Board of Supervisors (1996):** This Supreme Court case is central to the "diminishing asset" doctrine for mining operations. It recognized that a nonconforming mining use can expand into unexcavated areas of a property if there was an "objective manifestation of intent" to mine the entire parcel at the time the zoning ordinance became effective. However, *Hansen Brothers* also emphasized that the right to expand is limited to the area where such intent was objectively manifested and that an impermissible "intensification" is not allowed. The court found that the overall aggregate business had not been discontinued, but also noted that the record was inadequate to determine the full scope of the vested right or the extent of the area where intent to quarry was objectively manifested.
  - In contrast to *Hansen Brothers*, where the aggregate business was deemed continuous, the Mead Valley Quarry has shown significant periods of inactivity and the removal of critical infrastructure (railroad tracks), which strongly suggests abandonment of the *entire operation*, not just a component.

- Furthermore, while *Hansen Brothers* allowed for a "natural and gradual increase" in production, the proposed 225 million tons over 200 years, with an increase from 200,000 tons/year to 1 million tons/year, is a scale of operation that far exceeds any historical activity at Mead Valley Quarry and constitutes an impermissible intensification, not a natural growth. The "check the box" form used in *Hansen Brothers* to estimate production was deemed an inadequate basis for determining impermissible intensification; similarly, the broad projections in the Mead Valley Petition should not be accepted as evidence of a "natural and gradual increase."
- **Beck Development Co. v. Southern Pacific Transportation Co. (1996):** While primarily a nuisance case, *Beck Development* is relevant for its discussion of "abandonment" in the context of property interests. The court noted that a party claiming nuisance must show actual injury or a "likelihood and magnitude" of future injury, not mere speculation. More importantly, in the context of railroad rights-of-way, *Brandt Trust v. United States* (2014) 572 U.S. 93, reaffirmed that a railroad right-of-way is an easement that terminates upon abandonment, with full ownership reverting to the underlying landowner. The physical removal of the railroad tracks at the Mead Valley Quarry is an overt act of abandonment, directly analogous to the principles discussed in *Brandt Trust*. The County's finding that "no clear and convincing evidence has been presented... that would substantiate that there was ever a knowing intent to abandon" is directly contradicted by the physical removal of the tracks, which is a clear and objective manifestation of abandonment. The burden is on the Applicant to prove the *lack* of abandonment by clear and convincing evidence, which a mere letter of intent for future service does not achieve.

In summary, the precedents cited by the County, when properly understood and applied to the facts of the Mead Valley Quarry, do not support the Applicant's claim. Instead, they underscore the Applicant's failure to meet the high evidentiary burden required to establish and maintain a vested mining right, particularly in the face of clear evidence of abandonment and proposed impermissible intensification.

#### **IV. Failure to Meet Ordinance No. 555 Findings: Discretionary Approvals Required**

Riverside County Ordinance No. 555, which implements the Surface Mining and Reclamation Act of 1975 (SMARA), sets forth clear requirements for both the approval of Permits and Reclamation Plans (Section 12) and the determination of Vested Rights (Section 17). The Applicant's submittal and the current facts demonstrate a failure to meet these mandatory findings, thereby necessitating full discretionary land use approvals rather than a mere confirmation of vested rights.

##### **A. Mandatory Findings for Permit Approval (Ordinance No. 555, Section 12.A):**

Section 12.A of Ordinance No. 555 explicitly states that no Permit shall be approved unless the following findings are made:

1. "The Permit substantially meets the applicable requirements of SMARA and this ordinance."
2. "The Permit is consistent with the General Plan and any applicable specific plan."
3. "The Permit will not be detrimental to the public health, safety or general welfare."
4. "The Permit complies with all requirements of law including all applicable County ordinances, policies and standards."

As detailed in our counter-arguments above, the proposed operations, if not subject to full CEQA review, would be detrimental to public health, safety, and general welfare due to significant environmental impacts. Furthermore, the massive scale of the proposed operation, far exceeding historical activity, raises serious questions about its consistency with the General Plan and existing land use designations for the area, which are intended to preserve the rural nature of Mead Valley. Without a comprehensive environmental review and a clear demonstration of consistency with the General Plan, these fundamental findings cannot be made.

**B. Requirements for Vested Rights Determination (Ordinance No. 555, Section 17.B):**

Section 17.B.2 of Ordinance No. 555 requires the Board of Supervisors to "determine whether the Operator has demonstrated its claim for a Vested Right" utilizing a "preponderance of the evidence standard." This determination must identify the "specific property" and the "scope and nature of surface mining operations included within the established Vested Right."

- **Lack of Demonstrated Claim:** As argued, the evidence for continuous, active mining on the entire 375 acres since 1949 is insufficient. The physical removal of railroad tracks constitutes an "overt act" of abandonment, shifting the burden to the Applicant to provide clear and convincing evidence to the contrary, which has not been met.
- **Substantial Changes Require a Permit:** Section 17.A of Ordinance No. 555 states that "Any substantial changes made in a surface mining operation subsequent to January 1, 1976... shall require an approved Permit pursuant to this ordinance." The proposed intensification of mining, from sporadic historical activity to 225 million tons over 200 years at significantly increased annual rates, undeniably constitutes a "substantial change" in the scope and nature of the operation. This substantial change, coupled with the apparent abandonment of the prior operation, means that any future mining activities require a new Surface Mining Permit, subject to full discretionary review under CEQA and all applicable County ordinances.

Therefore, because the Applicant has failed to meet the evidentiary burden for establishing a continuous, non-abandoned vested right for the proposed scope of operations, and because the proposed operations represent a substantial change requiring a new Permit, the Board cannot make the mandatory findings under Ordinance No. 555. This compels the need for a full discretionary land use approval process, including a Surface Mining Permit and comprehensive environmental review under CEQA.

**V. This Item is Inappropriate for the Consent Calendar**

Riverside County Board of Supervisors' Agenda Procedures Policy A-5 outlines the criteria for placing items on the Consent Calendar. Consent items are generally routine, non-controversial matters that do not require extensive discussion or debate. Policy A-5, Section 12.B provides a list of typical consent items, including proclamations, agreements between County departments, canvass of election returns, and approval of findings of facts for abatement of nuisance cases *already approved by the Board at a public hearing*.

Conversely, Policy A-5, Section 12.C states that "Items that are not characterized as consent will be placed on the policy calendar." These often involve more detailed analysis, collaboration with affected departments, and coordination with outside agencies.

The Mead Valley Vesting Mine Determination (PAR230043) is currently listed as Consent Item No. 3.37. This placement is entirely inappropriate for the following reasons:

- **Significant Public Controversy:** RAMV, representing numerous concerned residents, has consistently and vociferously opposed this Petition. The issues raised, including environmental impacts, potential impermissible intensification, and evidence of abandonment, are highly contentious and directly affect the quality of life for Mead Valley residents.
- **Complex Legal and Factual Issues:** As detailed throughout this letter, the determination of vested rights for a mining operation of this scale involves intricate legal interpretations (e.g., the diminishing asset doctrine, abandonment criteria) and complex factual assessments (e.g., historical operational continuity, objective intent to expand). These are not routine matters suitable for a block vote without discussion.
- **Environmental Implications:** The potential for substantial environmental impacts, as discussed in our CEQA arguments, necessitates a thorough public review, not a streamlined consent process. The Board's determination has significant long-term consequences for the environment and public health.
- **Requirement for Discretionary Approvals:** As argued in Section IV, the Applicant has failed to meet the findings required by Ordinance No. 555 for a simple vested rights confirmation. This means that any future mining operations would necessitate a new Surface Mining Permit and full CEQA review, which are inherently discretionary actions requiring public scrutiny. Placing this item on the consent calendar bypasses the level of public engagement and deliberation commensurate with such a significant land use decision.

For these reasons, Consent Item No. 3.37 should be immediately removed from the Consent Calendar and, if considered at all, placed on the Policy Calendar to allow for proper public discussion and Board deliberation.

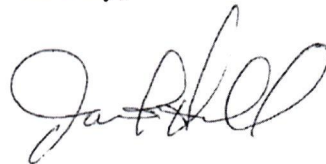
## **VI. Conclusion and Recommended Action**

The proposed findings in Resolution No. 2025-182 are not adequately supported by the administrative record and fail to properly apply California law regarding vested rights and CEQA. RAMV urges the Board of Supervisors to:

1. **Remove Consent Item No. 3.37 from the Consent Calendar** to allow for a full and open discussion of these critical issues.
2. **Deny the Vested Rights Petition (PAR230043)**, as the Applicant has not met its burden of proof to demonstrate a continuous, non-abandoned vested right for the entire 375 acres, and the proposed operations constitute an impermissible intensification and expansion.
3. Alternatively, **continue the item** and direct staff to conduct a thorough environmental review under CEQA, including the preparation of an Environmental Impact Report (EIR), given the significant environmental impacts associated with surface mining and the proposed scale of operations.

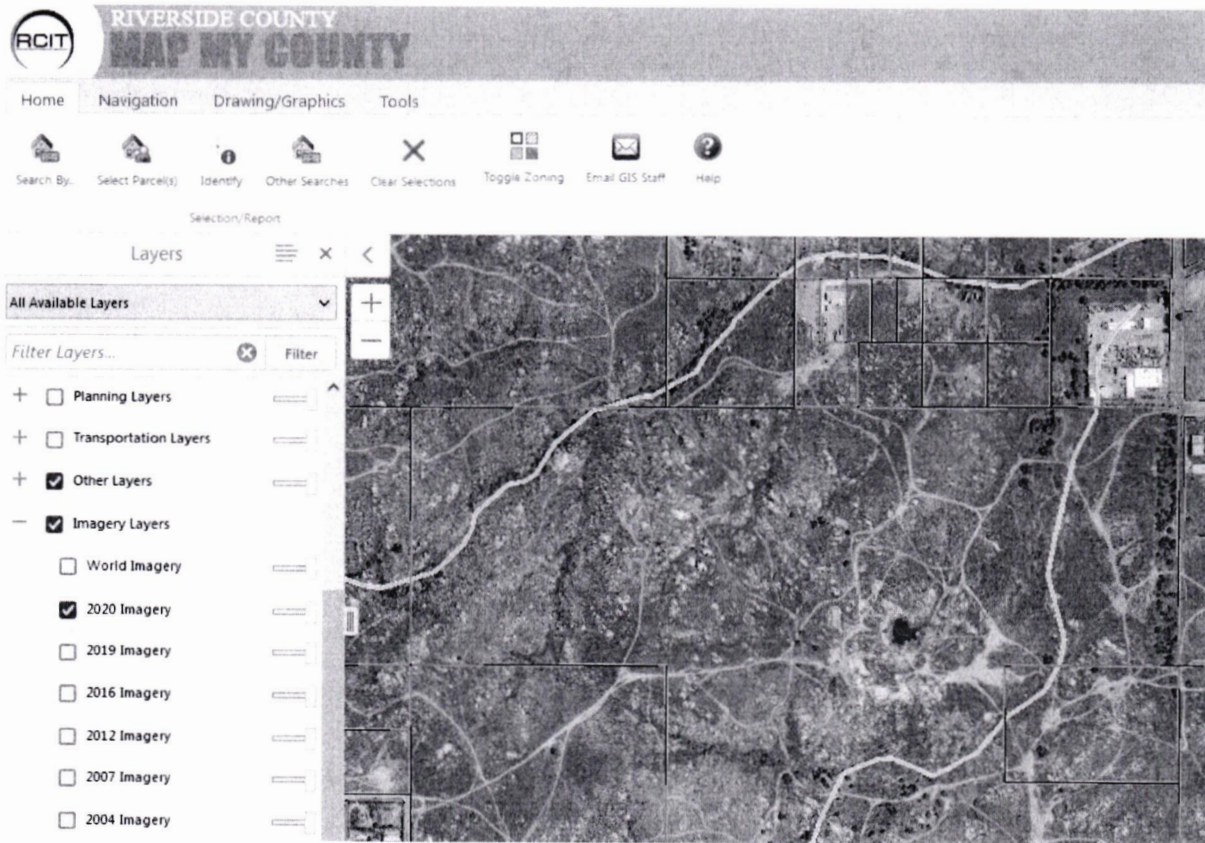
Thank you for your time and consideration of these vital matters impacting the Mead Valley community. I may be contacted at 310-982-1760 or at [jamie.hall@channellawgroup.com](mailto:jamie.hall@channellawgroup.com) if you have any questions, comments or concerns.

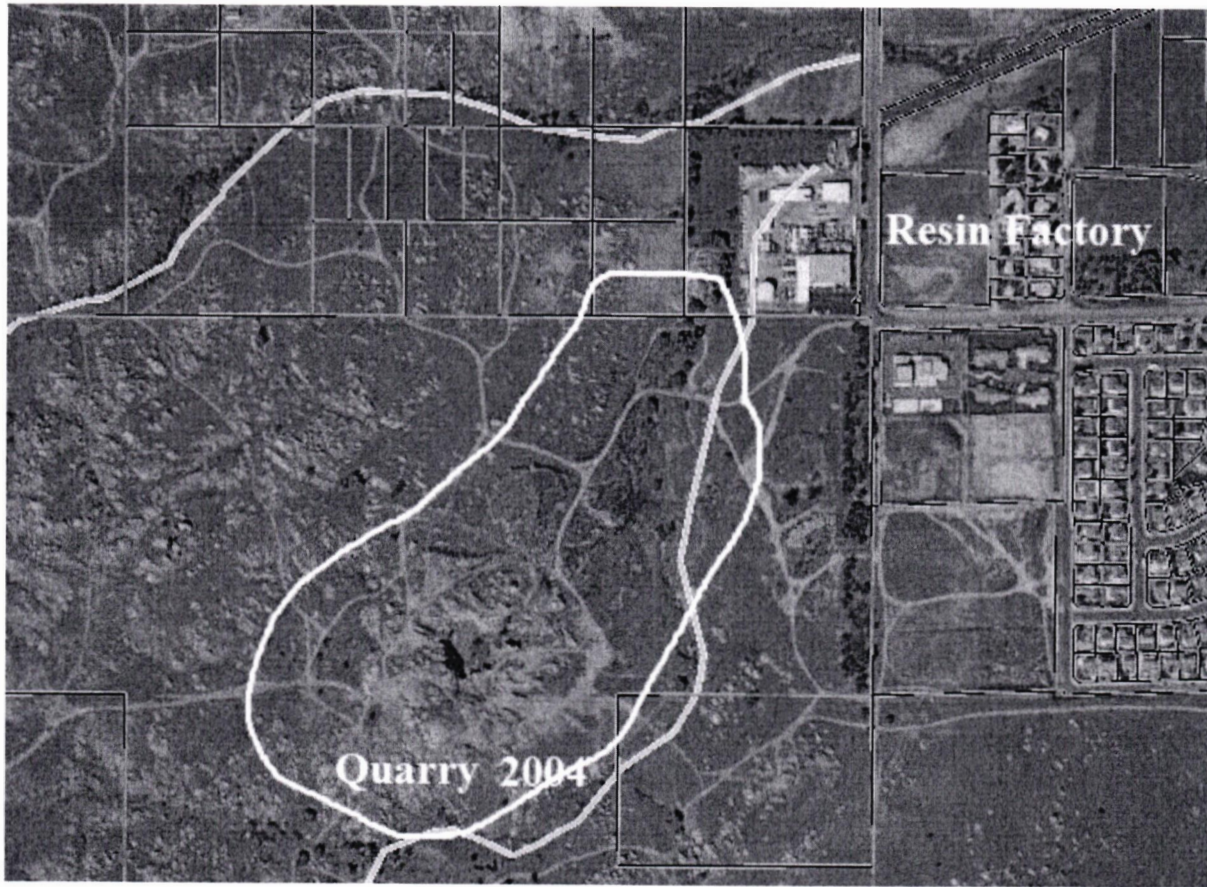
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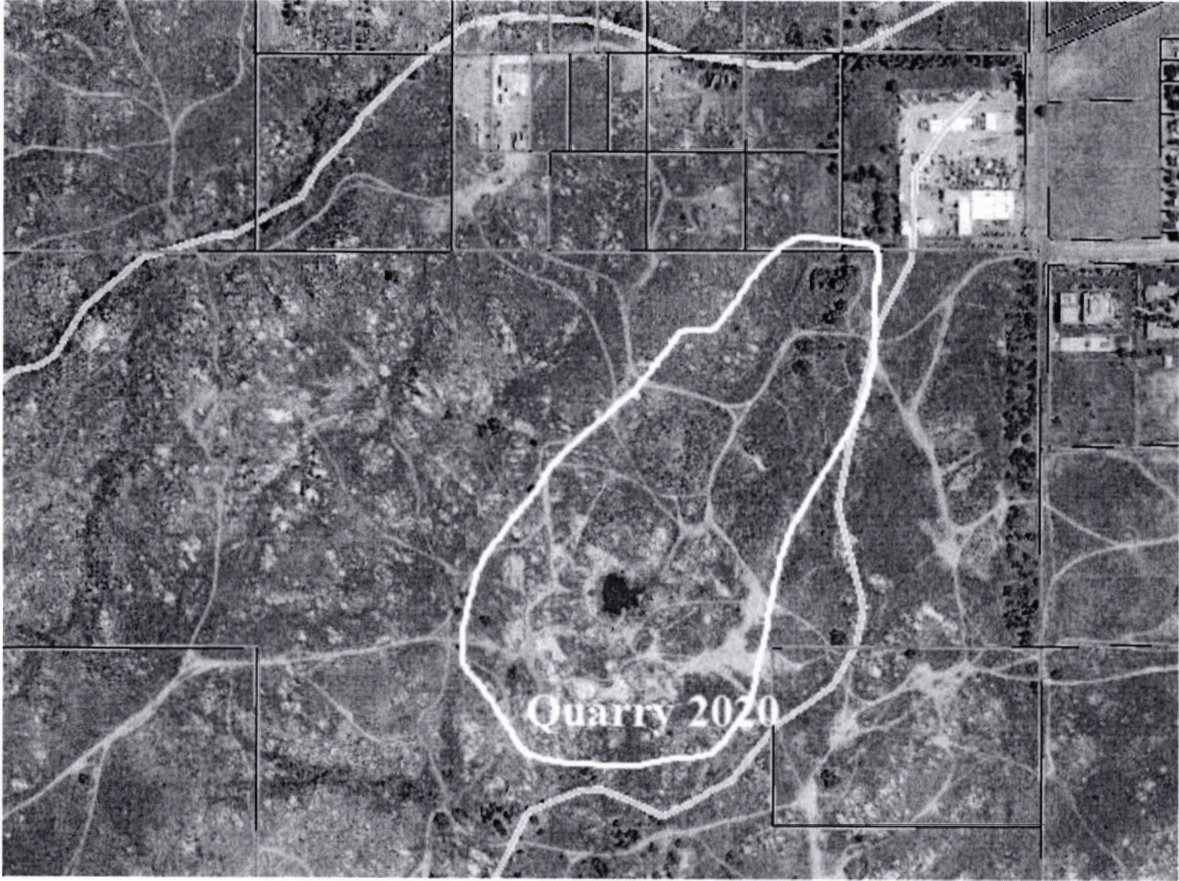
A handwritten signature in black ink, appearing to read "Jamie T. Hall". The signature is fluid and cursive, with the first name "Jamie" being the most prominent part.

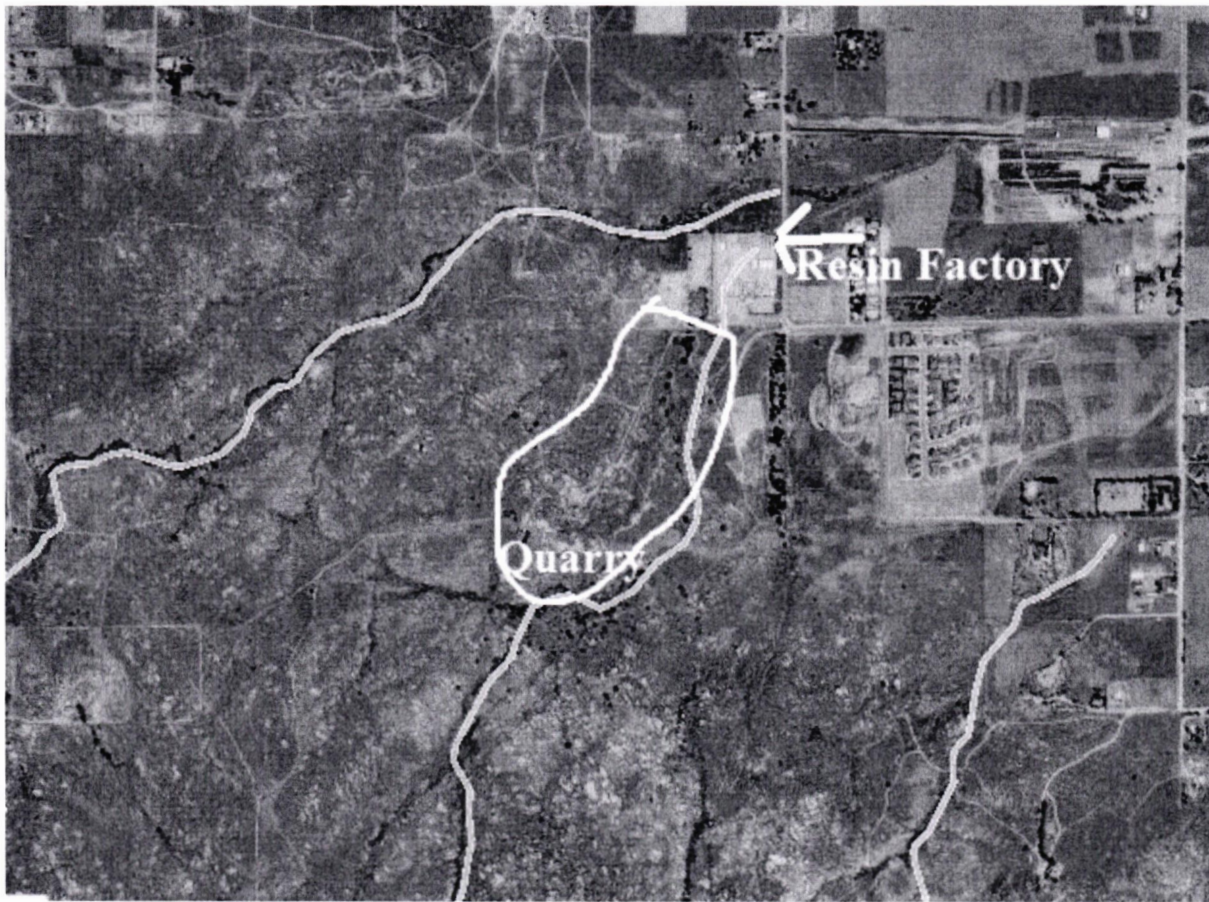
Jamie T. Hall

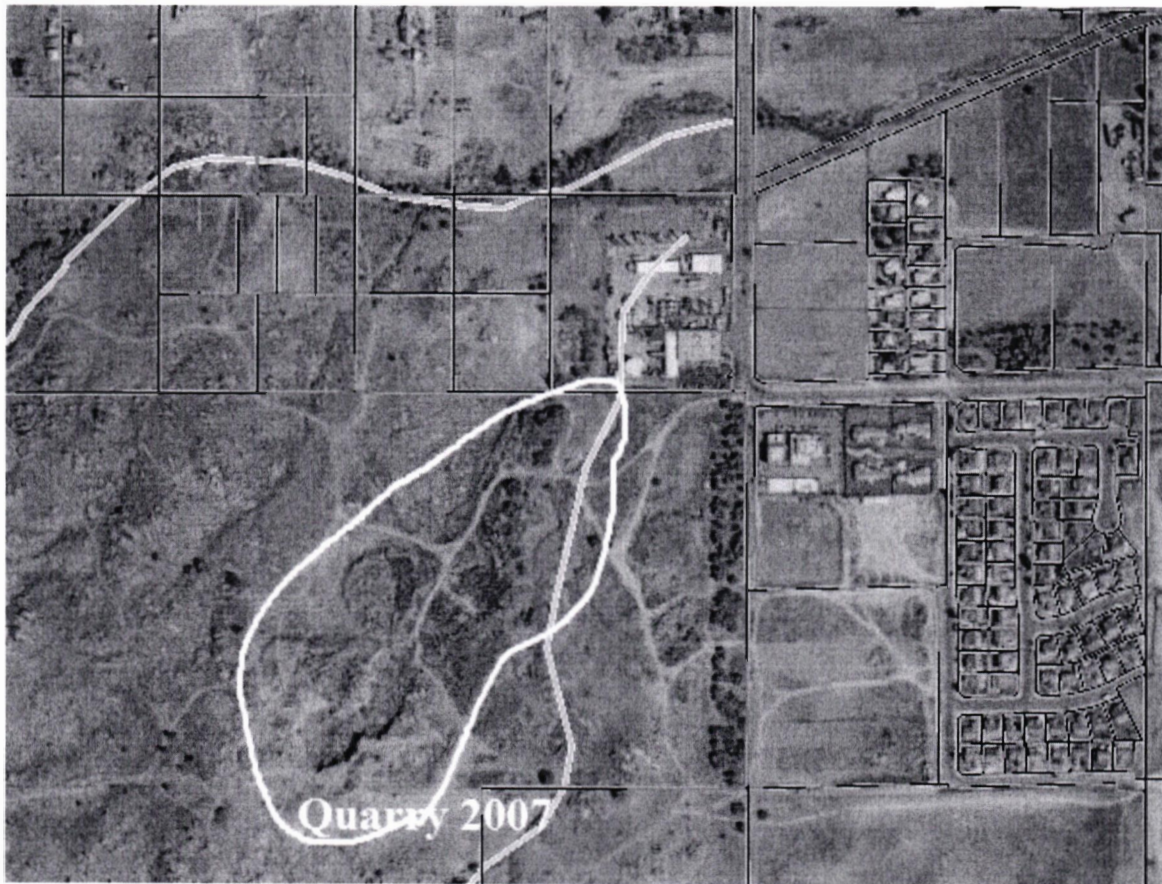
# **Exhibit 1**

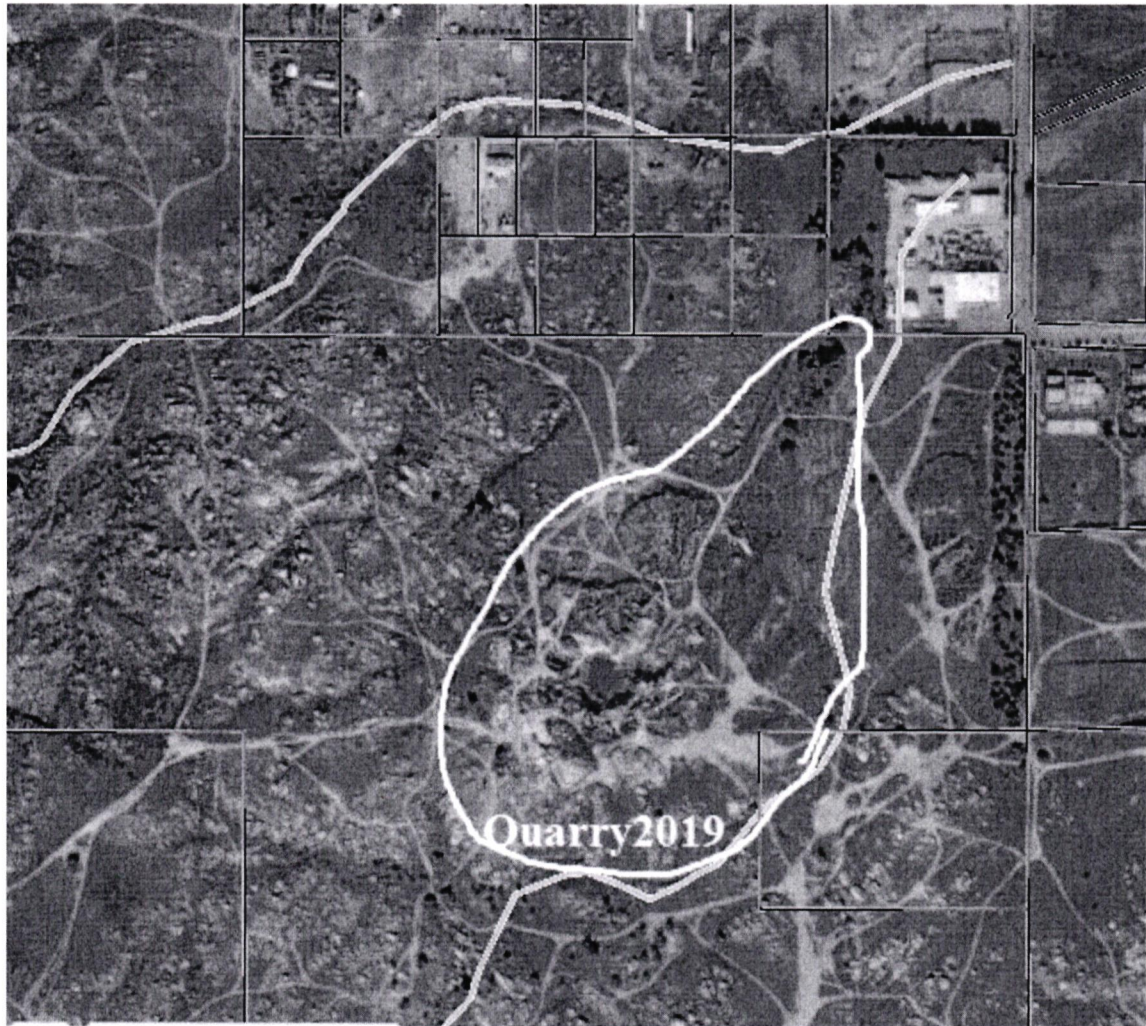


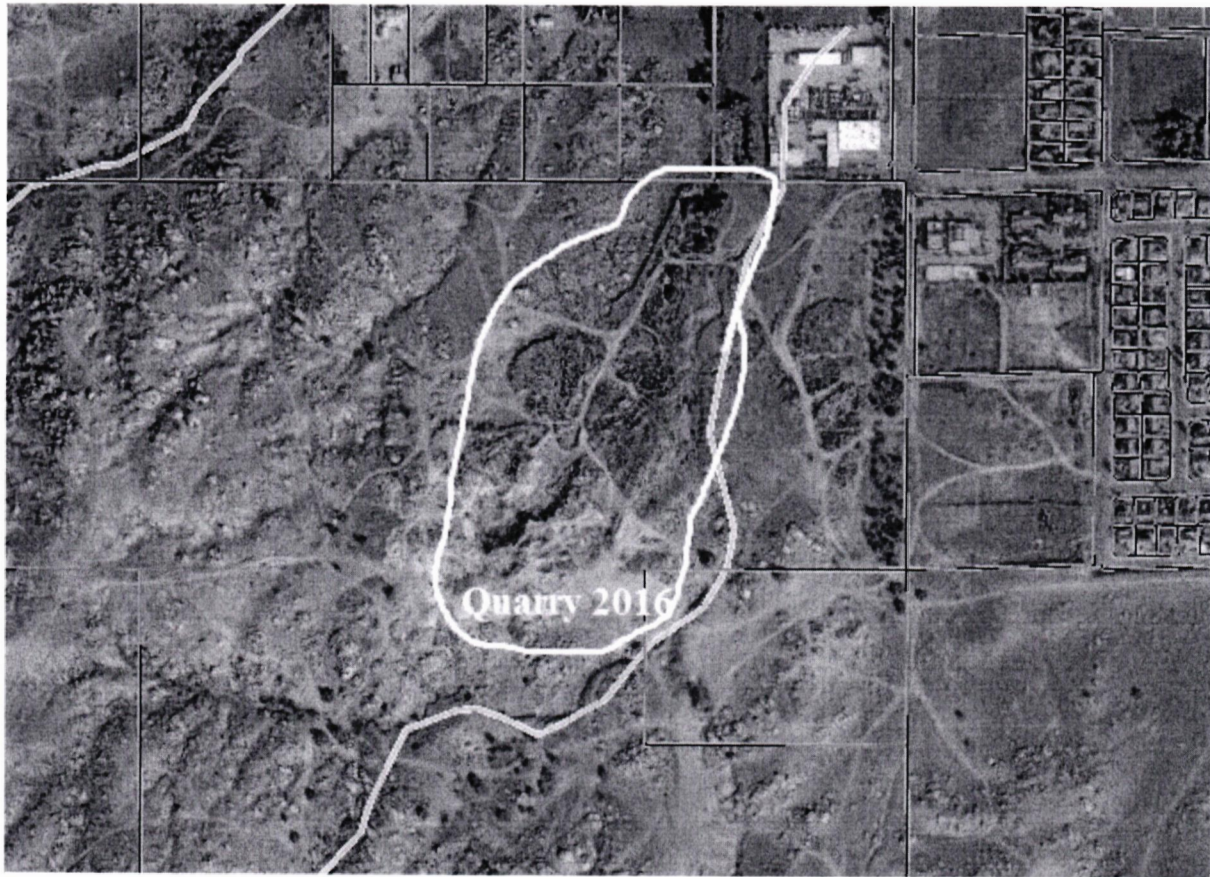


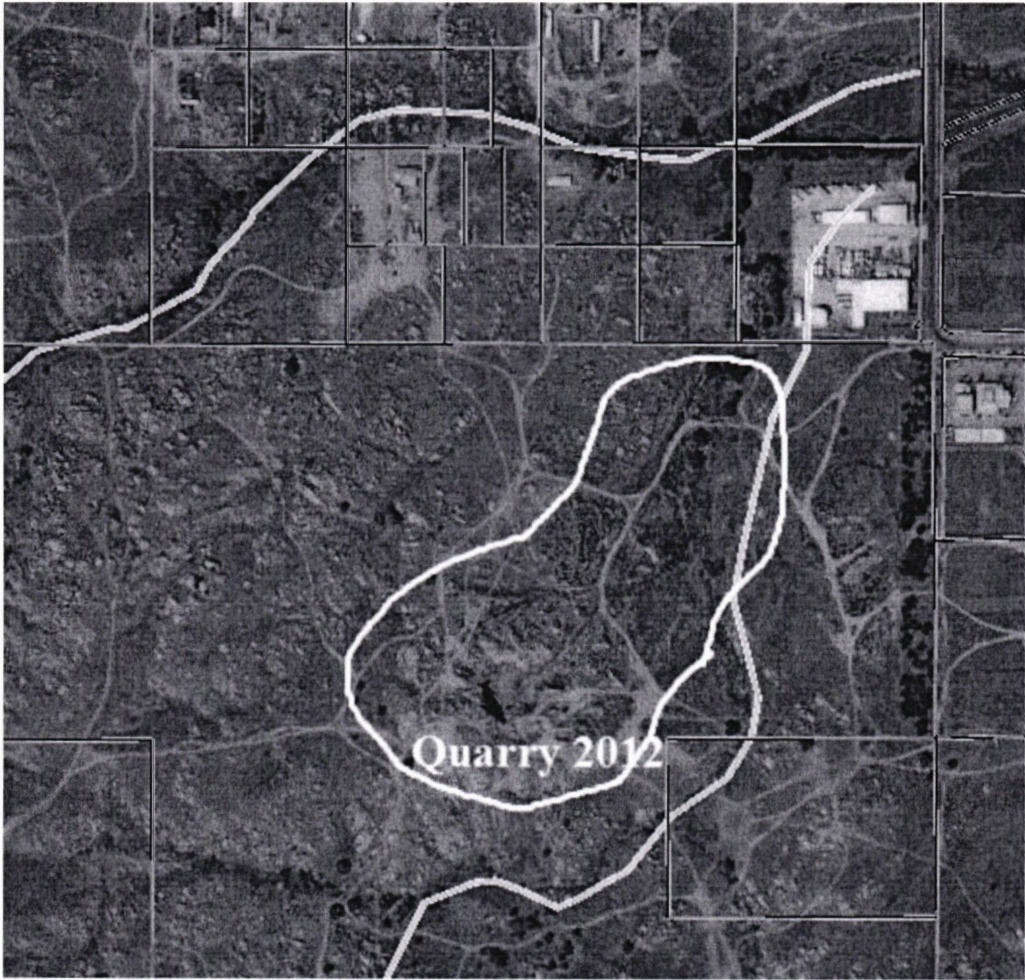












**Exhibit 2**

