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PLANNING AND BUILDING
DEPARTMENT

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May 23, 2003

Law and Legislation Committee

Sacramento, California

Honorable Members in Session:

SUBJECT: Solid Waste Restricted Overlay Ordinance (M01-020)

LOCATION AND COUNCIL DISTRICTS: All Districts

RECOMMENDATION: Approval by the Law and Legislation Committee and forward Solid Waste Restricted Overlay Ordinance to City Council.

CONTACT PERSONS: Jim McDonald, AICP, Senior Planner 264-5723
Todd Leon, Assistant Planner 264-5538

FOR LAW AND LEGISLATION

COMMITTEE MEETING OF: June 3, 2003 (afternoon)

SUMMARY: The Solid Waste Overlay Zone District restricts the establishment of new hazardous waste facilities, solid waste landfills or solid waste transfer stations. The overlay zone is intended to address the over-concentration of solid waste services in the City of Sacramento.

COMMISSION ACTION:

The Solid Waste Restricted Overlay Ordinance was presented to the City Planning Commission a public hearing item on May 22, 2003. The City Planning Commission unanimously approved of the Solid Waste Restricted Overlay Ordinance and recommended the item to City Council for adoption.

BACKGROUND:

Solid Waste Transfer and Landfill Facilities

On November 10, 1998, the City Council adopted Ordinance 98-049, which established a temporary citywide prohibition on accepting or processing applications for major solid waste transfer or processing facilities. The City Council established the moratorium to address the proposals of two new large facilities in the South area. Staff was also directed to develop policy recommendations for proper locations of future facilities.

On June 6, 2000, the City Council approved an ordinance extension with an amended boundary that restricted the moratorium to all areas of the City, that lie south of the American River, where the majority of existing facilities are located. This ordinance was extended for a one-year period on June 5, 2001 and again on June 4, 2002. It expires on June 10, 2003.

COMMUNITY MEETINGS: In January of 2003, City Planning Staff began public outreach efforts to gather comments from the public about the new solid waste policies and ordinance. Below is a schedule of staff's outreach efforts:

- **1/22/03** Staff hosted a community outreach meeting for the solid waste business community and other interested groups.
- **3/05/03** City Planning and Solid Waste Staff presented the Solid Waste Policies and Ordinance to the Solid Waste Advisory Committee to address the possible regional impacts.
- **3/12/03** Staff formally presented the Solid Waste Policy and Ordinance to the Power Inn Business & Transportation Association at their monthly meeting for comments and questions.

City Planning staff mailed hearing notices to land owners and other interested groups for the Planning Commission meetings on 2/27/03 and 3/27/03. A large number of public comments were gathered through these notification letters.

Staff received positive feedback from the community for both the General Plan Policies and Overlay Ordinance. The public supported the new policies that address developing new solid waste facilities in a more efficient manner. Community members also supported the overlay ordinance and its potential use as a buffer to keep solid waste facilities from locating near incompatible uses.

The solid waste industry, specifically landfill businesses, raised concerns about the ability to expand operations within the overlay ordinance area. Staff addressed this concern by including specific language in the ordinance allowing current landfills, in or directly adjacent to the overlay area, the ability to expand with the an approval a Planning Commission Special Permit.

The Solid Waste Advisory Board (SWAC) and Sacramento County also provided comments on the policy and ordinance. Both SWAC and the County emphasized that the city should take the region into consideration when these new policies are implemented.

FINANCIAL CONSIDERATIONS: This report has no fiscal implications.

ENVIRONMENTAL CONSIDERATIONS: This project is exempt under CEQA guidelines section 15061(b)(3), as the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

POLICY CONSIDERATIONS: The proposed policy will help prevent the over-concentration of solid waste facilities and encourage a more efficient distribution of facilities. Solid waste transfer facilities strategically located throughout the City will provide facilities closer to waste generators, reducing drive times and distances, which can offer better air quality, traffic circulation, and financial benefits. The need for solid waste services is increasing in the area north of the American River and is becoming the most costly area for waste pick-up.

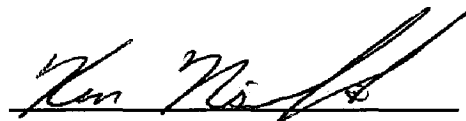
The City of Sacramento General Plan includes a number of goals and principles that support the proposed policy. The General Plan encourages the City to provide and maintain a high quality of public facilities and services to all areas of the City. The General Plan also supports attaining efficiency in the provision of services and facilities.

The proposed policy and ordinance is consistent with several smart growth policies of the General Plan including: supporting land use, transportation management, infrastructure ... that reduce vehicle emissions and improve air quality, and by providing opportunities for public input in the decision making process and taking advantage of existing assets.

The proposed policy and ordinance is consistent with the City of Sacramento's Strategic Plan Goals to "promote and support economic vitality" and "enhance and preserve the neighborhoods".

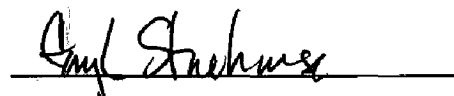
ESBD CONSIDERATIONS: No goods or services are being purchased under this report.

RECOMMENDATION APPROVED:



Ken Nishimoto
Deputy City Manager

Respectfully submitted:



GARY L. STONEHOUSE
Planning Director

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ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING CHAPTER 17.183 TO TITLE 17 OF THE SACRAMENTO CITY CODE TO ESTABLISH THE SOLID WASTE RESTRICTED (SWR) OVERLAY ZONE, AMENDING SECTION 17.136.020 OF TITLE 17 TO ADD A REFERENCE TO THE SOLID WASTE RESTRICTED (SWR) OVERLAY ZONE AND AMENDING SECTION 17.16.010 OF TITLE 17 TO ADD DEFINITIONS FOR CLASS 3 LANDFILL, INERT LANDFILL, INERT WASTE AND SOLID WASTE LANDFILL.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO THAT:

SECTION 1

Section 17.136.020 of Title 17 of the Sacramento City Code is hereby amended to include the following in the list of overlay zones:

Chapter 17.183 – Solid waste restricted overlay zone (SWR)

SECTION 2

Section 17.16.010 of Title 17 of the Sacramento City Code is amended to add definitions of "Class 3 Landfill", "Inert Landfill", "Inert Waste" and "Solid Waste Landfill":

"Class 3 landfill" means a "classified waste management unit", as defined by 27 Cal. Code of Regs Sec. 20164, that has been classified by a Regional Water Control Board as a Class III landfill pursuant to the provisions of Article 3, Subchapter 2, Chapter 3, subdivision 1, Division 2 of Title 27 of the California Code of Regulations (27 Cal. Code of Regulations Secs. 20240 et seq.).

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ORDINANCE NO.: _____

DATE ADOPTED: _____

"Inert landfill" means a solid waste landfill that accepts and receives only inert waste.

"Inert waste" means "inert waste" as defined in Public Resources Code Sec. 41821.3(a), as amended from time to time.

"Solid waste landfill" means solid waste landfill as defined in California Public Resources Code section 40195.1, as amended from time to time.

SECTION 3

Chapter 17.183 is hereby added to Title 17 of the City Code, to read as follows.

17.183.010 Purpose

The purpose of this chapter is to address the heavy concentration of solid waste facilities that exist in certain areas of the city. Concentration of a large number of solid waste facilities has led to increases in traffic congestion, air quality impacts, and hazards to human health. This overlay zone is intended to restrict the establishment or expansion of solid waste facilities in the areas where it is applied. This overlay zone is also intended to stimulate the establishment of new solid waste facilities near new growth areas, so waste disposal services can more efficiently serve the increasing needs of the population now and into the future without further impacting areas of the city that already contain an over-concentration of such facilities.

17.183.020 Applicability

The SWR designation appearing after a land use classification on the official zoning map indicates that the property so classified is subject to the restrictions set forth in this chapter in addition to those indicated in the land use zone (underlying zone). The SWR designation may be applied to all areas of the city where the City Council determines a heavy concentration of solid waste facilities exist.

17.183.030 Use Regulations

A. Except as otherwise provided herein, uses permitted in the underlying zone outside of the solid waste restricted overlay zone, shall be permitted in the solid waste restricted overlay zone. If this title requires the approval of a special permit or other discretionary entitlement(s) to establish a particular use in the underlying zone outside of the solid waste restricted overlay zone, approval of the same discretionary entitlements shall be required to establish the use within the underlying zone within the solid waste restricted overlay zone.

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B. Additional prohibited uses in the SWR zone. In addition to the uses prohibited in the underlying zone outside of the solid waste restricted overlay zone, the establishment of any new hazardous waste facility, solid waste landfill or solid waste transfer station is prohibited within the solid waste restricted overlay zone; and further, except as provided in Subsection C below, no existing hazardous waste facility, solid waste landfill or solid waste transfer station within the solid waste restricted overlay zone shall be modified, expanded or other-wise change or altered.

C. Modification or alteration of existing hazardous waste facility, solid waste landfill or solid waste transfer station: no increase in tonnage, volume or other capacity restriction:

1. Notwithstanding Subsection B above, a special permit modification may be approved by the Planning Commission to amend or modify the conditions of operation of an existing hazardous waste facility, solid waste landfill or solid waste transfer station located within the solid waste restricted overlay zone: provided that the Planning Commission shall have no authority to approve an increase in the tonnage, volume or other capacity restriction imposed on the facility that is the subject of the application, and no variance shall be approved to authorize such an increase.

Exception: Applications to amend conditions of operation of an existing hazardous waste facility, solid waste landfill or solid waste transfer station pending as of March 1, 2003 may be heard by the Zoning Administrator to the extent the Zoning Administrator has the authority to hear such applications, provided that the Zoning Administrator shall have no authority to approve an increase in the tonnage, volume or other capacity restrictions, and no variance shall be approved to authorize such an increase.

2. Notwithstanding Subsection B above, a special permit or special permit modification may be approved by the Planning Commission to expand an existing inert landfill or existing Class 3 landfill facility, located either within or immediately adjacent to the solid waste restricted overlay zone, to adjacent property located within the solid waste overlay zone; provided that the Planning Commission shall have no authority to approve an increase in the tonnage, volume or other capacity restriction imposed on the facility that is the subject of the application, and no variance shall be approved to authorize such an increase. The purpose of this provision is to allow for existing inert and Class 3 landfills in or immediately adjacent to the solid waste restricted overlay zone to expand the area in which they may deposit fill, while not allowing for any increase in the tonnage, volume or other capacity restriction.

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Section 17.183.040 Nonconformities

Except as provided below, the provisions of Chapter 17.88 of this title shall apply to any nonconforming uses within the SWR solid waste restricted overlay zone.

Exception: The nonconforming use regulations of Chapter 17.88 of this title shall not be applicable or available to any hazardous waste facility, solid waste landfill or solid waste transfer station lawfully established and existing within the solid waste restricted overlay zone. No existing facility, landfill or transfer station shall be modified, altered or expanded except as permitted by Section 17.183.030.

PAST FOR PUBLICATION:
DATE ENACTED:
DATE EFFECTIVE:

MAYOR

Attest:

City Clerk

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

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SOLID WASTE

Presently, all residential solid waste is collected by the City. This and commercial putrescible solid waste is transported to the City's landfill site located at 28th Street and A Street. Capacity of this facility is expected to be reached by 1990. Commercial waste collected by private companies is delivered to the County's landfill site at Kiefer Boulevard or to Yolo County's landfill site. Sacramento County's solid waste transfer station at Fruitridge Road and McClellan Air Force Base can also be used by the public. Residential waste removal service is financed directly by user fees and is expanded as demand increases in new growth areas. In addition, the City runs a once-a-year Neighborhood Clean Up Program, offering pick up of almost any kind of debris. The City also provides residents with a weekly garden refuse pickup. Maps 2 and 3 show the location of existing solid waste system facilities and sanitation district boundaries.

The City collects all residential solid waste. Commercial waste collection service is provided by both the City and permitted private haulers. Residential and commercial solid waste collected by the City is transported to Sacramento Recycling and Transfer Station located at 8491 Fruitridge Road the transported by larger transfer vehicles to the Lockwood Landfill, near Sparks, Nevada. Commercial waste collected by private haulers is disposed of at a variety of facilities including the Sacramento County Keifer Landfill, the Yolo County landfill, Forward landfill, L and D Landfill, Florin Perkins Landfill and several privately run transfer stations. Commercial waste collected by private haulers is delivered to the Sacramento County Keifer Landfill, the Yolo County landfill and several privately run transfer stations. Residential waste removal service is financed by user fees and is expanded as demand increases in new growth areas. Additionally, the City runs a once-a-year Neighborhood Clean Up Program, offering pick-up of most categories of debris. The City also provides residents with a weekly garden refuse pickup and a bi-weekly single-can recycling program. Map 2 and 3 show the location of existing solid waste facilities.

The City has established a Toxic Substance Commission to address hazardous waste issues which are discussed in the Health and Safety Element. The City is presently participating with the State and Federal Government to clean up hazardous waste in the City. Neither the City or County have landfill sites for hazardous waste collected in the City. The City encourages source reduction and recycling in lieu of land disposal for hazardous waste.

The City is continually promoting the recycling of solid waste materials. In 1989, the City's Source Reduction Recycling Element (SRRE) was adopted by the state. The SRRE outlines the city's goals, policies, and programs directed at reaching the state's waste mandate of a 50% reduction and diversion in landfill waste disposal. Included in the strategy is the city's dedication to establishing, sustaining, and expanding recycling-based manufacturing businesses. Creating and maintaining a healthy recycling market is essential to meeting the City's landfill reduction goals and mandates.

In 1993, the City and County of Sacramento and the Sacramento Housing and Redevelopment agency applied and received a 10-year Recycling Market Development Zone (RMDZ) designation from the State of California. The RMDZ program offers financial, technical and marketing incentives to small and medium size recycled material manufacturers. The RMDZ programs helps reduce or divert waste by assisting the establishment of new businesses that recycle and/or manufacture new products from waste.

In February 2003, the RMDZ was renewed and expanded to include all of Sacramento County and other nearby jurisdictions. The newly expanded Sacramento Regional Recycling Market Development Zone (SRRMDZ) increases the opportunities to site new manufacturers in the region that might otherwise choose to site facilities in other RMDZ's throughout the State. Businesses already located in expanded zone, but not in the current zone, are now eligible for the incentives provided by the program.

The City established a Toxic Substance Commission to address hazardous waste issues that are discussed in the Health and Safety Element. The City provides a permanent household hazardous waste collection program, located at the Sacramento Recycling and Transfer Station on Fruitridge Road.

Projected Need

The City's Public Works Department is presently reviewing several options to accommodate solid waste generated by expected growth and development. A transfer station within the Sacramento County is being considered as an alternative to development of a new landfill. The existing 28th and A Street landfill has been deleted as a potential transfer site by City Council resolution. Also, a location for a landfill site, to replace the 28th and A Street facility, is now being actively sought.

Additionally, the City is giving consideration to locating other civic uses at or near the 28th and A Street landfill site. The other uses, which may include a corporation yard, or park or open space as designated on the Parks Master Plan, are the focus of a separate study of City government space needs.

The City of Sacramento currently provides adequate waste removal services to the city's population. However, as the City's population continues to increase, additional waste removal services and facilities will be necessary. For instance, the North Natomas Community Plan Area expects to increase in population from 1,607 (2000 Census) to 63,340 persons by the year 2025 (SACOG 2002). The South Sacramento and Airport-Meadowview Community Plan Areas are projected to add another 18,646 persons by 2025. Consequently, adequate and efficient locations for new solid waste transfer and recycling facilities will need to be identified in the new growth areas to effectively serve the anticipated population growth.

GOALS AND POLICIES FOR SOLID WASTE

Goal A

Provide adequate solid waste disposal facilities and services for collection, storage and reuse of waste materials.

Policy 1

Continue present landfill operations at the present 28th and A Street site until capacity is reached.

Policy 2

~~Develop transfer station capacity as an interim solid waste disposal option, and design the facility(s) for compatibility with potential waste processing and recycling operations.~~

Policy 3 1

Continue the Neighborhood Clean Up Program and develop and implement additional programs when necessary.

Policy 4 2

Explore programs and new techniques of solid waste disposal to reduce the need for landfill sites.

Policy 5 3

Continue to coordinate efforts with Sacramento County to provide long-term landfill disposal capacity.

Policy 6 4

Expand recycling and composting efforts to the maximum extent feasible in order to reduce the volume and toxicity of solid wastes that must be sent to landfill facilities.

Policy 5

Provide an efficient system of solid waste and recycling facilities and services throughout the city that avoids the over-concentration in areas that are well served.

Policy 6

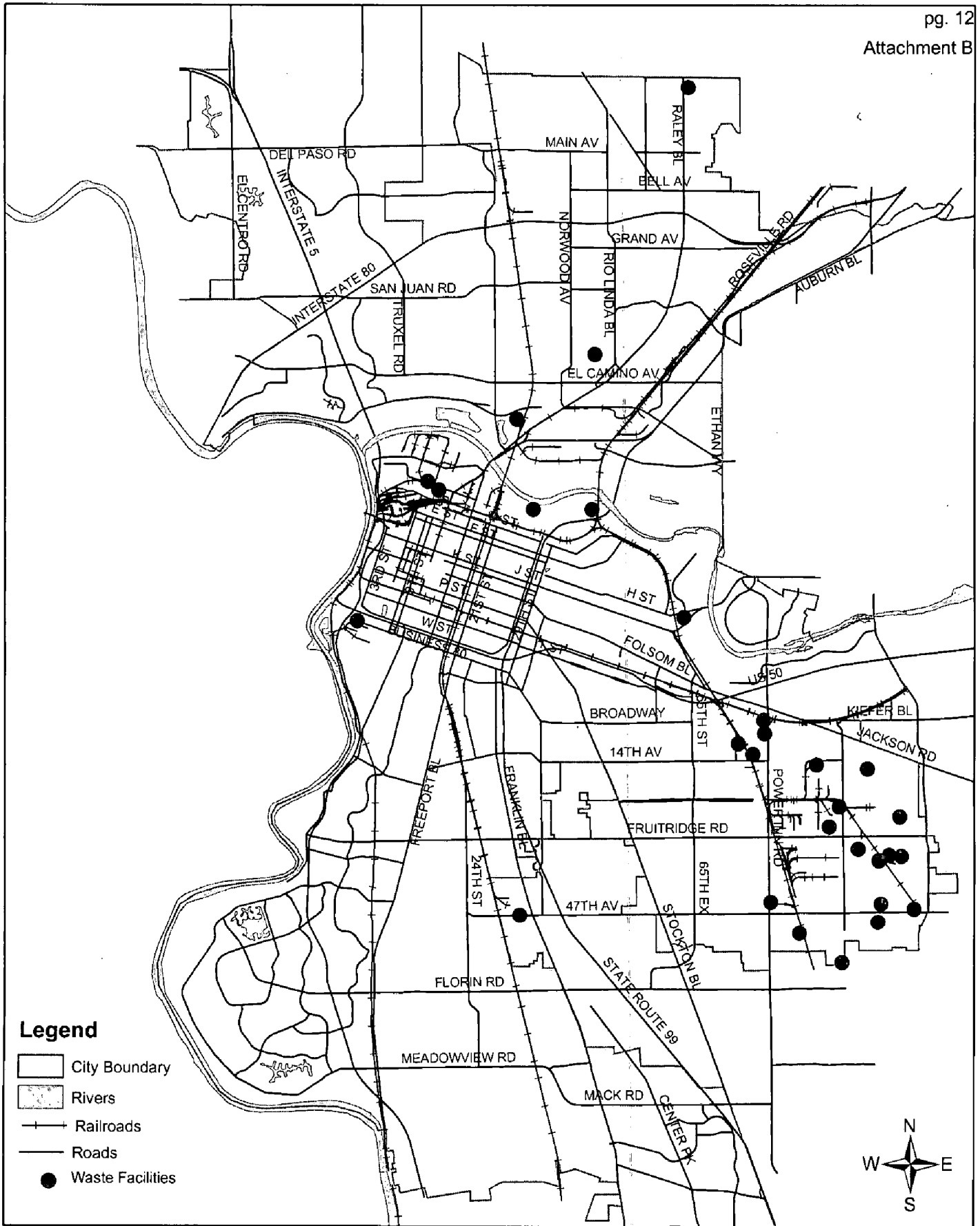
Develop transfer station capacity in the north area and design it for compatibility with potential waste processing and recycling operations.

Policy 7

Reduce potential noise, air, and traffic impacts of solid waste recycling and transfer facilities by locating them throughout the city and county, proximate to new and existing residential and commercial waste generators.

Policy 8

Promote and support the Sacramento Regional Recycling Market Development Zone to strengthen the local recycling and diverted waste material markets.



City of Sacramento Recycling and Solid Waste Facilities



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**City of Sacramento Planning Division
Solid Waste Policy and Overlay Ordinance (M01-020)
Power Inn Solid Waste Rezone (M03-005)**

Project Summary

Background

- On November 10, 1998, the City Council adopted Ordinance 98-049, which established a temporary citywide prohibition on accepting or processing applications for major solid waste transfer or processing facilities while new policies were developed.
- On April 4th, 2000 the City Council approved an ordinance amendment requiring new or expanding recycling facilities to obtain a Special Permit from the Planning Commission or the Zoning Administrator. The adopted ordinance amendment also included new operational and development standards, as well as definitions for recycling and solid waste facilities.
- On June 6, 2000, the City Council approved an ordinance extension with an amended boundary that restricts the moratorium to all areas of the City, that lie south of the American River, where the majority of existing facilities are located. This ordinance was extended for a one-year period on June 5, 2001 and again on June 4, 2002. It expires on June 10, 2003.
- The City Council established the original moratorium because two new large facilities were approved in the South area. At the same time, staff was directed to develop policy recommendations for proper locations of future facilities.

Sacramento Regional Recycling and Marketing Development Zone

- Since 1993, the City has been participating in the Recycling Market Development Zone (RMDZ) program administered by the State of California. The RMDZ program is a partnership of local governments and the California Integrated Waste Management Board (CIWMB), created to provide incentives to businesses that use secondary materials from the waste stream as feedstock for their manufacturing processes. There are 40 zones in California and the designation is renewed every 10 years.
- On October 29, 2002, the City Council approved a resolution supporting the expansion of the current Recycling and Marketing Development zone (RMDZ) countywide. The now expanded, newly named Sacramento Regional Recycling Market Development zone (SRRMDZ) will be renewed for another ten years on February 10th, 2003.

General Plan Amendment

- The proposed General Plan Amendment establishes policy to locate solid waste facilities in properly zoned and designated areas throughout the city rather than concentrating services to one area. The intent of the new policy is to promote a more efficient and equitable system of solid waste services. Also, the proposed amendment identifies the expansion and continued promotion the City's recycling businesses as an important component to providing an efficient system of solid waste services.

Zoning Code Amendments

- Solid Waste Restricted Overlay Zone will prohibit the establishment of **new** solid waste facilities where it is applied. The overlay zone also is intended to stimulate the establishment of solid waste facilities closer to new growth areas where waste disposal services can more efficiently serve the increased needs of current and future population without impacting areas that already contain a concentration of solid waste facilities.
- Solid Waste Landfill Definition, as defined by the California Resources Code, will be added to the Sacramento City Code.

Rezoning

- Power Inn Solid Waste Rezone will apply the Solid Waste Overlay Zone designation to the area South of the light rail track line, North of 21st Avenue, West of the city limits, and East of the Union Pacific Railroad Tracks.