

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: February 9, 2006
Item No.: 7.a.
Staff: Lillian Mac Leod

SPECIAL USE PERMIT

FILE NUMBER: S 05-0001

APPLICANT: Doug Veerkamp General Engineering, Inc.

AGENT: Rick Ferriera

REQUEST: Special use permit to allow a recycling center for construction debris to be located on a leased portion of the Wetsel-Oviatt Mill site.

LOCATION: On the south side of Wetsel-Oviatt Road, approximately one mile southwest of the intersection with Latrobe Road, in the El Dorado Hills area. (Exhibit A)

APN: 108-050-06

ACREAGE: 55.69 acres

GENERAL PLAN: Industrial (I) (Exhibit B)

ZONING: Industrial - Design Control (I-DC) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration prepared

SUMMARY RECOMMENDATION: Conditional approval

BACKGROUND: The project parcel has been originally permitted for use as a saw and planing mill under Special Use Permit S72-03. The special use permit was applied for by Glenn Oviatt, doing business as Golden State Building Products. The Planning Commission approved the use permit on January 13, 1972.

STAFF ANALYSIS

Project Description: The project is located within the existing Wetsel-Oviatt facility and consists of the conversion of a 20-acre leased area from a lumber mill to a debris recycling center. The applicant proposes to transport asphalt, concrete, clean fill dirt, green waste, and construction materials from excavation and grading activities in the El Dorado Hills, Cameron Park, and Folsom areas for storage on site. Rock and dirt will be stored in a four acre area of the site and will be screened daily and hauled off-site to local construction projects. Concrete and asphalt will be stockpiled on a one-half acre area, and once a year a portable crushing plant, presently utilized for off site recycling, will be brought to the project site to crush and process the stockpiled material. Wood and green waste will be spread out, uncovered, over a one-half acre area, in order to maintain decomposing heat below 122 degrees Fahrenheit. The organic waste will be ground and processed every 2,000 cubic yards or approximately twice a year. The recycled materials will be offered for resale to licensed contractors only. The off-site crushing activity is not being considered under this special use permit application.

Three to seven employees will be hired to operate the following machinery: water truck, screening plant, tub grinder, portable crushing plant, and loaders. Hours of operation will be 7:00 AM to 4:30 PM, Monday through Saturday. The applicant will hold the lease to the site until March 2007.

Site Description: The property was formerly used as a commercial sawmill and consists of 55.69 acres; however, the Veerkamp operations and lease agreement encompasses only 20 acres in the northeast corner of the property. The site lies in an area with rolling topography generally inclined to the west and north. The project site has been previously graded flat. Minimal vegetation exists on site.

Adjacent Land Uses:

	Zoning	General Plan 1996 / 2004	Land Use/Improvements
Site	I-DC	I / I	Wetsel-Oviatt Lumber Mill
North	I	I / I	Undeveloped
South	I	I / I	Undeveloped
East	I-DC	I / I	Undeveloped
West	AE	RR / AL	Grazing land

General Plan: The General Plan designates the subject site as Industrial. This designation permits a full range of light and heavy industrial uses to include manufacturing, processing, distribution, and storage, which are restricted to those lands within or in close proximity to Community Regions and Rural Centers. Additionally, the following General Plan policy also applies to this project:

Policy 2.2.1.5: The General Plan shall provide for the following building intensities in each land use designation as shown in Table 2-3:

TABLE 2-3 BUILDING INTENSITIES		
Land Use Designation	Floor Area Ratio*	Maximum Impervious Surface in %
Industrial	.25	85

Discussion: The proposed project, located within the Community Region of El Dorado Hills, consists of the processing and storage of used construction materials for resale to licensed contractors, which is in keeping with the uses allowed under the Industrial land use designation. The applicant proposes to utilize approximately 20 acres of the 55.69 acre parcel for the project. No new buildings will be constructed; however, an office trailer and portable restroom will be placed on the site for employee and customer use. As such, the project will remain well under building intensities listed under Table 2-3.

Policy 2.2.5.21: Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Discussion: The project site, a 20 acre leased area located internally on the approximately 56 acre parcel, is over 1,200 feet east of the nearest incompatible land use designation of Exclusive Agriculture (AE). The Agricultural Commission reviewed the project against the adjoining parcel's use, that is cattle grazing, and determined the project would not have a significant impact.

Conclusion: As discussed above, staff finds that the project, as proposed/conditioned, conforms to the 2004 General Plan in that it is consistent with those uses allowed under the Industrial designation, is compatible with its adjoining land uses, and is in compliance with the maximum building intensities specified under Policy 2.2.1.5.

Zoning: The project site is located in a Design Review District, which requires the Community Design Overlay designation (-DC). Under §17.74.040 (B) "All new multifamily, commercial, and industrial structures . . . within the boundaries of a Sierra Design or Community Design District shall conform in exterior styling to that style of architecture described in subsection C of this section. Approval for compliance with design criteria shall be provided for in Section 17.74.115."

Discussion: The project, which does not include any new permanent structures, will receive discretionary review through the subject special use permit application rather than a design review application as required under §17.74.115.

Pursuant to Section 17.34.030, the proposed use is permitted in the Industrial Zone District with a special use permit where “odor, gas fumes, dust, smoke, noise, vibrations, glare, heat, electrical interference, radioactive, or waste material is produced or emitted beyond the confines of the owner’s premises to adjacent properties or into the air or watercourses or which constitutes a physical hazard to persons or property beyond the confines of the owner’s premises by reason of fire, explosion, or similar cause.” In order to approve the use, the approving authority must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare or injurious to the neighborhood.

Discussion: Use of the portable crushing unit is currently permitted through the California Environmental Protection Agency Air Resources Board and is Statewide Portable Equipment Registered. In addition, the applicant has submitted a Fugitive Dust Prevention and Control Plan for Portable Aggregate Processing Equipment to the County, which has been accepted by the Air Pollution Control District (APCD) on December 17, 2003.

Under the California Air Resources Board (CARB) regulations, Toxic Air Contaminants (TACs) require the use of maximum thresholds or best available control technology in order to limit their emissions. Recently, diesel exhaust particulates have been added to the list of regulated TACs. Under §7.2.3 of the CEQA Guidelines, the APCD has identified 10 diesel truck trips per day as a conservative threshold indicator for development projects. However, the APCD will review projects on a case-by-case basis. The special use permit will be conditioned to require that prior to operation the applicant shall consult with the APCD regarding limitations on diesel truck traffic, if necessary, in order to limit TAC emissions.

For materials removed from an area containing naturally occurring asbestos (NOA) or serpentine, the APCD will require compliance with the California Code of Regulations Title 17 Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (§93105, et seq.). Additional requirements for further control measures will be applied as necessary by the District.

Application of fugitive dust mitigation measures should concurrently reduce dust-generated odors for inert materials. In order to reduce risk of combustion, the applicant proposes to spread organic material into low piles in order to maintain composting heat to below 122 degrees Fahrenheit, which will also serve to reduce odors from decomposition.

Under Title 14 of the California Code of Regulations, the proposed project is considered an ‘inert debris/construction and demolition facility’ and will be subject to issuance of a Notification Tier Permit from the Integrated Waste Management Board (IWMB) in concert with the Placer County Local Enforcement Agency for El Dorado County. The applicant must prepare a project description demonstrating compliance with existing laws and regulations regarding construction, demolition, inert debris, and source-separated compostable material/wood waste. Project impacts including, but not limited to noise, odor from green waste, traffic, and air quality will be subject to review prior to permit issuance. As a part of the Notification Tier Permit process, a project-specific Emergency Response Preparedness Plan must be reviewed and approved by the IWMB and be available on-site prior to permit issuance.

Environmental Management will require submittal of hazardous materials business and hazardous waste generator management plans for the site that will include hazardous materials and waste handling and storage. Review and approval of the document will be required prior to operation.

The applicant has submitted a Stormwater Pollution Prevention Plan (SWPP) to the Regional Water Quality Control Board (RWQCB) that addresses project-related discharges from rainfall runoff. The plan insures that stormwater discharges are not contaminated by associated impacts from either vehicle maintenance or stockpile and recycling activities. The applicant is required to submit an annual report to RWQCB that involves storm water sampling and analysis, periodic visual observations and reports, and a site compliance evaluation checklist. Periodic inspections by the RWQCB to insure compliance with the Plan is a provision to maintaining the Industrial Storm Water Permit.

An acoustical analysis was performed by Bollard & Brennan, Inc. on April 14, 2004, and provided as part of the project application. It was modified on May 25, 2005, to include operational noise impacts on the nearest residential receiver. The analysis concluded that the project facility was sited on the leased area far enough from the nearest residence, located 2,100 feet to the east in Dunlap Ranch, that truck traffic on the access road was audible but not measurable, and worst-case operational noise was not audible at all.

Conclusion: Based on public agency regulations and requirements, as discussed above, along with the resultant mitigation measure and conditions, staff finds that the project will not be detrimental to the public health, safety and welfare and will not be injurious to the neighborhood.

Other Issues: At this time there are no sensitive receptors within a one-half mile radius of the project site. However, the El Dorado County Office of Education has purchased two parcels approximately 0.29 miles east of the lease area for a future high school campus. The lease agreement for the proposed project continues through March 2007. It is unlikely that development of the campus will occur prior to expiration of the lease, so the project will have no impact at this time. Re-leasing of the site beyond this date will require a determination of the status of the proposed school and the project's impact, if any, on it. Depending on the development status of the school coincidental to the lease extension, a revision to the special use permit may be required in order to analyze and further condition the project to minimize impacts on the school site.

The special use permit will be conditioned to run the term of the lease, until March 31, 2007. If the lease is renewed, the applicant must request an extension of the special use permit in writing.

Agency and Public Comments: The following agencies provided comments on this application. Copies of their written comments are available at the Planning Services office. From their comments, the following issues were raised:

California Integrated Waste Management Board: Notification Tier Permit required.

Placer County Local Enforcement Agency for Solid Waste in El Dorado County: Notification Tier Permit to be processed through the agency.

Air Quality Management District: Fugitive Dust Prevention and Control Plan and a Contingent Asbestos Hazard Dust Mitigation Plan will be required prior to any project-related construction.

Solid Waste and Hazardous Materials Division: A hazardous materials business/hazardous waste generator management plan required as a condition of operation.

Agricultural Commission: At the hearing on May 23, 2005, the Commission accepted their staff's findings of no impact to adjoining agricultural land, and approved the project.

El Dorado Hills Fire Department: Combustible materials such as wood, paper, and sawdust shall require a water source and adequate access for fire protection in accordance with Fire Department requirements.

El Dorado Hills Community Service District: The project parcel is outside of district boundaries. The CSD suggested annexation into the district at the property owner's discretion.

LAFCO: If the property owner requests annexation into the El Dorado Hills Community Services District, LAFCO requires consultation as a responsible agency for the County's CEQA document.

These agencies had no specific concerns regarding the proposed special use permit:

**State of California Department of Transportation
El Dorado County Department of Transportation
Resource Conservation District**

Early comments from the public and citizens' groups include El Dorado Hills Area Planning Advisory Committee (APAC) who expressed concern about truck traffic on Latrobe Road. Additional issues may be raised as a result of the public notice of the hearing.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project will have a significant effect on the environment, and a Mitigated Negative Declaration has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff; and
2. Approve the special use permit based on the findings in Attachment 2, subject to the mitigation measure and conditions in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2.....	Findings
Exhibit A.....	Vicinity Map
Exhibit B	General Plan Land Use Maps
Exhibit C	Zoning Map
Exhibit D.....	Overall Site Plan
Exhibit E	Project Site Plan
Exhibit F	Sign Plan
Exhibit G.....	Assessor's Parcel Map
Exhibit H.....	Mitigation Measure Agreement /Monitoring Form

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER S05-0001

This special use permit approval is based upon and limited to compliance with the project description, dated February 9, 2006, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

Conditions

1. The applicant shall limit operational traffic to and from the project site to a monthly average of 50 truck loads, or 100 vehicle trips, per day. A log shall be kept during the entire lease period documenting the number of vehicle trips per month. At the end of each month a report shall be prepared demonstrating compliance with this requirement. The report shall be submitted to Planning Services by the seventh day of each succeeding month (Exhibit H),

The project, as approved, shall consist of the following:

2.
 - a. The conversion of a 20-acre leased area within the existing Wetsel-Oviatt industrial facility from a lumber mill to a debris recycling center. The applicant will transport asphalt, concrete, clean fill dirt, green waste, and construction materials from excavation and grading activities in the El Dorado Hills, Cameron Park, and Folsom areas for storage on site. Rock and dirt will be stored in a four acre area of the site and will be screened daily and hauled off-site to local construction projects. Concrete and asphalt will be stockpiled on a one-half acre area, and once a year a portable crushing plant, presently utilized for off site recycling, will be brought to the project site to crush and process the stockpiled material. Wood and green waste will be spread out, uncovered, on a one-half acre area, to maintain decomposing heat below 122 degrees Fahrenheit. Every 2,000 cubic yards, or approximately twice per year, the organic waste will be ground and processed. The recycled materials will be offered for resale to licensed contractors only. The off-site crushing activity is not being considered under this special use permit.
 - b. Three to seven employees to operate the following machinery: water truck, screening plant, tub grinder, portable crushing plant, and loaders.
 - c. Hours of operation will be 7:00 AM to 4:30 PM, Monday through Saturday.
 - d. A temporary construction trailer and restroom facility will be placed on site subject to the building permit process.

3. All site improvements shall conform to the site plans attached as Exhibits D and E.
4. Signage shall conform to Exhibit F.
5. Prior to operation, the applicant shall consult with the Air Pollution Control District (APCD) regarding limitations on diesel truck traffic, if necessary, in order to limit toxic air contaminate emissions. The threshold level, as determined by the APCD, will be included in the first monthly operational traffic log to be submitted to Planning Services under Condition 1. The applicant must demonstrate compliance with this level, if applicable.
6. For materials removed from an area containing naturally occurring asbestos (NOA) or serpentine, the applicant shall demonstrate to the Air Pollution Control District compliance with the California Code of Regulations Title 17 Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (§ 93105, et seq.). Additional requirements for further control measures will be applied as necessary by the District.
7. The applicant shall submit a hazardous materials business/hazardous waste generator management plan to Environmental Management for review and approval prior to operation.
8. Prior to the stockpiling of any organic waste, the applicant shall notify the El Dorado Hills Fire Department in order for it to determine the site meets adequate emergency access and fire flow requirements.
9. Prior to operation, the applicant shall obtain a Notification Tier Permit from the Placer County Local Enforcement Agency for El Dorado County in concert with the California Integrated Waste Management Board (CIWMB). Prior to permit issuance, a project-specific Emergency Response Preparedness Plan must be reviewed and approved by the CIWMB, and made available on site.
10. The applicant shall maintain all necessary permits and registrations required to operate the portable crushing plant, and the storage and recycling facility to include, but not be limited to, Statewide Portable Equipment Registration, the Notification Tier Permit and the Industrial Storm Water Permit.
11. The approved special use permit (S05-0001) shall expire March 31, 2007, concurrent with the applicant's lease on the site. The special use permit can be extended beyond this date through either approval by the Deputy Director of Planning or a revision to the special use permit.
12. The Deputy Director of Planning may approve minor modifications to an approved project where he finds the change:
 - a. Is consistent with all applicable provisions of Title 17;

- b. Does not involve a feature of the project that was specifically addressed in the conditions of approval, mitigation measures, or findings for approval of the project;
 - c. Does not result in an expansion of the project; and
 - d. Does not substantially alter the original approval action.
13. Failure to comply with any of these conditions of approval shall result in a hearing to consider revocation of the special use permit

ATTACHMENT 2 **FINDINGS**

FILE NUMBER S05-0001

1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study **and the mitigation measures identified therein**, and a Mitigated Negative Declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable).
2. The proposed use is consistent with the policies in the El Dorado County General Plan in that it is consistent with those uses allowed under the Industrial designation, is compatible with its adjoining land uses, and is in compliance with the maximum building intensities specified under Policy 2.2.1.5.
3. The use is found to comply with the requirements of Chapter 17.22, Special Use Permits, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based upon applicable state and local agency regulations and requirements, along with the resultant mitigation measure and conditions of approval contained in the staff report and the analysis of potential impacts in the Initial Study.