



Public Disclosure Notice
Public Comments
North County Environmental Resources
October 10, 2019

PLANNING & DEVELOPMENT SERVICES
5510 OVERLAND AVENUE, SUITE 310, SAN DIEGO, CA 92123
RE: NORTH COUNTY ENVIRONMENTAL RESOURCES, SO: PDS2008-3500-08-015, Log No: PDS2008-3910-0808012

Delivered via USPS October 10, 2019



Dear Mr. Sibbet:

We are writing to provide public comment on the above noted project and the subsequent Public Notice provided by the County of San Diego Planning & Development Services of their Intent to Adopt Findings Pursuant to Section 15183 of the CEQA, issued September 12, 2019. We would first like to note that we believe the County's 30 day notice period is completely inadequate to re-review the extensive documentation, environmental memo, County code and State policies applicable to this project. These are not simple matters and we believe all those impacted have a right to proper notice and adequate time to evaluate the County's position.

Project Background:

Per the provided project plan, the North County Environmental Resources project intends to operate on approximately 139 acres of property located just south of Mesa Rock Road, just west of the I-15 freeway, to include 6 adjacent parcels zoned M54, A70 and RR, in order to establish: "...a recycling facility for wood chipping, Construction, Demolition and Inert (CDI) debris...". To facilitate this discussion, the descriptions for these zones as we understand them have been provided for reference below [PDS-444 (Rev. 4/2017)]:

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

A70 – Limited Agriculture. Intended for crop or animal agriculture. Number of animals allowed are specified by neighborhood regulations.

RR – Rural Residential. Family Residential uses permitted with Group Residential, limited packing and processing, and other uses allowed by Use Permit.

For further clarification, below is the specific guideline for applicable site zoning designations:

**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. Non-industrial uses which support industrial uses are permitted within the zone, particularly administrative, sales, and services uses. Typically, the 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. All outdoor storage areas would be subject to screening regulations in Section 6706. Various applications of the M54 Use Regulations with appropriate development designators can create a large transportation-



dependent industrial center or a small, geographically isolated grouping of a few small scale industrial uses.

In addition, the following describes the PERMITTED USES SUBJECT TO LIMITATIONS, which appears to be the regulation most applicable to the project description.

2543 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M54 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19"

Agricultural Services "14"

Eating and Drinking Establishments "21"

Food and Beverage Retail Sales "10"

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3" (Italics added by CFSP)

Wholesaling, Storage and Distribution: Heavy "14"

Wholesaling, Storage and Distribution: Light "8"

Where "3" is defined as:

"3" Recycling Processing Facilities shall comply with the applicable provisions of Section 6975.

6975 RECYCLING PROCESSING FACILITY.

The Recycling Processing Facility Use Type (as defined at Section 1513) is a permitted use in the specified Use Regulations when conducted in accordance with the following:

a. Recycling Processing Facility, Light

1. In a Commercial or Industrial Use Regulation upon meeting the criteria set forth in this section commencing at subsection a.2. below;
2. All operations shall be conducted entirely within an enclosed building except as follows:
 - i. In the C37, C38 and C40 Commercial Use Regulations and the M54 and M58 Industrial Use Regulations, a light recycling processing facility may be conducted outside of buildings if the property on which the facility is located does not abut a property zoned or planned for residential use.



- ii. Notwithstanding the Enclosure Regulations, in any other Commercial or Industrial Use Regulation, a Minor Use Permit may be granted for an alternative type of enclosure such as a wall or view-obscuring fence not less than 8 feet in height and landscaped on all street frontages;
3. Power-driven processing shall be permitted, provided all requirements of the Performance Standards commencing at Section 6300 are met;
4. 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;
5. Setbacks and landscaping requirements shall be those required by the zone in which the facility is located;
6. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. Storage containers for flammable material shall be constructed of non-flammable material. Oil storage must be in containers approved by the Local fire and/or Health Official. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;
7. Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present;
8. Space shall be provided on the site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the Director determines that allowing overflow traffic is compatible with surrounding businesses and public safety;
9. One parking space shall be provided for each commercial vehicle operated by the processing center.
10. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed the following:
 - 70 dBA in any Commercial Use Regulation (Except C31)
 - 55 dBA in the C31 Use Regulation
 - 75 dBA in the M54 and M58 Use Regulations;



11. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be attended by on-site personnel during the hours the facility is open;
12. Any containers provided for after-hours donation of recyclable materials shall be at least 50 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials;
13. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;
14. Signs shall comply with the On-Premise Sign Regulations. In addition, facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;
15. Air contaminants including but not limited to smoke, charred paper, dust, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any emissions that endanger human health, cause damage to vegetation or property or cause soiling, vibration or noise above levels allowed by the Performance Standards commencing at Section 6300, shall not be permitted.

b. Recycling Processing Facility, Heavy

1. In a C37, C38 or C40 Commercial Use Regulation or M54 or M58 Industrial Use Regulation upon meeting the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2.;
2. In any other Commercial or Industrial Use Regulation upon the issuance of a Major Use Permit. The conditions of said Major Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2. as well as any others necessary in order to make the findings required for the granting of a Major Use Permit.

A70:

2700 INTENT. The provisions of Section 2700 through Section 2709 inclusive, shall be known as the A70 Limited Agricultural Use Regulations. The A70 Use Regulations are intended to

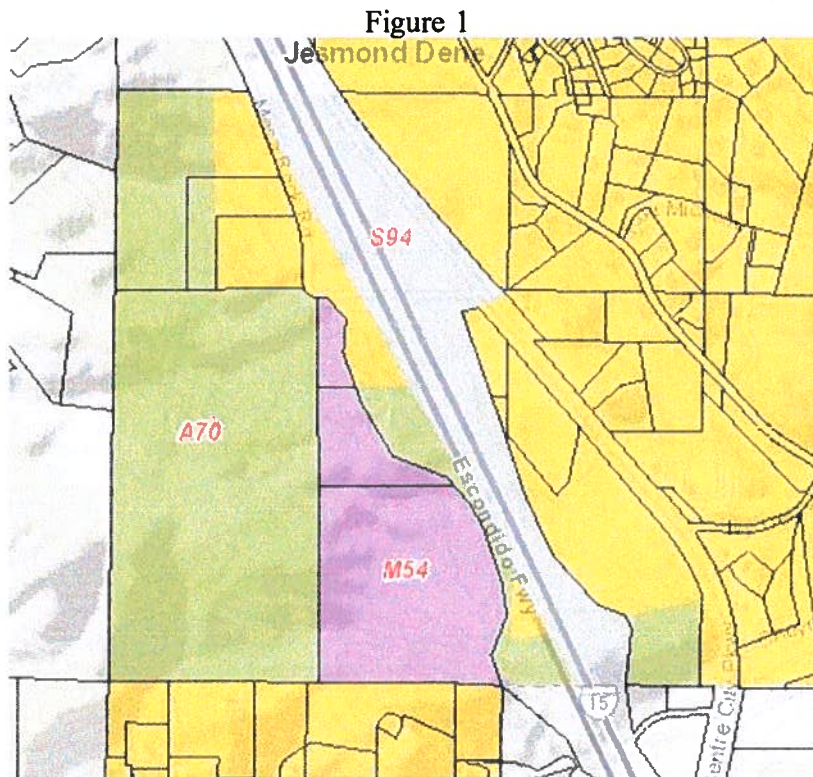


create and preserve areas intended primarily for agricultural crop production. Additionally, a limited number of small farm animals may be kept and agricultural products raised on the premises may be processed. Typically, the A70 Use Regulations would be applied to areas throughout the County to protect moderate to high quality agricultural land.

RR:

2180 INTENT. The provisions of Section 2180 through 2189, inclusive, shall be known as the RR Rural Residential Use Regulations. The RR Use Regulations are intended to create and enhance residential areas where agricultural use compatible with a dominant, permanent residential use is desired. Typically, the RR Use Regulations would be applied to rural or semi-rural areas where urban levels of service are not available and where large lots are desired. Various applications of the RR Use Regulations with appropriate development designators can create buffers between residential and agricultural uses, family or small farm areas, or large lot rural residential developments.

Figure 1 below provides a recent screen capture in ArcGIS of the proposed project site and corresponding zoning, with the green areas corresponding to the A70, yellow corresponding to the RR zone, and the purple section corresponding to the M54 zoning.





Discussion Regarding Applicability of 15183 Exemption and Project Impact Considerations:

The project eligibility criteria for the 15183 exemption is reiterated below (excerpts from FAQ - CEQA for 15183 Exemption):

Projects submitted with an Application for an Environmental Initial Study (PDS-367) will be automatically evaluated for eligibility by the assigned Planning & Development Services (PDS) project manager. In order to qualify for a CEQA 15183 exemption, the following findings must be made:

- 1. The project is consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified.*
- 2. There are no project specific effects which are peculiar to the project or its site.*
- 3. There are no project specific impacts which the GPU EIR failed to analyze as significant effects.*
- 4. There are no potentially significant off-site and/or cumulative impacts which the GPU EIR failed to evaluate.*
- 5. There is no substantial new information which results in more severe impacts than anticipated by the GPU EIR.*

Based on this criteria and the description of planned use, we agree, for the most part, that this project is eligible for this exemption. While the overall Regional Category and Land Use Designation appear to be consistent with the GPU, we do want to point out that over 70% of the acreage in the proposed project lot designations are for uses other than those zoned for and approved for the planned activities. As identified above, only 3 of the 6 lots within the defined project area are zoned M54, and are appropriate for the project in question. It is our understanding, however, that the lots identified as A70 and RR will NOT be used to accommodate the processing facility, and instead will be modified to allow for traffic easements only. If this is the case, we do not believe the use of these lots in this manner introduces new impacts beyond what has already been identified in the GPU EIR.

One area that is a concern, however, is that the project plan indicates that the project will produce 48 tons of materials daily, and estimates that this translates to two truck-loads per day. According to regional transportation authorities, however, loads in this region are limited to ~33,000 pounds, or 17 tons. Given the allowed amount of material for recycling facilities under this zoning designation (see item 4. in regulation 6975 above), limits removals to 2 trucks per day, we believe that this amount should be adjusted accordingly. We believe that production volumes exceeding this amount will not remain consistent with the applicable zoning and would then necessitate an EIR to ensure the additional processing volumes and transport impact could be adequately evaluated. In addition, the project proposal indicates operating hours of 5:00 am to 7:00 pm, yet the operating hours for recycling facilities under item 11 of regulation 6975 is



limited to 7:00 am to 7:00 pm. Further, 6975 (under the Performance Requirements) restricts noise levels to 75 decibels given the projects proximity to residential zoning (residential housing is within 200 feet of the proposed project lot), and all recycling activities must take place within an enclosed area. While they seem pedantic, these very specific requirements ensure this project does not create disturbances, heavy industrial traffic and other unpleasant impacts on the surrounding residents, some of whom live, walk their pets and children, and host their evening barbeques immediately adjacent to the project in question.

The planning around this project also has additional confounding factors associated within the I-15 Corridor Review Board, which impose limitations on the nature and scope of the project to ensure the natural beauty of San Diego County's most conspicuous areas isn't obscured by unsightly activities. This includes restrictions around building heights, architecture, guidelines for ridgeline projects, and proper project landscaping for areas viewed from the I-15 freeway. Many of the Scenic Preservation Guidelines included in the I-15 Corridor Review Board's purview discourage the design elements called out in this project (eg. 36 foot metal buildings), and we would like assurances from the County and project sponsor that these items will be adequately addressed to ensure the aesthetic character of the region is maintained.

We think it is important that the County understand that the concerns we raise stem from our belief that neighbors in our region who adhere to zoning laws each play an important role in the assurance that our quality of life, health and property values are maintained, and we all rely on the County to prohibit uses (by anyone) that create congestion, contamination, or noisy, smelly, dusty and ugly neighbors in our front and back yards. This is a standard we are all expected to keep and hold one another to, and if we are to welcome North County Environmental Resources into our neighborhood, we fully expect them to comply to these standards, rules and regulations as well.

To reiterate our position and findings:

- 1) We believe the County should have provided a 90 day review period for the 15183 Exemption position.
- 2) Overall we are in agreement with the County's position, and agree that the project, when operated to code, is generally consistent with the GPU, with the following clarifications:
 - a) The County must ensure that the sponsor adhere to all performance requirements for the designated zoning, as outlined in 6975, to include:
 - i. a limit of no more than two truck-loads per day of processed materials (an increase would exceed zoning allowances and would necessitate a new EIR)
 - ii. operating hours between 7:00 am and 7:00 pm
 - iii. all processing must occur in an enclosed area, and established noise levels and pollutants must be maintained in accordance with 6975



Public Disclosure Notice
Public Comments
North County Environmental Resources
October 10, 2019

- b) The County must ensure that the sponsor adhere to all requirements outlined by the I-15 Corridor Review Board

We kindly thank you for your time and commitment to ensuring our North County Neighborhood retains its tranquil beauty and rural character.

Sincerely,
Dawn Haake
Community Advocate
Citizens for Smart Planning
Escondido, CA