

## RESOLUTION NO. 31-2004

**RESOLUTION OF THE CONTRA COSTA COUNTY PLANNING COMMISSION, AFFIRMING THAT THE COMMISSION HAS REVIEWED THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE WEST CONTRA COSTA SANITARY LANDFILL BULK MATERIALS PROCESSING CENTER AND RECOMMENDING APPROVAL OF LAND USE PERMIT 022026 (AMENDING LUP 2054-92).**

WHEREAS, an application by West Contra Costa Sanitary Landfill, Inc. (Applicant) and West County Landfill, Inc. (Owner) to amend existing Land Use Permit (LUP) # 2054-92 (as amended by LUP 2043-94) was received by the Community Development Department on March 13, 2002 to allow expansion of existing resource recovery operations at the existing landfill site; and

WHEREAS, a Notice of Preparation of an Environmental Impact Report (EIR) was distributed on October 10, 2002 by the Community Development Department; and

WHEREAS, on November 1, 2002 the County held a scoping session on the project in North Richmond; and

WHEREAS, for purposes of compliance with the provisions of the California Environmental Quality Act (CEQA) and the State and County CEQA Guidelines, a Draft EIR was prepared and circulated for review and comments between November 6, 2003 and December 22, 2003 and the Zoning Administrator held a public hearing in North Richmond on November 25, 2003 to provide further opportunity for public comments on the Draft EIR; and

WHEREAS, following the close of the comment period on the Draft EIR, the County prepared written responses to the comments received; and

WHEREAS, the County published the Response to Comments Document, on June 25, 2004, which provides a reasoned response to all comments received during the comment period that raised significant environmental issues; and

WHEREAS, the Response to Comments Document was distributed as required by the California Environmental Quality Act and the State and County CEQA Guidelines; and

WHEREAS, on Tuesday, July 6, 2004, the County Zoning Administrator, at a closed public hearing, considered the Final EIR, and recommended to the County Board of Supervisors that the Final EIR was prepared, processed and completed in accordance with CEQA and is adequate for certification; and

WHEREAS, on July 13, 2004, the County Board of Supervisors, at a public meeting, considered and certified the Final EIR; and

NOW, THEREFORE, BE IT RESOLVED, that the County Planning Commission declares that the Commission reviewed and considered the Final EIR for the proposed LUP Conditions of Approval before acting on this item; and

BE IT FURTHER RESOLVED, that the County Planning Commission on the basis of the record hereby takes the following action:

1. Recommends to the County Board of Supervisors that the Board approve LUP 022026 (amending LUP 2054-92), as recommended by staff.

BE IT FURTHER RESOLVED, that the County Planning Commission makes the following findings:

**I. Land Use Permit Findings:**

- A. The proposed project, as conditioned, will not be detrimental to the health, safety and general welfare of the county.

*The project incorporates many design features and control measures that will serve to protect the health and safety of workers and the public. The findings of the WCCSL Bulk Materials Processing Center and Related Actions Environmental Impact Report (EIR) prepared under the guidelines of the California Environmental Quality Act (CEQA) demonstrated that with the exception of air quality (PM10 emissions, all other potentially significant impacts identified in the EIR would be mitigated to a level of insignificance. A Statement of Overriding Considerations pertaining to PM10 emissions is to be adopted as part of the CEQA Findings (see Exhibit D).*

- B. The proposed project, as conditioned, will not adversely affect the orderly development within the County or the Community.

*The site is currently being used as a bulk materials processing center and Class II sanitary landfill. The Class II sanitary landfill is scheduled to stop accepting waste for disposal in January 2006. The proposed use is compatible with existing operations as it will expand the recovery and beneficial reuse of bulk materials.*

- C. The proposed project, as conditioned, will not adversely affect the preservation of property values and the protection of the tax base within the county.

*The project is designed within the existing footprint of the WCCSL project site. The project will add to the tax base of the County.*

- D. The proposed project is consistent with the policies and goals as set by the general plan.

*The project is located in an area designated as Open Space (OS) and Class I Waste Disposal in the County General Plan; the proposed project is directly related to bulk materials processing. The Phase 3 alignment of the Public Access Trail in the unincorporated area is consistent with the North Richmond Shoreline Specific Plan.*

- E. The proposed project, as conditioned, will not create a nuisance and/or enforcement problem within the neighborhood or community as the use is consistent with the general plan for the area.

*The project will be located on the central portion of the WCCSL property. It will not negatively impact any existing residential or commercial uses. The EIR identified no significant impacts to noise, traffic, odors, or land use compatibility.*

- F. The proposed project will not encourage marginal development in the neighborhood.

*The project is separated from the neighborhood by the outer portions of the WCCSL site, topography, and existing light industrial uses.*

- G. Unique characteristics of the subject property and its location or surroundings are established.

*The site while adjacent to light industrial uses, is adequately separated from the surrounding neighborhood. The site is ideal for the proposed project as it will be a continuation of bulk materials processing operations at the project site.*

## **II. Growth Management Element Performance Standards Findings**

- A. Traffic: The project will generate an estimated increase of 60 vehicles per hour by 2008 and 100 vehicles per hour by 2015 during the WCCSL peak hour (10:00 – 11:00 a.m). The 100-vehicle-per-hour increase during the WCCSL peak hour does not trigger the CCTA requirements for a traffic report pursuant to Measure C requirements administered by the Contra Costa Transportation Authority.

- B. Water: The final landfill grading plan contained in the WCCSL Bulk Materials Processing Center and Related Actions Project EIR, shows the main drainage facilities. More detailed drawings for each of the BMPC Project components with drainage patterns and control features are included as Chapter 3 appendices (Figures 3B-1, 3C-1, 3D-1, 3F-1, and 3H-1) of the Project EIR. The Project does not propose development of new paved surfaces that would increase storm water runoff volumes. Several new buildings are proposed (Figure 3-4), but these are limited in size. Increased storm water flows resulting from construction of additional impervious areas would be conveyed away from the site by appropriately sized down-gradient channels with respect to pavement, drainage control, and availability of utilities.

- C. Sanitary Sewer: The project lies within both the City of Richmond and the unincorporated area of Contra Costa County, and within the East Bay Municipal Utility District (EBMUD) and West County Wastewater District. The Applicant is required to comply with the requirements of these service districts. The Initial Study conducted by the County for the project in 2002 identified no significant impacts to the sanitary sewer system.

- D. Fire Protection: The project lies within both the City of Richmond and the unincorporated area of Contra Costa County, and within the West County Fire

Protection District and City of Richmond Fire Department (RFD). The Applicant is required to comply with the requirements of these service districts. Station 62, located at 1065 7<sup>th</sup> Street, North Richmond, is the closest fire station to the WCCSL. The RFD estimates a 4-minute response time to an emergency at the WCCSL. The second closest fire station is Station 70, located at 13928 San Pablo Avenue, San Pablo, and would respond within 5 minutes of an emergency at the WCCSL. An EBMUD water system hydrant is located one block off site near the intersection of Parr Boulevard and Garden Tract Road. American Medical Response is the emergency ambulance service dispatched through RFD. The RFD has a hazardous materials team at Station 64, located at 4801 Bayview Avenue, Richmond. The RFD's estimated response time to a hazardous materials emergency at the WCCSL would be within 6 minutes. The WCCSL Emergency Response and Evaluation Plan is included in Appendix K of the Report of Disposal Site Information (RDSI). Emergency fire control procedures are also included in the composting and wood waste recycling operations plans. Pursuant to Title 27 of the California Code of Regulations (27 CCR) §20780, the Applicant is prepared to take the necessary measures for prompt fire control as required by local fire authorities.

- E. Public Protection: The Growth Management Element Standard is 155 square feet of Sheriff facility station per 1,000 population. The Initial Study conducted by the County for the project in 2002 identified no significant impacts to police protection services. No new residences are proposed by the project.
- F. Parks and Recreation: The Initial Study conducted by the County for the project in 2002 identified no significant impacts to parks and recreation services. No new residences are proposed the project would create expanded recreational opportunities with implementation of the Phase 3 alignment of the Public Access Trail along the northern Bay shoreline of the WCCSL site. This potential impact is considered beneficial.
- G. Flood Control and Drainage: The required closure standard for the WCCSL Class II facility is based on the maximum probable 100-year, 24-hour precipitation. Therefore, any drainage controls, such as down drains, bench drains, channels, and culverts must be designed to accommodate a 100-year, 24-hour storm event. Additionally, under Regional Water Quality Control Board, San Francisco Region, composting facility policy, all areas used must be protected from inundation by surface flows associated with the 24-hour, 25-year storm event. The Applicant's design basis for drainage controls is included in Section III.B.6.b of the RDSI and in Appendix H of the Final Development and Improvements Plan.

BE IT FURTHER RESOLVED that the Secretary of this Planning Commission will sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors, all in accordance with the Government Code of the State of California.

The instructions by the Planning Commission to prepare this resolution were given by motion of the Planning Commission on Tuesday, November 30, 2004, by the following vote:

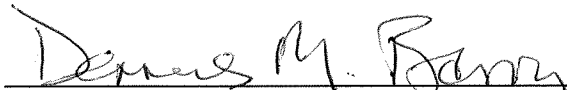
AYES: Commissioners: Battaglia, Wong, Mehlman, Snyder, Gaddis, Terrell, Clark

NOES: Commissioners: None

ABSENT: Commissioners: None

ABSTAIN: Commissioners: None

ATTEST:

  
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Dennis M. Barry, Director  
Community Development Department  
County of Contra Costa  
State of California