

Sibbet, David

From: Todd Frank <tfranksh@gmail.com>
Sent: Tuesday, October 22, 2019 8:57 AM
To: Sibbet, David
Subject: North County Recycling Center

Dave,

A couple quick questions - in County Ordinance 6975 it states:

"A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of 2 outbound truck shipments of material per day;"

1. How large is a "truckload?"

2. I have read repeatedly that the applicant will be able to legally export 174 tons of finished product per day from the recycling center. Where is that noted in the ordinances, or where is that written in any County resource? How does that square with 2 truckloads unless we are talking about tractor trailers?

I appreciate your time.

Ordinance - <https://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/z6000.pdf> page 281
Todd

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OPPOSITION TO THE NORTH COUNTY ENVIRONMENTAL RESOURCES PROJECT

As a resident of the Montreux Homeowner's Association, I am writing to express my opposition to the North County Environmental Resources project. The presence of an industrial recycling center in this residential area would be disruptive and have a number of negative consequences for local residents. It also contradicts the County's Strategic Goal of "Safe and Livable Communities;" a phrase often attached to County initiatives and a laudable goal, but inconsistent with this project. With the available information we cannot be sure that our community will be safe or livable should the North County Environmental Resources project go forward.

The site is inappropriate for the rural residential character of the neighborhood, as evidenced by the fact that the three parcels owned by Hilltop are the only ones in the area zoned for high-impact industrial M54 use – and this zoning was done arbitrarily against the recommendation of the City of Escondido and the Twin Oaks Valley Community Sponsor Group. Only Supervisor Horn and the applicant believed this was a proper location for a construction debris recycling plant – and tellingly, neither of them lives in the area.

I believe the following issues need to be addressed before this project can proceed:

The Need for This Recycling Center: The County's Integrated Waste Management Plan (2008) lists a number of alternative construction and demolition recycling facilities. In looking at the addresses for each, none appear to be in areas with residential zoning and housing in such close proximity as this planned site.

https://www.sandiegocounty.gov/content/dam/sdc/common_components/images/dpw/recyclingpdfs/2008NDFE1.pdf

The California Public Resources Code 41732 mandates that all reporting jurisdictions, *"shall include a description of any new solid waste facilities and the expansion of existing solid waste facilities that will be needed to implement the jurisdiction's source reduction and recycling element and to thereby meet the diversion requirements of Section 41780 . The nondisposal facility element may include the identification of specific locations or general areas for new solid waste facilities that will be needed to implement the jurisdiction's source reduction and recycling element."*

The County's Plan states, *"As the County continues to develop its diversion programs, C&D and organic operations are expected to help exceed the AB 939 mandates. The facilities in this NDFE include those with CIWMB SWIS numbers, proposed facilities, and facilities that do not need a CIWMB permit. These non-disposal facilities will serve as the County's core facilities to achieve its waste diversion goals of PRC Section 41780 and implement its SRRE."* (emphasis mine)

In other words, there doesn't appear to be a need for more C&D facilities. Filling that supposed need was the stated goal for the re-zoning of the property in 2005 and 2011 (Attachment H). There is no "need" for a project of this type that is so incompatible with the surrounding area. Spot zoning of the type exhibited here should only be done when an overriding need is present for the community as a whole. Even then, sufficient justification should be made in any planning or approval documents to inform and reassure the local community of the need. Sufficient mitigation should also be demanded to minimize the impacts on nearby neighborhoods.

CEQA 15813 Process: Those in opposition to this project have two questions yet to be answered:

1. Who decided that a full Environmental Impact Report, which was required by the County Planning and Development Services (PDS) Department in 2015, was no longer needed? (Attachments A and B)
2. What was the reason(s) for that change?

Receiving answers to these questions is critical for maintaining trust between County government and the residents of this area. Although we were given some information on the process during our September 24th public meeting in San Marcos, we were specifically told that County PDS staff were not there to answer questions. Although you were more responsive at the Twin Oaks Valley Community Sponsor Group's meeting on October 16th, and the Hidden Meadows Community Sponsor Group's meeting on October 24th, we still haven't received direct answers to those questions. Also, was there communication between the staff of any elected officials to PDS that influenced the decision to provide a 15183 exemption for this project?

Replying to these basic queries will help residents believe the process is fair and our health and safety is being taken into consideration. By not answering them, the reasons for the change are open to interpretation and conjecture, neither of which are conducive to a trusting relationship between PDS and the public.

Air Quality: Possible negative health consequences due to decreased air quality and a lack of emissions monitoring from this site is a real concern among residents. Emission of silica dust from concrete crushing and handling operations on the facility is a particular concern. Those downwind from the facility may be significantly impacted by particulates and other contaminants in the air as the prevailing winds in our area blow directly from the project site to our neighborhoods. The impacts will extend to areas along Mesa Rock Road and Centre City Parkway because of the truck traffic carrying the waste material to and from the site.

I recently visited the area of Slaughterhouse Canyon Road in Lakeside and evidence of airborne and vehicle-borne contaminants from the industrial activity there was widespread and obvious on the surrounding vegetation and roadways. Similar activity of an unknown quantity is planned for our neighborhood with residential areas in much closer proximity than is found in Lakeside.

Air Quality Monitoring: The project scope is severely lacking in terms of appropriate monitoring and alert systems for emissions, in fact there are none proposed or planned. There is a vagueness regarding the rate and duration the processing equipment will operate. Emissions are directly related to the operating rates and these estimates must be made specific enough to properly calculate emissions. Only then will we know what the real impacts are.

The applicant states that they will ship 2 truckloads – 48 tons/day of product, half of which will be crushed aggregate from construction debris. The site is allowed 174 tons/day of product- the facility could accumulate a week's worth of incoming material and process it in less than a day, thus grossly exceeding particulate threshold limits. Emissions should be calculated on the basis of operating capacity of the processing equipment used on site and the hours of operation allowed per day. What kind and how many types of machinery will be operating at the site? This simple question has not been answered in the applicant's paperwork.

Instead of increasing transparency, it appears the 15183 process is the antitheses; and perhaps it was chosen for that reason. We were specifically told the 15813 process does not require public review. This is an outrageous change in process after the vociferous and varied opposition to this project from its outset.

In terms of the 15183 process, I don't believe adequate mitigation has been established to an extent that satisfies the General Plan Update EIR Mitigation Procedures sections:

7.1.3.5 Issue 5: Objectionable Odors: The proposed project would not result in a significant direct or cumulative impact associated with objectionable odors.

This element has not been addressed. There is a well-known odor element present when traveling near green waste facilities. Although it was mentioned in the original justification letter to the Board of Supervisors (Attachment H), odor was not mentioned in any of the technical reports that I examined.

On a related note: *COS-17.5: Methane Recapture. Promote efficient methods for methane recapture in landfills and the use of composting facilities and anaerobic*

digesters and other sustainable strategies to reduce the release of GHG emissions from waste disposal or management sites and to generate additional energy such as electricity.

COS-18.2: Energy Generation from Waste. Encourage use of methane sequestration and other sustainable strategies to produce energy and/or reduce GHG emissions from waste disposal or management sites

COS-14.8: Minimize Air Pollution. Minimize land use conflicts that expose people to significant amounts of air pollutants.

The mitigation of these issues cannot be discussed until the “worst-case scenario” for air pollution is examined. All the reports attached to this project refer to 48 tons of outgoing material, 27% of the legal operating capacity.

COS-14.9: Significant Producers of Air Pollutants. Require projects that generate potentially significant levels of air pollutants and/or GHGs such as quarries, landfill operations, or large land development projects to incorporate renewable energy, and the best available control technologies and practices into the project design.

As above, the maximum output has not been examined. This mitigation step specifically mentions quarries and landfills; operations that utilize similar equipment and procedures to this site – especially during the initial blasting and grading operations. The applicant claims that 48 tons of material will be produced daily, and the environmental impact reports submitted are based on that level of output. The applicant is legally allowed to produce 174 tons daily which would vastly increase impacts to the surrounding area and render their submitted environmental reports invalid. If the applicant’s production levels are not capped at the current estimate of 48 tons per day, the environmental studies submitted the County are no longer accurate or valid in terms of representing real-life levels.

Production: It appears the production levels may have been purposely lowered to a point where the established General Plan EIR mandates are complied with.

Even if the production levels are limited by the County to 48 tons/daily, enforcement to ensure compliance with that standard would be left to County Code Enforcement. Residents have had some experience with code enforcement and understand they are overworked and understaffed. We have little confidence any meaningful enforcement will be forthcoming. If caught violating the production limits, the profits derived from the illegal activity would undoubtedly exceed the costs in terms of fines.

Noise: The application paperwork indicates that machinery capable of delivering and processing concrete and other building materials will operate between the hours of 5am to 7pm, Monday through Saturday. This shows a complete lack of concern the applicant has regarding those who live around this site. These operating hours are far outside the mainstream of other similar businesses. The residential area around the facility would be severely impacted – residents may not be able to enjoy their property, particularly outside, while this plant is in operation. Those living nearby may be awakened at 5am from the noise. Any masking effect assumed from the existing traffic on I-15 is vastly reduced at 5am – no ambient noise measurements of freeway traffic appear to have been made at that time.

According to the applicant's own report, the Supplementary Noise Technical Analysis (page 3), the anticipated nighttime noise may exceed established County limit of 57.5 decibels. When operated together, the wheel loader and C&D crusher will emit 58 decibels of sound according to the report. Since the plans submitted for the site do not contain a description of the types of machinery being employed, we believe the noise levels cannot be accurately estimated by the applicant's consultant. What machinery, given a worst-case scenario, will be operated simultaneously? What would the noise level be given those conditions?

The estimates provided in the report do not appear to have been tailored to this specific site. Instead, the reporting company used generic formulae and information.

The area around the proposed center is shaped like an amphitheater – the sound will be reflected toward the neighborhoods to the east, and unless that feature has been considered, the noise estimates in the acoustic study will be lower than reality. After the applicant uses explosives on the bottom of the hillside, exposed rock will have a more reflective quality than the existing vegetation and soil. The only mentions of topography was the mitigating effects of hills between the site and the neighborhood to the east – the mitigating factors. The shape of the hillsides is an aggravating factor that wasn't discussed.

Given the information provided to us, I don't believe the General Plan Update Policies and Mitigation Measures below were satisfied in the existing documentation, thus the CEQA 15183 exemption should not be valid for this project.

7.1.11.1 Issue 1: Excessive Noise Levels

Policy LU-2.8: Mitigation of Development Impacts. Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment and/or are detrimental to human health and safety.

Policy N-1.4: Adjacent Jurisdiction Noise Standards. Incorporate the noise standards of an adjacent jurisdiction into the evaluation of a proposed project when it has the potential to impact the noise environment of that jurisdiction. The City of Escondido is very close to this project – so close in fact, they opposed the project when it was first proposed. I didn't see any mention of Escondido in the acoustic report.

Policy N-1.5: Regional Noise Impacts. Work with local and regional transit agencies and/or other jurisdictions, as appropriate, to provide services or facilities to minimize regional traffic noise and other sources of noise in the County.

Policy N-2.1: Development Impacts to Noise Sensitive Land Uses. Require an acoustical study to identify inappropriate noise level where development may directly result in any existing or future noise sensitive land uses being subject to noise levels

equal to or greater than 60 CNEL and require mitigation for sensitive uses in compliance with the noise standards listed in Table N-2 of the Noise Element.

7.1.11.3 Issue 3: Permanent Increase in Ambient Noise Levels

Policy LU-2.8: Mitigation of Development Impacts. Require measures that minimize significant impacts to surrounding areas from uses or operations that cause excessive noise, vibrations, dust, odor, aesthetic impairment and/or are detrimental to human health and safety.

Policy N-5.1: Truck Access. Design development so that automobile and truck access to industrial and commercial properties abutting residential properties is located at the maximum practical distance from residential zones.

Policy N-6.4: Hours of Construction. Require development to limit the hours of operation as appropriate for non-emergency construction and maintenance, trash collection, and parking lot sweeper activity near noise sensitive land uses.

Traffic:

Heavily loaded incoming and outgoing trucks will travel the roads parallel to Interstate Highway 15 on the west and east sides, with corresponding engine emissions and dust released from the cargo. The communities along these roads will be impacted by this traffic and the service life of the roads will be significantly affected. Tractor trailers and other heavy vehicles cause road wear far greater than passenger vehicles.

The submitted "Preliminary Traffic Assessment" documents submitted by the applicant for this project does not appear to be a final report – hence the name "preliminary" in the title. Additionally, it is dated May 6, 2013, more than six years ago.

On page four of the report it states, *"Daily traffic counts collected on Mesa Rock Road in 2011 showed that the traffic increased by approximately 5% since 2008. Therefore a 5% growth factor was applied to the 2008 counts to account for growth in the region."* In other words, this 2013 report relies on traffic counts from 2011, so **the data used in the traffic assessment is actually eight years old and has not been**

adjusted in any way to accommodate growth and increases in traffic volume in the intervening years.

The Minnesota Department of Transportation published a study that indicates heavily-laden trash trucks and semi-tractor-trailers are responsible for wear on roadways that is hundreds of times greater than ordinary passenger vehicles. (<https://www.lrrb.org/pdf/201432.pdf> page 9). North Centre City Parkway and Mesa Rock Road have little heavy truck traffic currently, but this site will cause a substantial increase in that type of vehicle use and wear on the roadway will accelerate. Repair costs of the roadways will not be borne by the applicant, but will be paid for by the taxpayers of the County. This wear factor is not mentioned in the traffic report, or any other report regarding the impact of this proposed site.

The traffic report also states on page 7, *"Trucks negotiating the westbound to northbound turn of the existing curve on the Mesa Road (sp.) would need to travel slightly over the asphalt berm on the side of the road to avoid travelling into the opposing lane of traffic. The project applicant will widen the road through the curve to allow large trucks to negotiate the westbound to northbound turn while staying within their lane."* When trucks travelling to and from this site are not able to use the existing roadway without construction activity to widen it, it's obvious this is not an appropriate location for a facility of this type. I would also be interested in knowing the specifics of any road construction being provided by the applicant. Will they be required to conform to any standards, or will the applicant be able to deposit some asphalt on the ground to "widen" the road and go about their business? Who will be responsible for the upkeep of this "improvement." Should it be a factor in a traffic collision, who will be held liable for any defects in the roadway surface as a result of the developer's "improvement?"

Production Levels: In the opinion of experienced business owners, this project is not economically viable with outgoing shipments of 2 truckloads/day considering the scope of land improvement and capital expenditure being undertaken, the facilities

needed for that level of productivity, and operating costs to include employee pay, benefits and taxes. Like the original justification for the project (Attachment H) I believe the applicant is purposely minimizing the impacts of this project. Only after approval and the start of operation will the true scope and impact be known – if anyone from County government is paying attention.

Fire:

There is a significant risk of fire in the area of this project. Several residents have had their fire insurance cancelled, some more than once as has happened to me. At the same time, recycling centers in Southern California appear to have a propensity for fire due to the nature of the product and the process of decomposition:

San Marcos Nov. 7, 2014 – Fire at San Marcos trash and recycling facility:
<https://www.nbcsandiego.com/news/local/Flames-Leap-from-Trash-Pile-at-San-Marcos-Waste-Facility-281994841.html>

Spring Valley, August 2, 2016 - Fire at recycling center
injures firefighter, damages home
<https://patch.com/california/lamesa/firefighter-injured-fire-spring-valley-recycling-center>

Lakeside, September 23, 2016 Fire at recycling center
<https://www.cbs8.com/article/news/explosion-sparks-fire-at-recycling-plant-in-lakeside/509-57239699-966c-426e-90a8-62d5abd105b5>

Ontario, October 21, 2016 Fire at recycling center
<https://www.cbsnews.com/news/recycling-plant-fire-in-ontario-southern-california-burns-out-of-control/>

El Cajon May 16, 2018, Recycling plant bursts into flames

<https://www.10news.com/news/recycling-plant-bursts-into-flames-in-el-cajon>

To the east of the site there is a 25% uphill grade, covered with heavy brush that is quite flammable. Fire at the project site during a Santa Ana wind condition could easily lead to a conflagration racing up the hills to the east and impacting the Emerald Heights housing development.

The applicant's own fire plan states:

*"Flammable Vegetation: most of the undeveloped portions of the site are covered with mixed chaparral which is typically dense and varies in height up to 10 feet. **This area is a Very High Fire Severity Zone per CAL FIRE mapping. Large quantities of native brush exist adjacent to the project site. This creates an extreme fire hazard (DSFPD Ord. 202-2003)**" (emphasis mine) this document also states that CAL FIRE provides wildfire protection to this site as a "State Responsibility Area"*

The Deer Springs Fire Protection District ordinances are no longer applicable. Deer Springs is now using the San Diego Consolidated Fire Code. The applicable section is 96.1.2808 which refers to the California Fire Code (Attachment C).

While I cannot speak to the applicability of each of the listed state law sections, at a minimum the requirements under Fire Code sections 2808 et seq. should be mentioned in the applicant's fire plan. These codes specifically cover the processing of green waste and the Fire District is responsible for their enforcement.

I believe a new fire service approval should be sought to address whether, and to what degree, each of these sections applies to this site, and to ensure plans and/or funds have been submitted as required, and there is adequate mention of the mandatory safety features in the documentation submitted to PDS.

- 2808.4 Security bond, irrevocable letter of credit or other approved form of financial assurance shall be required to be posted (minimum \$25,000 (up to \$100,000, amount set by "fire official") posted with the local fire department for reimbursement in case of fire

- 2808.5 requires operational and emergency plans be submitted to the fire department prior to operation. There is no indication in the materials available to us that this requirement was met

- 2808.7 Plan for rapid equipment operator emergency callback
- 2808.8 Incoming waste diversion plan
- 2808.12 Vegetation clearing procedures
- 2808.17 Fire extinguishers
- 2808.19 Fencing
- 2808.20 No smoking at facility

Minimally, a new letter from the Deer Springs Fire Protection District should be submitted that does not list the Deer Springs Fire Ordinance as a reference – primarily since that resource is no longer valid.

Also, there should be some mention of the slope immediately to the east of the project, and the impact of that geography on the risk of fire and the danger it poses to the surrounding neighborhoods/residential areas. As I write this, we have “red flag” conditions with strong Santa Ana winds. Given the “Very High Fire Severity Zone” designation, it would be wise to have some operational restrictions placed on the recycling center during red flag and other dangerous weather events.

The document provided by Deer Springs Fire appears to be a boilerplate product that did not apply any restrictions beyond those listed in the applicant’s “Short-Form Fire Protection Plan.” There was no mention of the inherent dangers of a plant of this type or the surrounding area.

Given the information provided to us, I don’t believe the General Plan Update Policies Mitigation Measures below were satisfied in the existing documentation, thus the CEQA 15183 exemption should not be valid for this project.

7.1.7.8 Issue 8: Wildland Fires Policy

LU-6.11: Protection from Wildfires and Unmitigable Hazards. Assign land uses and densities in a manner that minimizes development in extreme, very high and high hazard fire areas or other unmitigable hazardous areas.

Policy LU-11.2: Compatibility with Community Character. Require that commercial, office, and industrial development be located, scaled, and designed to be compatible with the unique character of the community.

Policy S-3.1:Defensible Development. Require development to be located, designed, and constructed to provide adequate defensibility and minimize the risk of structural loss and life safety resulting from wildland fires.

Policy S-3.2:Development in Hillsides and Canyons. Require development located near ridgelines, top of slopes, saddles, or other areas where the terrain or topography affect its susceptibility to wildfires to be located and designed to account for topography and reduce the increased risk from fires.

Policy S-3.3:Minimize Flammable Vegetation. Site and design development to minimize the likelihood of a wildfire spreading to structures by minimizing pockets, peninsulas, or islands of flammable vegetation within a development.

Policy S-3.6: Fire Protection Measures. Ensure that development located within fire threat areas implement measures that reduce the risk of structural and human loss due to wildfire.

Policy S-4.1: Fuel Management Programs. Support programs consistent with state law that require fuel management/modification within established defensible space boundaries and when strategic fuel modification is necessary outside of defensible space, balance fuel management needs to protect structures with the preservation of native vegetation and sensitive habitats.

Extension of Review Period: The 1,000 pages of information submitted by the applicant cannot be adequately reviewed by residents in the 45-day time period allowed by the Planning and Development department – the comment period is closing on October 28, 2019. We should have at least 90 days to examine the documentation and

fully understand the impacts on our neighborhoods. With few exceptions, the affected residents are not familiar with the construction process, terminologies, ordinances and laws affecting construction and development. These issues are complicated and once built, attempts to change or modify operations of this type are nearly impossible. Code enforcement of existing regulations is spotty at best and non-existent at worst. Residents must be able, to the best of their ability, understand the scope and impacts of the project and insist on the strongest mitigation measures allowed, or cancelling of this project.

Zoning: The rezoning of this property was initially acted upon by the Board of Supervisors on May 11, 2006, then finalized in 2011. A planning report (General Plan 2020: Non-Residential Land Usage and Study Area Update) provided guidance regarding zoning and other factors. It is clear from this document that the Board did not follow its own guidance.

From the Planning Report to the Board, page 4, *“Industrial uses, in contrast, should not be located at the center of a community but rather at the edge – close enough for convenient access but where impacts to residential neighborhoods are minimized.”*

Page 11 of the report (Attachment E) states under Industrial-Specific Planning Criteria, “2. Co-locate with like uses. To minimize impacts from industrial uses, new industrial uses should be located in proximity to existing industrial uses. New industrial districts should be created only after careful examination of the potential impacts to surrounding uses. High impact industrial uses, in particular, should be buffered with commercial or lighter industrial uses when located near residential areas.”

A brief examination of the local area map (Attachment F) shows there are no industrial uses of land within several miles of the proposed site, nor is there any buffer between the site and nearby residential areas. It is an “island” of industrial zoning in the unincorporated north inland region a few hundred feet from an incorporated city.

"3. Proximity or direct access to major roads. Industrial uses, particularly medium- to high-impact uses, need to be located where heavy trucks can access the site without impacts to surrounding neighborhoods and without requiring use of minor roads...

The proposed traffic pattern provided by the developer relies on heavy truck traffic on Mesa Rock Road. In fact, the report indicates that the roadway will have to be widened to accommodate the heavy trucks required for this project because the existing pavement is not wide enough to allow trucks to negotiate the 90-degree corner near the site without crossing over the center of the roadway, thus endangering oncoming vehicles. Please see Preliminary Traffic Assessment on page 6 of this document.

On page 12 of the report (Attachment G) it is noted that the County contracted with Economics Research Associates to prepare a needs analysis of the various types of land. In Table 2 it shows a "projected demand in acres" of 1,018 for industrial use. The existing General Plan indicated 5,676 acres for a surplus of 4,800 acres – there was no overriding need for industrial zoned properties in 2005.

The Clerk of the Board of Supervisors provided me with the Board package for the rezoning of several parcels of the County in 2005 – the parcels for this proposed site are among them.

IT SHOULD BE NOTED THE JUSTIFICATIONS LISTED BELOW WERE RELIED UPON BY THE BOARD TO APPROVE THE CHANGE OF ZONING TO HIGH-IMPACT INDUSTRIAL. AS THE READER WILL SEE, THEY ARE VASTLY DIFFERENT THAN WHAT IS BEING REPORTED IN THE DEVELOPER'S STUDIES.

Attachment H includes the justifications put forth by Arie de Jong's representative for the site, Dave Shipley. It notes on page 2 that both the Twin Oaks Valley Community Sponsor Group and the County's Planning Commission recommended this change in zoning not be approved.

The letter also refers to newspaper articles that purport to show San Diego will not meet its state mandated recycling goals without additional recycling centers like the

one proposed here. It referred to AB 939 which was laid the groundwork for CalRecycle and the reporting requirements placed on counties and municipalities. The latest County Integrated Waste Management Plan (2008) is discussed on pages 1 and 2 of this document and show there is no dire need as described in 2005 to justify the zoning of these parcels to high-impact industrial classification.

The letter also refers to the Economics Research Associates study from above. In a part of the study that was not made available to me, Mr. de Jong's representative states there is a 49-acre deficit of industrial zoned property in the Twin Oaks Valley Community Sponsor Group's area. Please recall this is offset by the 4,800 surplus acres in other portions of the County.

Mr. Shibley notes "specific merits" of the project. Number two mentions traffic mitigation - the interchange at Deer Springs/Mountain Meadow, "...will be vastly improved as projects in the pipeline in Mountain Meadow and the Twin Oaks Valley areas are approved." This has not happened.

Number six, "No noise concerns..." This has been proven false by Mr. de Jong's own acoustical study which indicated noise above maximum level without considering the worst-case scenario of all equipment and vehicles operating at the same time.

Number seven, "...just high enough and north of the Escondido air basin to lessen odor effects." It appears the odor of green waste recycling was not discussed in the technical studies submitted by Mr. de Jong.

Number nine, "Minimal grading to prepare the site...The only other grading of significance will be improving the existing access road." In fact, Hilltop Group now estimates it will take 132 days of blasting to remove 244,464 cubic yards of material – about 1800 tons per day during construction.

It should also be noted that the plans described above were abandoned when the requested rezoning was delayed until 2011. A proposal to build a nursery on this site was submitted to PDS in 2008-2009. Only after the rezoning was completed in 2011 were the nursery plans scrapped and the recycling center plans restarted.

At the Hidden Meadows community group meeting on October 24, 2019, Mr. de Jong's representative, Carl Gailey of Hilltop Group, said that the community "resisted" the nursery project. Given that a rather large nursery (Moon Valley) is operating less than one mile from this site, I find that claim rather specious. A nursery would be a great addition to the area and, although Hilltop Group has deeply concerned and offended the neighbors with the recycling plant proposal, a nursery would have widespread support.

I believe the County was incorrect in its re-zoning of these parcels; this appears to be a case of "spot zoning." Spot zoning is often described as "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners."¹

From: Foothill Communities Coalition v. County of Orange (2014) 222 Cal.App.4th 1302

"The `rezoning of property, even a single parcel, is generally considered to be a quasi-legislative act "thus subject to review under ordinary mandamus." The standard for review of a quasi-legislative act is whether the action was "arbitrary or capricious or totally lacking in evidentiary support."

That is an apt description for what has happened with the North County Environmental Resources Project. It was arbitrarily assigned an industrial classification with very little evidence of need; it appears a single letter from someone paid by the developer. The parcels are limited to "recycling" development – an acknowledgement that, absent that minimal justification, industrial activity should not occur in this location.

Michigan State University identified four criteria to indicate spot zoning
https://www.canr.msu.edu/news/how_to_spot_a_spot_zoning

¹ Anderson's American Law of Zoning, 4th Edition, § 5.12 (1995)

1. The area is small compared to districts surrounding the parcel in question.

The accompanying parcel map indicates this is the case. Three parcels, all owned by the same organization, are the only changed areas.

2. The new district allows land uses inconsistent with those allowed in the vicinity.

Businesses in the vicinity include a convenience store, nursery, outdoor furniture store and a winery. Planned development includes a self-storage yard and an RV park. There is no industrial activity within miles of the proposed site.

3. The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.

The type of facility planned for this site cannot be constructed anywhere nearby. The only person who stands to benefit from its existence is the applicant. While he will earn money from the operation, the residents will endure the increased noise, aesthetic issues, air quality degradation, increased traffic and the road wear issues from more large trucks. Residents who have waste they may wish to recycle will not be able to do so at this site because it will not accept material from the public. It is, quite literally, a blight on the neighborhood that confers no benefit to the residents of the surrounding area.

4. The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

From the County of San Diego Land Use Element

GOAL LU-16 Appropriately Sited Waste Management Facilities. Solid waste management facilities that are appropriately located and sited in a manner that minimizes environmental impacts and potential conflicts from incompatible land uses, while facilitating recycling and resource recovery activities.

Policies

LU-16.1 Location of Waste Management Facilities. Site new solid waste management facilities identified in the San Diego County Integrated Waste

Management Plan, in a manner that minimizes environmental impacts and prevents groundwater degradation, and in accordance with applicable local land use policies.

LU-16.2 Integrity of Waste Management Facilities. Avoid encroachment of incompatible land uses upon solid waste facilities in order to minimize or avoid potential conflicts.

<https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP/LandUseElement.pdf>

San Diego County General Plan

CHAPTER 3 LAND USE ELEMENT

COUNTY OF SAN DIEGO GENERAL PLAN 3-16

“High-Impact Industrial - This designation provides for freestanding industrial development in areas with access to key transportation corridors at a maximum FAR of 0.35. Typical uses within this designation are similar to those of the Medium Impact Industrial designation and include: manufacturing, processing, and assembly; warehousing and distribution; large equipment supply and sales; and other industrial and commercial activities that are generally incompatible with dissimilar adjacent land uses. However, the off-site impacts of industrial uses in this designation are likely to be more significant due to process, product, and reliance on outdoor operations or storage of process materials and product. Therefore, this designation may be incompatible with most Village areas and must be thoughtfully applied in any location in the unincorporated area. In certain limited circumstances it may be designated near the periphery of Village areas where the industrial use is isolated from residential and commercial designations and all allowed uses are adequately screened and buffered to eliminate unacceptable off-site impacts. Secondary support uses are also allowed in this designation, including related business and industrial services.”

<https://www.sandiegocounty.gov/content/dam/sdc/pds/gpupdate/docs/GP/LandUseElement.pdf> Page 16 on the web or 3-16 in hard copy

From the **San Diego County Zoning Ordinance Summary** at

<https://www.sandiegocounty.gov/pds/zoning/formfields/PDS-444.pdf> Page 4:

"M54 – General Impact Industrial. Allows unenclosed commercial and industrial operations having potential nuisance characteristics such as construction sales and services"

From the County of San Diego Use Regulations found at:

<https://www.sandiegocounty.gov/content/dam/sdc/pds/zoning/z2000.pdf>

Page 11-14

"M54 GENERAL IMPACT INDUSTRIAL USE REGULATIONS 2540 INTENT.

The provisions of Section 2540 through Section 2549, inclusive, shall be known as the M54 General Impact Industrial Use Regulations. The M54 Use Regulations are intended to create and preserve areas where manufacturing and industrial uses not having high nuisance characteristics may locate."

"M54 Use Regulations would be applied near rail and trucking facilities, or other locations where impacts associated with noise, odor and traffic would not impact on residential or commercial areas."

Full Environmental Impact Report: Our concerns will be covered more thoroughly if the applicant is forced to produce a full Environmental Impact Report about the project. The County determined the full report was necessary in 2015 (Attachment A). The applicant is attempting to use the California Environmental Quality Act (CEQA) process to provide minimal information in an attempt to satisfy existing County environmental standards.

Given the potential impact of the project on the surrounding area, a full Environmental Impact Report should be required. What are the "worst case" scenario consequences in terms of environmental impacts? What will 174 tons of daily production do in comparison to the submitted numbers, levels and estimates found in the applicant's reports? Finally, I don't believe this project should qualify for 15183 exemption from a full Environmental Impact Report due to the reasons outlined above.

I believe these policies and plans make it clear that the North County Environmental Resources facility is not in keeping with the rural nature of the surrounding area, nor is it compliant with the County's own strategic plan, rules, goals and standards in land use, or the General Plan Update. Its rezoning to industrial use was done arbitrarily in conflict with the recommendations of the Twin Oaks Valley Community Sponsor Group and the City of Escondido. Your own PDS did not recommend this zoning change, yet it still happened. The project should not move forward in its current state and the zoning for these parcels should be modified for uses more compatible and harmonious with the surrounding rural residential character of the area. Failure to do so will guarantee continued strife and concern from homeowners. Without a zoning change, yet another incompatible project will take its place in the future.

Sincerely,



Todd E. Frank
25677 Rue de Lac
Escondido, CA 92026
tfranksh@gmail.com

Attachment
A



County of San Diego

MARK WARDLAW
DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcountry.ca.gov/pds

DARREN GRETLER
ASSISTANT DIRECTOR
PHONE (858) 694-2962
FAX (858) 694-2555

March 11, 2014

Hilltop Group, Inc.
Attn: Rick Gittings
807 East Mission Road
San Marcos, CA 92029

RE: **REQUEST TO PROCESS WITH A MITIGATED NEGATIVE DECLARATION FOR NORTH COUNTY ENVIRONMENTAL RESOURCES**, PDS2008-3500-08-015

Dear Mr. Gittings;

Planning & Development Services (PDS) is providing you with this written correspondence in response to your request to process a Mitigated Negative Declaration (MND) along with a more detailed project description and technical studies received on February 11, 2014. The request received explained how it may be possible to mitigate certain environmental impacts to less than significant and the description of the project was refined by providing more detail on the proposed project. The technical studies submitted with the request and detailed project description were not reviewed with this submittal.

In response to the submittal, PDS thoroughly reviewed your request to process your Site Plan with a Mitigated Negative Declaration (MND) and concluded that an Environmental Impact Report (EIR) is still required to address the project as currently proposed. The reasons for this determination are, but not limited to, the following:

- **Scale of Project:** The revised project description details that the project would cover 8 acres, with approximately 6 acres of outdoor recycling, a 12,000 square foot building for offices and associated operations, and 2 outbound truck trips a day with no specified limits for materials brought to the site daily. The scale of an 8-acre outside recycling facility surrounded by rural residential uses is large enough to meet the threshold to require an EIR.
- **Outside Agencies' Concerns:** The Air Pollution Control District (APCD) and the City of Escondido have submitted letters of concern and have requested an EIR.
- **Neighboring Property Owners' Concerns:** Several neighboring property owners have raised concerns over numerous environmental impacts, including community character, and have requested the preparation of an EIR. The significance of community character impacts can be subjective and courts have required EIRs on similar previous projects.
- **Precedence:** In 2012 and 2013 there were 3 similar facilities approved in California. Two of these projects utilized a MND and one an EIR. The first MND project was entirely indoors and the other was on an existing landfill. The only approved project, such as your project, that was a stand-alone and outside facility required an EIR.

- **Significant Impacts:** The County's independent evaluation of the project concludes an EIR is required based on the project's possible significant impacts in various issue areas; including aesthetics, biology, greenhouse gas emissions, traffic, hazards, water quality, air quality and noise.

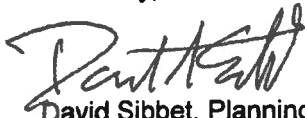
The combination of the above 5 reasons have lead PDS staff to determine that an EIR is still required for the North County Environmental Resources Site Plan. In order to proceed with the processing of your application, the following two options are available:

1. Reduce the project description and have staff reevaluate if an EIR is still required, or
2. Process an EIR.

If you do not select one of the above options, PDS requests that you formally withdraw your application. Please carefully consider each of these options and respond back to staff with your preferred option no later than April 11, 2014.

If you have any further questions, please contact me at (858) 694-3091 or by email at david.sibbet@sdcounty.ca.gov.

Sincerely,



David Sibbet, Planning Manager
Project Planning Division

cc: File

email cc:

glarson@hilltopgroupinc.com

rgittings@hilltopgroupinc.com

karlg@hilltopgroupinc.com

beth.ehsan@sdcounty.ca.gov Beth Ehsan, Project Manager

bredlitz@escondido.org, Escondido Planning Dept

whsox@cox.net

lmsox@cox.net

Attachment
B



County of San Diego

MARK WARDLAW
DIRECTOR

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
www.sdcountry.ca.gov/pds

KATHLEEN FLANNERY
ASSISTANT DIRECTOR

PUBLIC DISCLOSURE NOTICE INTENT TO ADOPT FINDINGS PURSUANT TO SECTION 15183 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

September 12, 2019

NOTICE IS HEREBY GIVEN that the County of San Diego intends to adopt findings in accordance with the California Environmental Quality Act Section 15183 for the following project(s). The proposed findings and the associated analysis can be reviewed at http://www.sdcountry.ca.gov/pds/ceqa_public_review.html, at Planning & Development Services (PDS), Project Processing Counter and 5510 Overland Ave, Suite 110, San Diego, California 92123. Under this process, public review is not required however any comments received will be accepted and taken into consideration. A Frequently Asked Questions (FAQ) sheet on the 15183 CEQA exemption process can be located at <http://www.sdcountry.ca.gov/pds/zoning/formfields/PDS-202.pdf>. Comments on these findings must be sent to the PDS address listed above and should reference the project number and name.

NORTH COUNTY ENVIRONMENTAL RESOURCES, SITE PLAN I-15 REVIEW, S.O: PDS2008-3500-08-015, LOG NO. PDS2008-3910-0808012. The North County Environmental Resources project proposes a recycling facility for wood chipping and Construction, Demolition, and Inert (CDI) debris recycling facility on located on six parcels totaling to approximately 139 gross acres. The project components include a 12,000-sqaure foot steel building, 100,000-gallon water tank, and a security trailer. The project is located along Mesa Rock Road in the North County Metro Community Planning area, within the unincorporated San Diego County. The site is subject to the Semi-Rural Regional Category and the Land Use Designation is 18, High Impact Industrial. The Zoning Use Regulation for the site is General Impact Industrial (M54). The project is consistent with the General Plan and Zoning Ordinance.

The project is located west of Interstate 15 (I-15) along Mesa Rock Road. Access to the site is currently provided from a full access driveway approximately 400 feet north of where Mesa Rock Road curves east and intersects with Centre City Parkway. The project will be served by an onsite septic system and water from Vallecitos Water District. Earthwork will consist of cut of 96,710 cubic yards and fill of 182,430 for a net import of 72,360 cubic yards.

Comments of the proposed findings and associated analysis must be received no later than October 14, 2019 at 4:00 pm (a 30 day public disclosure notice period). A public meeting will be held at 6:30 pm on September 24, 2019 at the San Marcos Community Services Department, Dining Room Hall, located at 3 Civic Center Drive, San Marcos, CA 92069.

For additional information, please contact David Sibbet at (858) 694-3091 or at David.Sibbet@sdcounty.ca.gov

Attachment
C

SEC. 96.1.2808. STORAGE AND PROCESSING OF WOOD CHIPS,
HOGGED MATERIAL, FINES, COMPOST, SOLID BIOMASS
FEEDSTOCK AND RAW PRODUCT ASSOCIATED WITH YARD
WASTE, AGRO-INDUSTRIAL AND RECYCLING FACILITIES.

Section 2808 of the California Fire Code is revised to read:

STORAGE AND PROCESSING OF WOOD CHIPS, HOGGED
MATERIALS, FINES, COMPOST, SOLID BIOMASS FEEDSTOCK
AND RAW PRODUCT ASSOCIATED WITH YARD WASTE, AGRO-
INDUSTRIAL AND RECYCLING FACILITIES

Sec. 2808.1 General. The storage and processing (mulching, composting) of
wood chips, hogged materials, fines, compost, solid biomass
feedstock and raw product produced from yard waste, debris
and agro-industrial and recycling facilities shall be in
accordance with section 2808.

Sec. 2808.2 Definitions. The following terms are defined in section 202:
AERATED STATIC PILE. CHIPPING AND GRINDING. COMPOSTING
OPERATION. GREENWASTE. HOGGED
MATERIALS. MULCHING. STATIC PILE. WINDROW COMPOSTING
PROCESS. WOOD CHIPS.

Sec. 2808.3 Permit required. A permit shall be obtained from the fire code
official prior to engaging in the operation and storing
processed of wood chips, hogged material, fines, compost and
raw product in association with yard waste and similar
material recycling facilities. The permit shall be renewed on an
annual basis or shall be limited to such period of time as
designated by the fire code official. Permits shall not be

transferable and any change in use, location, occupancy, operation or ownership shall require a new permit.

Sec. 2808.4 *Financial assurance for cost recovery. A security bond, irrevocable letter of credit or other approved form of financial assurance shall be required to be posted, in an amount determined by the fire code official. The financial assurance shall be a minimum of \$25,000.00 and a maximum of \$100,000.00, depending on the size of operation. The financial assurance shall reimburse the fire department for expenses incurred in any emergency response and/or enforcement action by the fire department to protect the public from fire or hazardous substances related to the operation. The financial assurance shall be returned to the operator in a timely fashion once the operation is closed, to the satisfaction of the fire code official.*

Sec. 2808.5 *Operational and emergency plans. The following operational and emergency action plans shall be submitted to and be approved by the fire code official prior to initiating an operation under section 2808:*

- 1. Operational Plan. The operational plan shall include: Site layout, pile dimensions, fire access, water supply, site security, site operations, temperature monitoring, rotation and diversion plan.*
- 2. Emergency Plan. The emergency plan shall include: Operator fire response actions, fire dispersal area, emergency equipment operator callback and initiation of incoming diversion plan. All plans shall define the equipment necessary to process and handle the materials.*

Sec. 2808.6 *Notification of fire department. The operator shall report all fires to the fire department immediately upon discovery.*

Sec. 2808.7 *Equipment operator emergency callback. The operator shall implement and maintain a plan for rapid equipment operator response to the site. The maximum response time to the site shall be within one hour of a fire department notification. The following equipment shall be on site and staffed with skilled operators: bulldozer, loaders and heavy duty equipment necessary to mitigate a fire. Notification procedure shall be maintained operational 24 hours a day, seven days a week. Notification may be by pager activation, telephone answering service, or other approved means.*

Sec. 2808.8 *Incoming waste diversion plan. The operator shall develop a diversion plan for incoming greenwaste for implementation in the event of equipment failure or other inability to process and distribute greenwaste. The plan shall prevent stockpiling of waste on the site and unauthorized depositing of waste on or near the site. The operator shall initiate the diversion plan based on criteria in the Operational and Emergency Plan without further direction from the fire department.*

Sec. 2808.9 *Unprocessable or non-green waste material. All green waste that cannot be processed on-site, such as stumps and fibrous plants, shall be immediately removed from the feedstock, stored in roll-off containers or bins and be removed from the facility on a weekly basis. All plastic bags shall be removed prior to shredding material.*

Sec. 2808.10 *Fire access roadway. A fire access roadway shall be provided to the site and on the site. Each roadway shall be at least 20*

feet wide, but the fire official may require a greater width, depending on site conditions. The operator shall also be required to obtain the fire code official's approval for the type of driving surface for the onsite access roadway.

Sec. 2808.11 *Storage sites. Storage sites shall be level and on solid ground or other approved all-weather surface. Sec. 2808.12 Combustible vegetation control. The operator shall clear any combustible material, weeds, brush, trees or other vegetation (including mulch) that is or may become, dry and capable of transmitting fire, from within 50 feet of raw green waste and mulch piles. Clearance shall be to bare earth or approved pavement. Individual growing trees within that distance may remain, subject to the fire code official's approval.*

Sec. 2808.13 *Pile separation. Piles shall be separated from adjacent piles and property lines by fire department access roadways.*

Sec. 2808.14 *Size of piles. Pile height, width and length shall be limited to criteria approved by the fire code official, based in part on the site material handling equipment. In no case shall a pile exceed 12 feet in height, 100 feet in width and 200 feet in length.*

Sec. 2808.15 *Static pile protection. Interior pile temperatures shall be monitored and recorded on a regular basis per the Operational Plan. Internal pile temperatures shall be taken at $\frac{3}{8}$ the pile height, 12 to 24 inches from the surface with a probe-type thermometer. Readings shall be made at not greater than 50-foot intervals along the length of the pile. Temperatures above 158° F are known to adversely affect microbial decomposition and are considered excessive. Infrared thermometers may be used to monitor for hot spots at the surface, but are not a*

substitute for internal probe measurement and documentation. Once windrows exceed 170° F, the windrows shall be reduced in size, be rotated and be monitored daily until temperatures drop below 158° F. All greenwaste stockpiles shall be re-mixed as necessary to alleviate any fire due to spontaneous combustion or temperatures above 170° F. Windrows shall be visually inspected on a regular basis. Once fires have been detected in any windrows at a site, this visual inspection shall be a minimum daily requirement. Daily inspections shall continue until the threat of fire no longer exists and the fire code official agrees inspections may be discontinued. All temperature and pile-handling records shall be kept on file at the site and be made available for inspection by fire department personnel. Data shall include date, time, temperature, specific location and person conducting measurement.

Sec. 2808.16 *Fire fighting water supplies and storage. Fire fighting water supplies shall conform to sections 2808.16.1 or 2808.16.2.*

Sec. 2808.16.1 *Public water supply. The operator shall provide and maintain approved fire hydrants and waterline mains as required by the fire code official. Water lines may be approved aboveground lines supplied from a reliable water supply with adequate protection against impact and fire flow reaction. Hydrant spacing shall be at 400-foot intervals along primary fire access roadways. Fire flow at each hydrant shall be at least 1000 gallons per minute at 20 psi. Duration of the required fire flow shall be as determined by the fire code official.*

Sec. 2808.16.2 *Private water supply. Above-ground water storage tanks may be installed when authorized by the fire code official*

where public water supply is not adequate to meet fire flow requirements. Volume and duration of the required fire flow shall be as determined by the fire code official.

Sec. 2808.17 *Material-handling equipment. Equipment used on all piles should be of a type that minimizes compaction. All vehicles operating on or around the piles shall have a Class A fire extinguisher of a minimum 2-A rating, in addition to the Class B rating appropriate for the vehicles. Approved material-handling equipment shall be available during fire fighting operations for moving wood chips, hogged material, compost and raw product produced from yard waste and wood fines.*

Sec. 2808.18 *General safety rules for site equipment maintenance. Welding or cutting torch operations shall be conducted a minimum of 30 feet from combustible materials. A fire watch shall be provided to detect fire, and to operate fire-extinguishing equipment throughout the welding or cutting operation and 30 minutes thereafter. Refueling and on-site maintenance shall meet California Fire Code requirements in Chapters 23 & 57 and all other applicable fire code requirements.*

Sec. 2808.19 *Site security. Pile storage areas shall be surrounded with approved fencing. Fences shall be a minimum of 6 feet in height.*

Sec. 2808.20 *Smoking and open burning prohibited. The operator shall prohibit smoking and open flame on the operational site, including smoking within vehicles. Approved signs shall be clearly and prominently posted, and shall be enforced by the site operators. No open burning shall be allowed on site.*

Attachment
D

SUBJECT: GENERAL PLAN 2020: NON-RESIDENTIAL LAND USES AND SPECIAL STUDY AREA UPDATE (District: All)

1

Non-Residential Land Uses

Commercial-Industrial Uses

The primary focus of this item is the commercial and industrial land use update. These uses are important to County residents because they provide business and employment opportunities as well as provide the goods and services needed for everyday life. To address this need, staff has developed recommendations based on demand projections as well as taking into account the economic development goals and local conditions of individual communities. In general, staff analysis shows that the County has sufficient land available for commercial and industrial land uses for the unincorporated area as a whole, for each of the unincorporated County subareas (Backcountry, North County, and East County), and for most of the individual Community Planning Areas.

In addition to ensuring adequate supply, the location of commercial-industrial designated land is equally important. Therefore, proposed new uses have been planned to be consistent with the GP2020 Community Development Model (see Figure 1) and a series of planning criteria is proposed to guide decision-making on land use map revisions. In brief, commercial uses should be in locations where they support the development of distinct communities and not be located on isolated parcels, in areas where they contribute to an excessive strip commercial condition, or where the expansion of commercial uses could threaten the viability of existing commercial districts. Industrial uses, in contrast, should not be located at the center of a community but rather at the edge – close enough for convenient access but where impacts to residential neighborhoods are minimized.

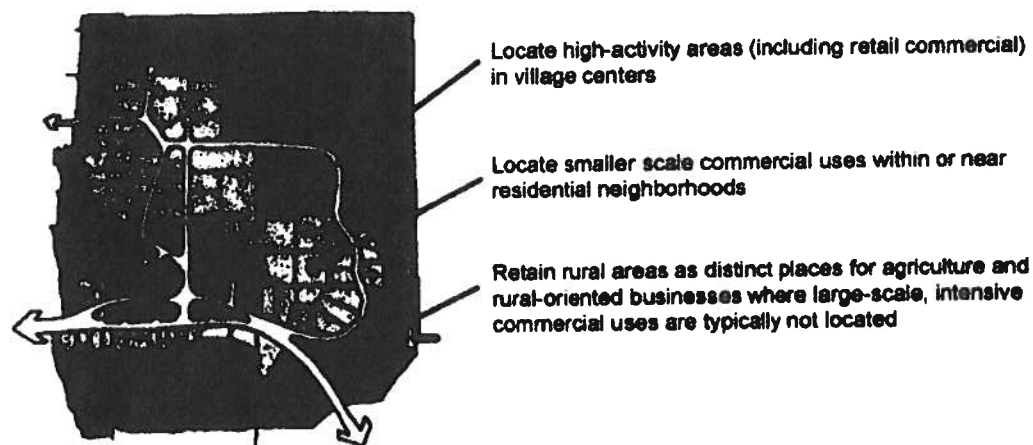


Figure 1: Community Development Model

Regional Land Use Pattern

In general, the highest intensities and largest acreages of commercial and industrial uses are located in the western portion of the unincorporated County, consistent with the residential land use pattern, and in those planning areas with large population bases (an exception is Borrego

Attachment
E

**SUBJECT: GENERAL PLAN 2020: NON-RESIDENTIAL LAND USES AND SPECIAL
STUDY AREA UPDATE (District: All)**

1

4. **Protect viability of existing commercial areas.** The scale and location of new commercial uses should support and not detract from existing commercial areas. Although market competition or other forces may result in some closures of existing uses, new commercial areas should not create a substantial over-supply of commercial land or undermine existing commercial districts.

Industrial-Specific Planning Criteria

1. **Utilize large sites for industrial use.** Industrial use, particularly warehouse or manufacturing use, typically requires larger building footprints and large sites. Adequate land is also needed for screening and buffering with public roads and/or adjacent residential land. Large sites also help ensure the economic viability of industrial land, and industrial areas comprised mainly of small parcels substantially limit the development potential of sites designated for industrial use.
2. **Co-locate with like uses.** To minimize impacts from industrial uses, new industrial uses should be located in proximity to existing industrial uses. New industrial districts should be created only after careful examination of potential impacts to surrounding uses. High impact industrial uses, in particular, should be buffered with commercial or lighter industrial uses when located near residential areas.
3. **Proximity or direct access to major roads.** Industrial uses, particularly medium- to high-impact uses, need to be located where heavy trucks can access the site without impacts to surrounding neighborhoods and without requiring use of minor roads. Large-scale areas planned for light industrial uses also need direct access to major roads in order to provide access for employees and materials.

COMMERCIAL AND INDUSTRIAL MAP UPDATES

As part of the Commercial-Industrial update process, staff has worked with the Community Planning and Sponsor Groups, property owners, and other stakeholder groups to revise the Residential Baseline Map (Attachment B). The purpose of the map update is to identify the location and intensity of non-residential land uses. The map update process is described below. All staff recommendations, as well as property owner requests, Planning and Sponsor Group recommendations, and Planning Commission actions, are detailed in Attachment E: Community Summary, Map, and Matrix.

In brief, all recommendations are based on the GP2020 Land Use Framework and Planning Criteria defined in this report, along with the following information:

- **Needs Analysis:** Forecasts for commercial and industrial demand based on population forecasts for the Residential Baseline and Board Alternative maps.
- **Countywide Mapping Issues:** Technical and regulatory issues that emerged during the planning process.
- **Property Owner Requests:** Individual property owner requests for changes to commercial and industrial land uses.

Attachment
F

Attachment
G

SUBJECT: GENERAL PLAN 2020: NON-RESIDENTIAL LAND USES AND SPECIAL STUDY AREA UPDATE (District: All)

1

- **Community Outreach:** Community requests and preferences for commercial and industrial uses.

Needs Analysis

To ensure a sufficient supply of land is planned for future commercial, office, and industrial uses, the County retained Economics Research Associates (ERA) to prepare a "needs analysis". This analysis estimates the amount of commercial, office, and industrial space that can be supported by local residents and employees (based on future projections). It is important to note that this analysis is not the equivalent of a detailed market study or economic development strategy, but rather, a guide to the demand created for commercial and employment uses in each Community Planning or Sponsor Group Area. A description of the methodology used in this needs analysis is included in Attachment C: ERA Needs Analysis Methodology. The complete ERA needs analysis, including all report assumptions and the methodology, is available for download on the GP2020 website².

The results of the ERA needs analysis are summarized in Table 2. Additional information for each Community Planning and Sponsor Group Area is included in Attachment D: Summary Tables and Attachment E: Community Summary, Map, and Matrix. In general, the needs analysis shows that the unincorporated County has a surplus of land planned for commercial and industrial uses to meet its projected need.

Table 2: Comparison of Land Demand with Planned Acreage

	<i>Projected Demand in acres</i>	<i>Existing General Plan</i>		<i>Proposed General Plan (Baseline May 05)</i>	
		<i>Acres</i>	<i>Surplus/ (Deficit)</i>	<i>Acres</i>	<i>Surplus/ (Deficit)</i>
Commercial	1,398	3,484	2,086	4,283	2,885
Industrial	1,018	5,676	4,658	5,818	4,800
Office	364	365	1	307	(57)

Note: All numbers are in gross acres and are rounded to the nearest whole number.

Source: Economics Research Associates (ERA); County of San Diego

It is important to note that figures in Table 2 reflect a number of assumptions made by ERA, based on information such as past development trends, local consumer purchasing data, and countywide average standards of employment density. These assumptions are defined within the report. Also important to note is that the analysis includes all lands designated for commercial, office, or industrial use, whether or not the land is currently developed or may not be available for use within the planning period. For example, in Lakeside a large area designated for industrial use will not be available until excavation and reclamation efforts are completed. However, the figures do include conservative floor area and net-to-gross ratios to account for developable land lost to site constraints, public land exactions, and development inefficiencies. An adjusted ratio was used for Lakeside that accounts for greater constraint issues.

² <http://www.sdcounty.ca.gov/cntydepts/landuse/planning/GP2020-index.html>

DAVID R. SHIBLEY

1923 BEDFORD PLACE
ESCONDIDO, CA. 92029
E-MAIL: shibley1@cox.net

AND
ASSOCIATES

OFFICE: (760) 737-9007
FAX: (760) 737-9789
CELL: (760) 443-5028

April 21, 2005

The Board of Supervisors
County Administration Center
1600 Pacific Highway, Room 335
San Diego, California 92101

Re: Request to change residential zoning on 3 parcels of land in the North County Metro/Twin Oaks Sponsor Group area to heavy industrial as part of the General Plan 2020 Update at the Board of Supervisors Hearing scheduled for May 11, 2005. The parcels in question are 187-100-31, 35 & 37 totaling a gross acreage of 45.15 acres that should yield 25 to 30 acres of net usable acreage

Dear Supervisors:

I represent Arie de Jong and Mr. de Jong is requesting a zone change as part of the General Plan 2020 update to be heard before the Board of Supervisors on May 11, 2005 for 3 of 6 parcels he owns in the North County Metro/Twin Oaks Sponsor Group area just on the west side of I-15 and on the south curve of Mesa Rock Road as it passes under I-15. Refer to the attached Thomas Bros map for an exact location. The property is in the unincorporated area and contiguous to the City limits of Escondido. It only recently became available as of February 18, 2005 after the Escondido High School District turned it down as the site for a new high school.

Arie would like to change the zoning from residential/agriculture to heavy industrial. He owns 6 parcels for a total of 141 acres but is only requesting a zone change on 3 of the parcels. The property years ago was a farm home with an avocado grove and still has seven wells on site. Later it was used as a gravel pit and borrow site by CALTRANS during construction of the I-15 Freeway. CALTRANS left the furthest south 35 acres of the site in a deplorable condition with large cuts in the hillsides and black top, and debris scattered throughout the site. Refer to the photo with the close view of the 35 acres for confirmation of the condition of the site. After CALTRANS abandoned the site it was purposed as the site for a Recreational Water park named White Water. That was later abandoned and then the property was purchased by Arie de Jong.

OFFICIAL RECORD

Clerk of the Board of Supervisors

Exhibit No. 8 Agenda No. 1

Meeting Date 5/11/05 ()

Presented by _____

Document No. _____

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

If the rezoning is successful Arie intends to build a construction materials recycling facility for concrete, asphalt, wood and all other recyclable materials produced at construction sites. He will also build a large green waste composting facility. The green waste facility will be a more than adequate replacement for the largest green waste facility in the County currently located near Brown Field and scheduled for closure within less than six months. At completion of grading the southerly 35 acres should have a net acreage yield of 23 to 30 acres allowing ample room for this combination facility. Notice that Arie's other 3 parcels (79 acres to the west and 6.87 and 6.14 acres to the north) will provide more than an adequate buffer for his proposed project.

On the 16th of February Arie de Jong and I appeared at the Twin Oaks Sponsor Group meeting and requested the zone change as part of the General Plan 2020 Update process. We also appeared at the Planning Commission hearings. We were denied by both the Sponsor Group and the Planning Commission. At the sponsor group meeting the Golden Door presented a relocation proposal for their facility to eventually relocate from adjacent to Deer Springs Road to the center top of the 400 acres they own. The Sponsor Group agreed to work with them on their proposal. I only bring this up to indicate that the relocation of the Golden Door facility to the top of their property will not be in conflict with Arie de Jong's rezoning as the de Jong parcels are far enough south and separated by ridgelines from the proposed Golden Door relocation.

Please refer to the attachment three newspaper articles and it will immediately become evident there is a need for this type of facility. The basis of the articles is Assembly Bill 939 which is a state law requiring all jurisdictions in the County to reduce reuse and recycle at least 50 percent of their trash stream placed in landfills or face fines of up to \$10,000 a day. Certain areas in the County are currently only at 44%. The articles talk of the City and County building a construction and demolition mixed recycling facility in Miramar. Mr. de Jong's facility would place this task in the hands of private enterprise, which is significant when you consider how limited public funds currently are. Even if the Miramar facility is constructed you will need a similar facility to service the North County Cities.

County Planning Staff hired a consultant named Economics Research Associates (ERA) to complete and submit a report estimating how much industrial employment lands the projected resident population would support under the General Plan 2020 Update. The report found a deficiency of 49 acres of Industrial land in the Twin Oaks Sponsor Group area. This project would help close that deficiency.

In addition you will find enclosed two letters from the office of State Assemblyman Mark Wyland. One is directed to the Planning Commission the other to Supervisor Bill Horn. The purpose of both letters is simply to make

everyone aware of the fact that in certain areas of the County the 50% landfill diversion required by Assembly Bill 939 is not being met.

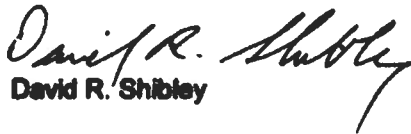
The specific merits of Mr. de Jong's site are as follows:

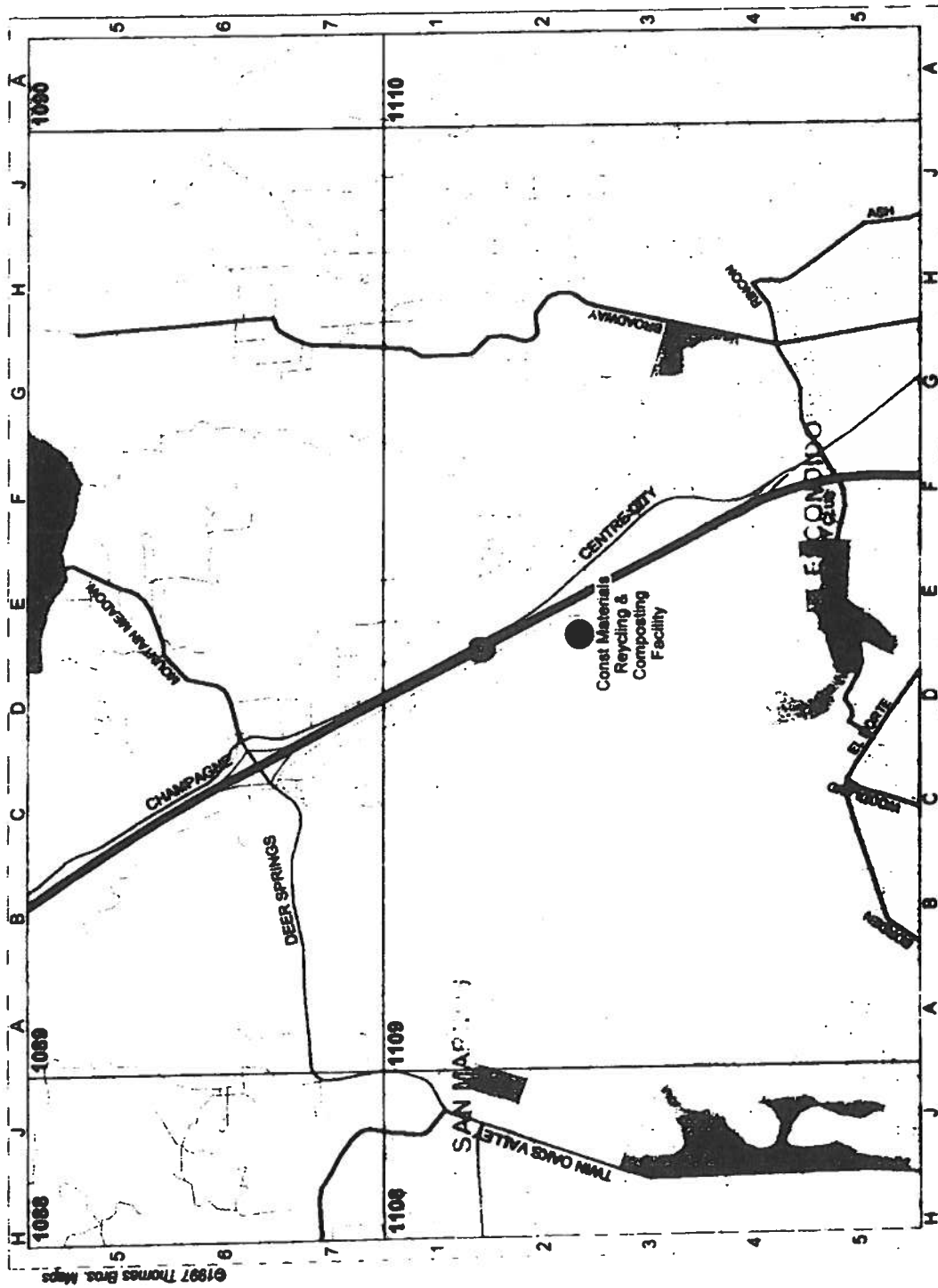
1. Central location to the North County Cities.
2. Located on a major transportation corridor (I-15) just south of the Deer Springs/Mt. Meadow Interchange. This interchange will be vastly improved as projects in the pipeline in Mountain Meadow and the Twin Oaks Valley areas are approved.
3. Located on Mesa Rock Road a sparsely trafficked frontage road providing access from the north and south.
4. Easy access from Escondido, San Marcos, Vista, Carlsbad, and Oceanside via route 78 direct to Center City Parkway and then north with a left hand turn on Mesa Rock Road underneath freeway 15 direct to the site.
5. Complete lack of visibility of the site from any direction as the south, north and west sides are high ridge lines completely hiding the site. The site sits high above the freeway and an east berm with trees will completely hide the east side of the project from homes 1.5 to 2 miles to the east across the freeway.
6. No noise concerns because of the ridge lines on all three sides, the masking sound of the freeway on the east side, lack of residential neighbors and Mr. de Jong's buffering created by three other parcels of land he owns contiguous to the west and north.
7. Isolated enough to prevent odor problems and located just high enough and north of the Escondido air basin to lessen odor effects.
8. Relatively benign environmental site as a minimal amount of coastal sage habit on the 35 acres was destroyed many years ago by CALTRANS when the freeway was built.
9. Minimal grading to prepare the site as the 35 acres was partially graded by CALTRANS years ago. The only other grading of significance will be improving the existing access road.
10. A site that could be fast tracked and brought on line quickly and addresses a County wide problem.
11. Helps satisfy a 49 acre industrial lands shortage in the Twin Oaks Valley area.

I and/or Arle de Jong are available if you would like to tour the site prior to the hearing of May 11, 2005. I can be reached at (760) 737-9007. If you have questions of County Staff I would suggest you contact Wayne Williams of the Solid Waste Division at (858) 874-4108 as he has seen the site and is the Counties resident expert on trash.

As a summary of the merits, this is a perfect site for this facility because of central location, easy transportation access, isolation, complete lack of visibility and minimal environmental impact. I cannot think of a more perfect location. Recycling at this facility will lengthen the life of all of our landfills, allow us to recycle our man made products and our green waste, and help us meet the Industrial Land deficiency currently existing in the Twin Oaks Valley area.

Sincerely,


David R. Shibley



● Const Materials Recycling & Composting Facility Page & Grid 1109 E2







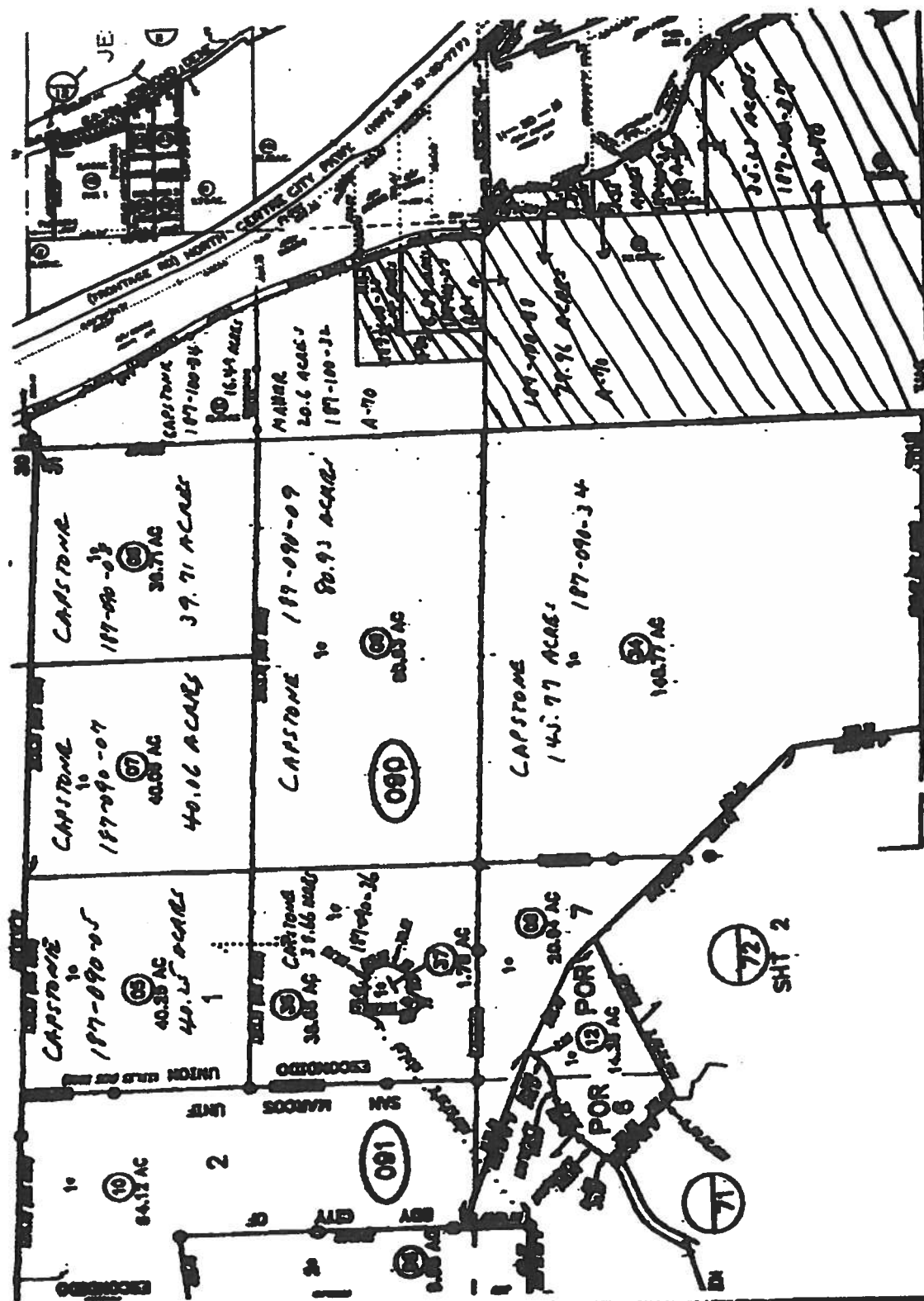
Legend
 Name
 40 x 100 ft
 Name



1 inch equals 600 ft

Vicinity M:

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Assembly California Legislature

ASSEMBLYMEMBER, SEVENTY-FOURTH DISTRICT

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GASOLINE COMPETITION
MARKETING & PRICING
JOINT COMMITTEES:
DEVELOP A MASTER PLAN
FOR EDUCATION

March 3, 2005

County of San Diego Planning Commission Members
Attn: Cheryl Jones, Planning Commission Secretary
5201 Ruffin Road, Suite B
San Diego, California 92123

Re: Compliance with California State Assembly Bill 939

Dear Planning Commission Members:

On Friday the 18th of February 2005 Mr. Aris de Jong accompanied by David Shibley visited my office and presented information on what appears to be an excellent site for construction of a combination construction material recycling facility and green waste composting facility.

Placement of this facility would require a zone change from residential to heavy industrial and the opportune time to accomplish this zone change would be as part of the General Plan 2020 update currently in process.

As an assemblyman I do not ordinarily get involved in specific projects or land use decisions; however I simply want to make each of you aware of the state mandated requirements of AB 939 and the fact that in certain areas of the County the fifty (50%) percent landfill diversion requirement is not being met.

Mr. de Jong seems to have a very suitable site in a central location and I simply request that you give his zone change request suitable consideration at your Planning Commission Hearing of March 4, 2005.

Sincerely,

Mark Wyland

MARK WYLAND
Assemblymember, 74th District

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Assembly California Legislature

MARK WYLAND
 ASSEMBLY MEMBER, SEVENTY-FOURTH DISTRICT

COMMITTEE ASSIGNMENTS
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 JOINT COMMITTEE:
 DEVELOP A MASTER PLAN
 FOR EDUCATION

March 3, 2005

Supervisor Bill Horn
 1600 Pacific Highway, Room 335
 San Diego, California 92101

Re: Compliance with California State Assembly Bill 939

Dear Supervisor Horn:

On Friday the 18th of February 2005 Mr. Aris de Jong accompanied by David Shibley visited my office and presented information on what appears to be an excellent site for construction of a combination construction material recycling facility and green waste composting facility.

Placement of this facility would require a zone change from residential to heavy industrial and the opportune time to accomplish this zone change would be as part of the General Plan 2020 update currently in process.

As an assemblyman I do not ordinarily get involved in specific projects or land use decisions; however I am sure you are aware of the state mandated requirements of AB 939 and the fact that in certain areas of the County the fifty (50%) percent landfill diversion requirement is not being met.

Mr. de Jong seems to have a very suitable site in a central location and I would appreciate any assistance your good offices could provide him with his zone change request. I have also forwarded similar correspondence to each Planning Commission Member in preparation for a Planning Commission Hearing of March 4, 2005 concerning this zone change request.

Sincerely,


 MARK WYLAND
 Assemblymember, 74th District

Representing the communities of: Carlsbad, Del Mar, Encinitas, Escondido, San Marcos, Solana Beach, Vista and portions of Oceanside
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Wednesday, February 09, 2005

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San Diego ordinance aims to raise amount of recycled material

By Ryan Moore, The Daily Transcript
Wednesday, February 9, 2005

Businesses, especially construction, could bear a greater share of San Diego County and city's recycling responsibility in the coming months. And tougher policy measures for residents aren't far behind. Both the county and city are currently working out the details of construction and demolition ordinances that proponents say would help San Diego meet and maintain state garbage mandates, avoid large fines and extend the life of its landfills.

As part of a state law, all jurisdictions in the county are under mandate to reduce, reuse and recycle at least 50 percent of its garbage or face fines of up to \$10,000 a day. San Diego was granted an exemption after failing to meet that standard in December and has until the end of this year before it could again face fines.

The state's most recent results, from 2002, show that San Diego recycles 44 percent of its waste.

"This is a real way to assure that not only will the jurisdictions get 50 percent recycling, but they're going to be able to maintain it," said Wayne Williams, recycling program coordinator for the county. "We've got a population explosion going on right now, and it's very important were recycling more and more tonnage all the time just to keep at 50 percent."

The City Council told city workers in December to draft a mandate for recycling construction debris, even though an advisory committee that included building interests had proposed a voluntary program. Williams said once the city was mandated, a number of other jurisdictions jumped on the bandwagon.

Williams, who is heading the ordinance draft plan for the county, said other cities like Chula Vista and Oceanside implemented mandatory recycling programs years ago, and have had successful results. He noted that the county and city's plan will be uniformly structured to those existing plans to make the transition easier and more efficient.

Some details of the county's plan, which are still subject to change, include making projects of 40,000 square feet or greater subject to the ordinance; the mechanism for financing would be either a bond or cash, and to make sure builders recycle, they would receive a prorated percentage of money back for the amount of waste they recycled.

Williams said the plan would probably be brought before the county board by the end of March, and it would be implemented in stages, although this is all subject to change.

According to Leah Bowder, deputy director for the city's Environmental Services Department, the city will probably be submitting a commodities plan to the council toward the end of the summer. The residential/commercial plan, which will impose similar recycling requirements for green-waste, was halted to work on the construction and demolition ordinance.

As for the construction and demolition ordinance plan, concerns are being raised by some businesses regarding the details — such as what materials will be subjected, and whether or not the city and county actually have the infrastructure to implement such a mandate.

"Our concern is that if they make this a mandatory requirement yet do not have the facilities to accommodate the debris what do we do," said Matt Adams, Building Industry Association representative. "It takes time to get facilities like that online."

Adams said his organization is also concerned with the fact that the city wants to implement the ordinance even though it is in the process of calculating its baseline results regarding whether they met the 50 percent standard. The BIA recognizes the importance of recycling, Adams said, but they want a fair and reasonable plan and are requesting that the city build a new facility before approving the ordinance.

According to Williams, the county and city have announced that they want to build a construction and demolition mixed recycling facility in Miramar, and that the request has already hit the streets and is being negotiated.

"We really don't want to put an impediment in any way on businesses," Williams said. "We have taken [builders'] suggestions into consideration completely. We're here to help serve the community and the economy, and by

.. working with [builders] we can come up with a good solution.'

Williams said a recycling program such as the one he is drafting is essential for extending the life of its three landfills. The city estimates that the Miramar landfill -- which primarily receives city waste -- would run out of room by 2012 at the current rate of about 9 million pounds a day.

Construction and demolition materials -- such as cement and lumber -- weigh a lot, making it an easy source of removing "tonnage" of waste, Williams said. In addition, materials like concrete can be grinded up and used as base material for roads, something he feels contractors will reap the benefits of.