

RESOLUTION NO. 613-2016

RESOLUTION OF THE COUNTY PLANNING COMMISSION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, PERMIT REVIEW HEARING RECOMMENDING ACCEPTANCE OF REPORT CONCLUDING THERE IS NO NEED TO ADD OR MODIFY ANY EXISTING CONDITIONS OF APPROVAL FOR THE KELLER CANYON LANDFILL LAND USE PERMIT, COUNTY FILE #LP89-2020 AS AMENDED AND MODIFIED, IN THE PITTSBURG/BAY POINT AREA OF SAID COUNTY.

WHEREAS, in 1990, the Board of Supervisors approved County File #LP89-2020 to allow the construction and operation of Keller Canyon Landfill, which included condition of approval #11.1 that allows for the addition or modification of permit conditions through permit review hearings; and

WHEREAS, in 1995, the Board of Supervisors approved a Board Order that outlined the criteria to add or modify the conditions of approval that would improve public health, safety, and welfare. The approved Criteria also specified that additional modifications to the conditions of approval may be considered to address inconsistencies resulting from court decisions or regulatory changes that occurred since the permit was approved in July 1990 or subsequently amended or modified; and

WHEREAS, on September 22, 2015, the Contra Costa County Board of Supervisors approved new and modified conditions as part of the first permit review, and directed the Department of Conservation and Development ("DCD") staff to prepare the second annual permit review for consideration by the County Planning Commission in October 2016 in accordance with the conditions of approval for County File #LP89-2020 as amended and modified; and

WHEREAS, after notice was lawfully given, a public hearing was scheduled before the County Planning Commission on October 11, 2016, at which time all persons interested therein had the opportunity to appear and be heard; and

WHEREAS, on Tuesday, October 11, 2016, the County Planning Commission opened the public hearing, and after having received, considered, and evaluated the information presented by staff and all the testimony provided by persons interested in this matter, closed the public hearing.

NOW, THEREFORE BE IT RESOLVED, that the County Planning Commission takes the following actions:

- 1) CONSIDER the information presented in the October 11, 2016 staff report and the associated Compliance Status Table (Exhibit D), which provides the background and context necessary to satisfy Part I of the 1995 Permit Review Criteria (Exhibit C) approved by the Board of Supervisors for KCL's Land Use Permit, County File #LP98-2020; and
- 2) RECOMMEND that the Board of Supervisors accept the second permit review report prepared by staff for the Keller Canyon Landfill land use permit (see Exhibit B), pursuant to the 1995 Board approved Permit Review Criteria, and;
- 3) RECOMMEND that the Board of Supervisors direct DCD staff to schedule the next permit review in one year.

These actions were the subject of a motion approved by the County Planning Commission on Tuesday, October 11, 2016, by the following vote:

AYES: Commissioners – Terrell, Wright, Clark, Snyder, and Steele

NOES: Commissioners – None


ABSENT: Commissioners – Swenson

ABSTAIN: Commissioners – None

BE IT FURTHER RESOLVED that the Secretary of the County Planning Commission shall respectively sign and attest the certified copy of this resolution and deliver the same to the Board of Supervisors all in accordance with the Planning Laws of the State of California.

ATTEST:

Duane Steele,
Chair of the County Planning Commission,
County of Contra Costa, State of California



Aruna Bhat, Secretary
County Planning Commission
County of Contra Costa
State of California