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RESOLUTION AMENDED BY STAFF 6-23-94

RESOLUTION AMEDED BY CPC 6-23-94

RESOLUTION NO. 1618

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF JUNE 23, 1994

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING A SPECIAL PERMIT FOR PROPERTY LOCATED AT 8642 ELDER CREEK ROAD

(P93-048) (APN: 064-0020-008)

WHEREAS, the City Planning Commission on June 23, 1994, held a public hearing on the request for approval of a Special Permit for a composting facility for property located at the above described location;

WHEREAS, the City Environmental Coordinator has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration;

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SACRAMENTO THAT:

- 1. The Special Permit is hereby approved based upon the following findings of fact:
 - A. The project, as conditioned, is based upon sound principles of land use in that:
 - 1) the recycling center/composting facility will comply with all State and local ordinances regarding their operations;
 - 2) the conditions of approval help to ensure that the use is compatible with the surrounding industrial and residential development; and

- 3) the Special Permit will be reviewed in a year to ensure that the use is compatible and not creating a nuisance.
 - B. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the mitigation measures and conditions of approval help to ensure that the odor problems will not be created.
 - C. The project is consistent with the General Plan and South Sacramento Community Plan which designate the site Heavy Commercial or Warehouse and Industrial, respectively.
2. The Special Permit for the proposed composting facility (Exhibits D-1 through D-5) is hereby approved subject to the following conditions:
- A. The site access road shall be paved. The Department of Public Works shall review and approve the proposed paving prior to the issuance of any Building Permits to ensure that it is adequate to withstand the heavy trucks using the roadway.
 - B. The applicant shall submit a revised site plan which relocates the driveway off Elder Creek to either line up with Younger Creek Drive or be off-set a minimum of 120 feet. The driveway location and width shall be reviewed and approved by the Traffic Engineer prior to the issuance of any Building Permits.
 - C. The perimeter fire access road shall be a minimum of 15 feet in width and shall be ~~paved~~ constructed to meet minimum City standards listed in Article 10 Division II of the Uniform Fire Code to the satisfaction of the Fire Department (Staff Amended 6-23-94, CPC Amended 6-23-94).
 - D. The applicant shall submit a site plan which details the layout of the parking area for review and approval of the Planning Director and Traffic Engineer prior to the issuance of any Building Permits. The parking area shall contain a minimum of 21 parking spaces. The parking area shall also be required to meet minimum paving requirements.
 - E. The applicant shall dedicate Elder Creek Road to a 45 foot half-street, and construct frontage improvements the width of the site.
 - F. All portions of the site which are approved by the Variance to waive paving requirements shall contain an all weather capability through the use of a soil stabilization process.

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- G. The undeveloped open space area shall be surrounded by a six inch raised concrete curb or fencing to prohibit any use of the area. If the area is to be used, it shall be paved to City Standards. There shall be no storage of bins within this area.
- H. There shall be a minimum 25 foot landscape setback along Elder Creek Road. This 25 feet shall be measured from the property line after the 45 foot half street dedication. The applicant shall submit a detailed landscape and irrigation plan for review and approval of the Planning Director prior to the issuance of any Building Permits. The landscaping shall include three foot undulating berms, with a combination of turf ground cover and trees. The landscape and irrigation plan shall also include verification of compliance with the City's Water Conservation Ordinance.
- I. The applicant shall submit a landscaping and irrigation plan for review and approval of the Planning Director prior to the issuance of any Building Permits which indicates compliance with the 50 percent shade requirements of the Zoning Ordinance. The areas required to be shaded include the site access road, from the driveway entrance, until the entrance to the parking area, and the parking lot. The landscaping must also comply with the City's Water Conservation Ordinance.
- J. The applicant shall provide a minimum 8 foot high solid wood or masonry fence at the rear of the 25 foot landscape setback to screen the outdoor storage areas. If the fence is a wood fence, the applicant shall ensure adequate maintenance. The location and fence details shall be included on the plans submitted to the Building Division.
- K. ~~The applicant shall provide a minimum 8 foot high solid wood or masonry fence along the western property line from behind the 25 foot landscape setback to a minimum of 15 feet beyond the rear of the adjacent residence. The location and fence details shall be included on the plans submitted to the Building Division.~~ *The applicant shall provide a five foot high berm, as measured from the grade of the property, on L & D property immediately adjacent to the western common property boundary. The berm must extend from 150' back of Elder Creek Road, passed the occupied structures, for a total of approximately 415 feet. The berm must be landscaped with trees a minimum of 15 gallon in size, placed 50 foot on center and 1 gallon shrubs, placed 6 to 8 feet on center. Selection of the appropriate tree and shrub species shall be to the satisfaction of the residential property owner and the Planning Director and be with the specific intent of providing over time a visual and noise reducing barrier. Irrigation of the landscape berm shall be by L & D and to the satisfaction of the City's Landscape Architect. The drainage shall be reviewed and approved by the Utility Department to ensure that drainage does not cross*

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property lines. (Staff Amended 6-23-94, CPC Amended 6-23-94)

- L. The remaining perimeter of the site must have a minimum six foot solid fence. The applicant shall submit a detail of the fence prior to the issuance of Building Permits. This fence shall also be included on the plans submitted to the Building Division.
- M. The hours of operation shall not exceed 6:30 a.m. to 7 p.m., ~~except for within 200 feet of the residentially occupied property, where the operations cannot begin until 8 a.m.~~ (Staff amended 6-23-94)
- N. The applicant shall submit a Sign Program for review and approval of the Planning Director prior to the issuance of any Sign Permits. The signage shall comply with all requirements of the Sign Ordinance.
- O. The applicant shall submit for a review of the Special Permit by the Planning Commission at the end of the first year of operation. The review could result in a revocation of the Special Permit, modifications to the conditions of approval, and/or additional reviews by the Planning Commission. The fee and information to be submitted as part of this review shall be that required for a Special Permit Modification.
- P. The applicant shall operate the composting operation in a manner so as not to create unreasonable offensive odors perceptible at or outside of the boundaries of the subject property. For purposes of this condition, odor shall be deemed unreasonable and offensive if considered unreasonable and offensive by persons of ordinary sensibilities. The Special Permit shall be subject to revocation or modification pursuant to Section 15-F of the City's Zoning Ordinance if the applicant violates the foregoing condition. Nothing herein is intended to preclude the City from revoking the Special Permit upon any other lawful ground(s).

Upon initiation of revocation proceedings before the Planning Commission due to, at least in part, alleged odor problems associated with the composting operations, including but not limited to odor problems violative of the foregoing condition, the applicant shall temporarily cease composting operations pending completion of the revocation proceedings before the Planning Commission; provided that the Planning Commission proceedings shall commence within fifteen (15) days of the date that notice of proposed revocation is given to the applicant, and shall be completed within thirty (30) days of the date that notice is first given. In the event that the Planning Commission proceedings are not completed within thirty (30) days of the date of notice, the applicant may resume operations. Nothing hereinabove is intended to prevent the Planning Commission from taking longer than thirty (30) days from the date of notice of proposed revocation

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to make a decision on the revocation. If the Planning Commission revokes the Special Permit due to, at least in part, odor problems, the applicant, to the extent the applicant is engaging in composting operations, shall cease composting operations as of the date of the decision.

If the applicant files an appeal of the decision of the Planning Commission revoking the Special Permit for the composting operations, the applicant may not resume such operations, provided that the appeal shall be noticed before, heard and decided by the City Council within twenty (20) days of the date that notice of the appeal is filed by the applicant. In the event that the City Council proceedings are not completed within twenty (20) days of the date of notice of appeal, the applicant may resume operations pending a decision on the appeal; provided that nothing shall prevent the City Council from taking longer than twenty (20) days from the date of notice of appeal to make a decision on the appeal; and provided further that nothing shall prevent the City from seeking injunctive or other judicial relief.

For purposes of this condition, the applicant shall be considered to cease operations by not accepting any new greenwaste for processing after receiving notice and by removing any residual stockpiles of unprocessed, or not fully processed, greenwaste on the subject site within a reasonable period of time, not to exceed twenty-four (24) hours.

- Q. The facility must process all material on the site within 24 hours of receipt. If this is not accomplished, the material must be transferred to a landfill for disposal.
- R. The L & D facility must be inspected by County of Sacramento Environmental Management Department to verify compliance with compost regulations prior to acceptance of any new green waste on the site.
- S. The applicant must comply with the State Composting Facilities Permitting Procedures and Enforcement regulations.
- T. The applicant shall comply with the submitted Operations Plan for Greenwaste Processing (Exhibit D-6).
- U. The existing structures on site shall meet all current Building Code requirements for the proposed use.
- V. Any exterior modifications to the existing structures on site, or the construction of any new structures, requires Planning Commission review and approval of the design.
- W. The applicant shall provide an Irrevocable Offer of Dedication for a 29 foot

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half street for a future road along southerly property line.

- X. The applicant shall coordinate with County Sanitation District No. 1.
- Y. The applicant shall submit a grading plan for review and approval of the Department of Public Works and Utilities. No grading shall occur without an approved grading plan. *The grading and drainage plan shall include the provision of the five foot high berm along the western property line. (Staff Amended 6-23-94).*
- Z. A drainage study as described in the City Design and Procedures Manual is required (shed map and table of calculations).
- AA. All water service connections shall comply with the City of Sacramento's Cross Connection Control Policy.
- BB. All domestic water service to the project site shall be metered.
- CC. Only one domestic water service will be allowed per parcel.
- DD. Source control measures for reducing potential pollutions that may run off site must be implemented for the project. These measures may include an include hydraulic and/or treatment (structural) controls to prevent sediment and other pollutants from leaving the site to the satisfaction of the Department of Utilities.
- EE. Multiple fire services are allowed per parcel and may be required.
- FF. Water tanks must be maintained as on site firefighting water. A double gated wye with provisions for two 2 1/2" fire hose lines shall be provided from the largest water tank. *A looped water main and hydrant system must be installed. The system is to provide a fire flow of 3,000 Gpm, with hydrant spacing not more than 300 feet. Hose cabinets with 100 feet of 1 1/2" hose are to be provided with spacing not to exceed 300 feet. These requirements shall be to the satisfaction of the Fire Department. (Staff Amended 6-23-94)*
- GG. The portable fire extinguishers within the shop and on equipment must be maintained serviceable. *All fuel powered equipment is to be provided with spark arresters. (Staff Amended 6-23-94)*
- HH. Product piles must not exceed 2500 cubic feet yards with 8 40 foot clear minimum distance between piles. *The maximum pile size shall be 20 feet in height, a base width of thirty feet, and a length of 75 feet. Piles are not*

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to be closer to the property line than 10 feet. This requirement shall be to the satisfaction of the Fire Department. (Staff Amended 6-23-94)

- II. Dry grass shall be removed from the site and maintained clear.

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CHAIRPERSON

ATTEST:


SECRETARY TO PLANNING COMMISSION