

## **STAFF REPORT**

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### **PROJECT INFORMATION**

Application:	PLN200021 Use Permit to allow John Smith Road Landfill to stockpile excavated soil off-site for four (4) years
Date of Hearing:	June 3, 2020 Planning Commission Special Meeting
Applicant/Owner:	Waste Solutions/Mr. Manuel Lima (at time of application)
Location:	2659 John Smith Road, Hollister
Assessor's Parcel No:	Portion of 025-190-011 (at time of application)
General Plan Designation:	Rangeland (RG)
Zoning District:	Agricultural Rangeland (AR)
CEQA:	Negative Declaration
Project Planner:	Darryl Boyd, Principal Planner

### **BACKGROUND**

The County owns the John Smith Road Landfill (JSRL) property located at 2650 John Smith Road. The County and Waste Solutions of San Benito, LLC (Waste Solutions) entered into a Landfill Operating Agreement on December 21, 2010 and it was last amended on October 17, 2019. Waste Solutions is the operator of the John Smith Road Landfill (JSRL). The County and Waste Solutions have mutually engaged in an enterprise to provide County residents and businesses with waste disposal services at the JSRL. San Benito County Integrated Waste Management (SBCIWM) Division is responsible for managing Waste Solutions compliance with the Landfill Operating Agreement. Numerous other state and federal governmental agencies have regulatory oversight or permitting authority for the landfill operations.

A Lot Line Adjustment (File No. PLN20005) to reconfigure the property lines of the now 388.05-acre subject parcel [new parcel 2] was approved by the County on February 19, 2020 and subsequently recorded by the property owner. The assigned assessor's parcel number may be changed due to the lot line adjustment. Ownership of the subject parcel has recently been transferred from Mr. Lima to Waste Solutions/County (sale recorded May 22, 2020). This staff report and the draft use permit resolution reflect the ownership and APN at the time the application was submitted. The use permit runs with the real property regardless of ownership or assigned APN. Project documents may be subsequently amended to reflect any changes as appropriate in real time.

### **PROJECT DESCRIPTION**

On May 7, 2020, Waste Solutions, on behalf of Mr. Manuel Lima, property owner at that time, filed a use permit application with the County, File No. PLN 200021, for the short-term stockpiling of native soils on Mr. Lima's property. The subject project site is located immediately adjacent to the east of John Smith Road Landfill at 2650 John Smith Road in unincorporated San Benito County. The use permit site is approximately 12.7-acres in size and is a portion of Assessor's Parcel No. 025-190-011 as currently identified.

The proposed project includes the short-term stockpiling of up to approximately 315,000 cubic yards of native soils on approximately 12.7-acres of grazing land. The stockpile site is located just outside of the permitted boundary of the John Smith Road Landfill. It is the larger land area outlined in red in the aerial photo below. The source of the native soil is from the excavation of the last waste disposal module within the permitted landfill boundary. Excavation within the landfill is already an approved activity at the landfill. The stockpiled soil will be used as a source for daily and intermediate landfill cover until it is depleted, which is expected to take approximately four (4) years per the applicant's letter dated May 15, 2020. If all of the stockpiled soil is not needed for landfill cover the use permit includes a condition for the remaining soil to be graded, contoured and revegetated to conform with the natural grade and vegetation.

The proposed project includes the construction of an approximately one-acre stormwater detention basin to capture stormwater runoff from the soil stockpile as a component of erosion control. The detention pond would be located directly southeast of the proposed soil stockpile, directly north of John Smith Road, and directly east of the permitted landfill boundary. It is the smaller land area outlined in red in lower middle of the aerial photo below.



***John Smith Road Landfill Proposed Soil Stockpile, Looking West***

## **GENERAL PLAN**

The subject property has a 2035 General Plan Land Use Diagram designation of Rangeland (RG). The purpose of this designation is to maintain open space and grazing land on hills, mountains, and remote areas of the county. This designation is applied to areas that have

minimal transportation access, high to very high fire hazard, and no public infrastructure (e.g., sewer, water, drainage). Most of these areas are located within remote parts of the county.

The 2035 General Plan allows landfills in the Public/Quasi-Public (PQP) Land Use designation because the purpose of this designation is to provide for public and quasi-public uses, including public utility facilities and services, and other similar uses related to the operation of government services. General Plan Policy PFS-7.1 states *“The County shall ensure that there is adequate capacity within the solid waste system for the collection, transportation, processing, recycling, and disposal of solid waste to meet the needs of existing and projected development”*.

## **ZONING**

The zoning designation of the subject property is Agricultural Rangeland (AR). A landfill use is not enumerated as a permitted or conditional use, in the AR district. However, a landfill in the AR district can be allowed under County Code Section 25.07.005 (Z) as an additional conditional use in accordance with Section 25.29.106. County Code Section 25.29.106 (H) states that the Planning Commission may, after a public hearing, permit government enterprises and/or private enterprises performing governmental functions (federal, state and local) or uses in zoning districts from which they are otherwise prohibited if the uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the general plan. A notice of the public hearing is required in accordance with the County Code.

## **ENVIRONMENTAL EVALUATION**

The proposed project is subject to the requirements of the California Environmental Quality Act (CEQA). Pursuant to Sections 21092 and 21092.3 of the Public Resources Code and State CEQA Guidelines Section 15072 an Initial Study/Negative Declaration was prepared and made available for public review and comment from May 2, 2020 until May 22, 2020. The Initial Study analysis shows that there is no substantial evidence that the short-term stockpiling of native soils may have a significant effect on the environment. No mitigation measures are required. The preparation of an Environmental Impact Report is not necessary. No comments have been received at this time.

## **STAFF ANALYSIS**

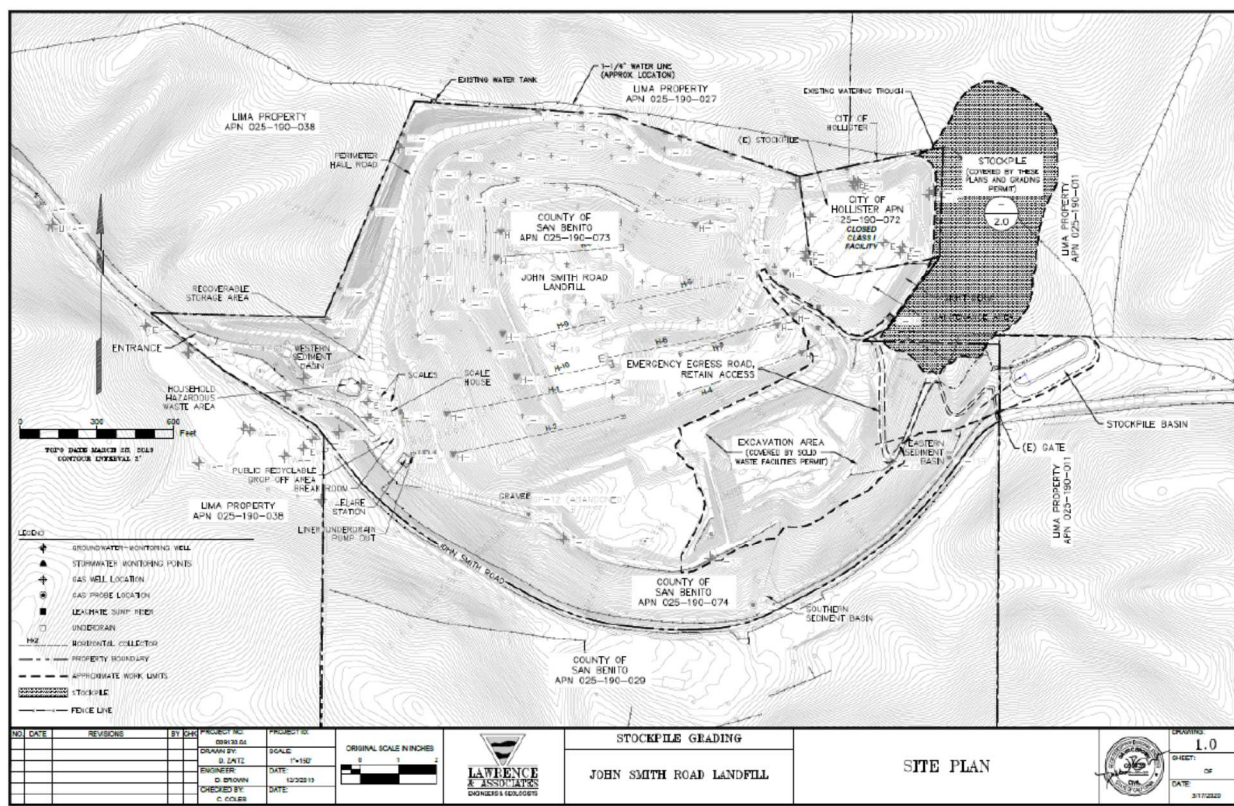
The proposed project includes the short-term stockpiling of up to approximately 315,000 cubic yards of native soils on approximately 12.7-acres of grazing land located outside of the permitted boundary of the John Smith Road Landfill. The source of the soil is from the excavation of waste disposal Module 7/8C, which is located within the permitted landfill boundary. The project does not need to include the excavation of Module 7/8C, as this is already an approved activity at the landfill. As described in more detail below, the stockpiled soil will be used as a source for daily and intermediate landfill cover until it is depleted, which is expected to take approximately four (4) years. The applicant’s initial use permit request was for 15-years, but this has been reduced per their letter to the County dated May 15, 2020.

The proposed project also includes accessing the soil stockpile over an approximately four (4) year timeframe as a source for daily and intermediate landfill cover. This would typically require

approximately 10 truck trips per day as needed between the stockpile and landfill working face for application of the daily cover.

## Operations Description

The excavation of native soil is required to construct waste disposal modules at landfills to provide an area within which a liner system can be constructed. This system protects the underlying soil and groundwater from contamination and provides an area for waste disposal. The excavated soil is typically stockpiled directly adjacent to the excavated module and would be within the area permitted for solid waste disposal operations. The stockpiled soil is then used to provide daily landfill cover, which is the soil that is applied at the end of the operating day over the top of the waste that has been placed in the waste disposal module. The application of daily cover helps minimize odors and reduces vectors at the landfill working face.



## John Smith Road Landfill Proposed Soil Stockpile, Site Plan

In addition, when the module is filled to its capacity, the remaining stockpiled soil is used to create an intermediate cover that is more substantial than the daily cover (typically one foot of soil versus six inches). This intermediate cover helps ensure buried waste is not inadvertently exposed. However, when the landfill is nearing its capacity, there is not always enough space within the permitted landfill boundary to stockpile soil from the last modules to be constructed. This is the situation for Module 7/8C, which is one of the last modules being constructed at the John Smith Road Landfill.

The proposed project includes stockpiling soil from Module 7/8C on land located directly east and outside of the landfill's permitted boundary. Approximately 300,000 cubic yards of material would be excavated from Module 7/8C, which is located within the southeastern portion of the permitted landfill and transported to the stockpile site. The excavated soil would be transported using 20 cubic yard haul trucks. A total of 250 one-way trips would be conducted per day, resulting in the transport of approximately 5,000 cubic yards per day. At this excavation rate, the stockpile would require approximately 3 months to complete, assuming the construction activities occur for ten hours per day and five days per week. Because the landfill operator is currently permitted to excavate landfill modules and create soil stockpiles within the landfill's permitted boundary, the proposed project being requested for the use permit and evaluated in the Initial Study/Negative Declaration is limited to the placement of soil on an area that was not previously considered for soil placement.

### Visual Effects

The proposed stockpile project would alter the site's existing visual character by constructing a soil stockpile that would be visible from John Smith Road, which provides public views of the site. To represent the anticipated visual changes, three visual simulations were prepared by Lawrence & Associates and are included in the Initial Study. These simulations represent views from three viewpoints located along John Smith Road southeast of the project site. Visual simulations were not prepared for locations along John Smith Road to the west because the existing landfill mound would obscure the soil stockpile from these locations. As represented in the simulations, the top of the stockpile would be approximately 50 feet below the top of the existing landfill mound. The top elevation of the soil stockpile would be 832 feet.

Although these visual simulations represent a substantial increase in land surface elevations, as viewed from John Smith Road, these visual changes would be consistent with the continual changes in surface elevations that occur at the adjacent landfill. Because the construction of a soil stockpile would not be inconsistent with the regular surface elevation changes at the adjacent landfill, would generally only be visible to a small number of travelers on John Smith Road, would be obscured by the existing landfill mound from viewpoints to the west, and would not be a permanent fixture, it would not be expected to substantially degrade the existing visual character or quality of public views of the site and its surroundings.

### General Plan Conformance

The proposed project is limited to the short-term stockpiling of native soils excavated from the landfill. It is related to but is not an expansion of the actual waste disposal area operations. The use permit is consistent with the 2035 General Plan in that the purpose of the project is to implement the 2035 General Plan goals and policies to fulfill the County's obligation to provide solid waste service for the County. The services provided by the John Smith Road Landfill are deemed essential or desirable to the public convenience or welfare. The permit is for a short-term use that is necessary for the continued operation of the existing landfill. Surrounding land uses are rural in character and include agricultural and grazing lands. No residential or other structures are located within 1,000 feet of the project site. The nearest residence is approximately 0.7 mile southeast of the project site.

## Zoning Code Findings

The approval of the use permit with conditions will serve the public necessity, convenience and general welfare in that the safe and effective operation of the John Smith Landfill will be allowed to continue in an orderly fashion. The landfill operation will continue to be subject to the terms and conditions of the Landfill Operating Agreement, which remains the operative document. The Landfill Operating Agreement includes requirements for on-going compliance with the regulations and permits of other responsible oversight agencies. The project, as proposed, will not be hazardous by reason of floods, geological hazard or unstable soils. It will not endanger other properties or result in the deposition of debris on any public way, property or drainage course, or will otherwise create a hazard. The project as proposed will not place fill within a 100-year floodplain.

## CEQA

Based on the analysis included in the attached Initial Study, the John Smith Road Landfill Soil Stockpile Project would not be expected to cause significant, adverse environmental impacts. Therefore, the impacts associated with the proposed project would remain less than significant. As a result, the preparation of an Environmental Impact Report pursuant to the California Environmental Quality Act (Division 13 of the Public Resources Code of the State of California) is not required. The County has not received any comments in response to the Notice of Intent issued and published on May 1, 2020 to adopt the Negative Declaration.

## Conclusion

In summary, staff's opinion is the approval of the proposed use permit with conditions will serve the public necessity, convenience and general welfare in that the use permit will implement the County's adopted 2035 General Plan goals and policies for it to provide essential solid waste disposal services.

## **RECOMMENDATION**

Staff recommends the Planning Commission:

- 1) Adopt the Negative Declaration, and
- 2) Approve Use Permit File No. PLN200021 with conditions as recommended by staff; and
- 3) Find the Use Permit is consistent with the 2035 General Plan because the use is deemed essential or desirable to the public convenience or welfare, and
- 4) Find the Use Permit is in harmony with the applicable elements or objectives of the General Plan; and
- 5) Find the Use Permit will serve the public necessity, convenience and general welfare.

## **ATTACHMENTS**

1. Initial Study/Negative Declaration
2. Draft Resolution Approving Use Permit with Conditions of Approval & Site Plans
3. Correspondence Received (two letters from Waste Solutions)

C: Waste Solutions & County of San Benito Integrated Waste Management