



# Department of Conservation and Development

## County Planning Commission

Wednesday, January 10, 2018 – 7:00 .P.M.

### SUPPLEMENTAL STAFF REPORT

Agenda Item # \_\_\_\_\_

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<b>Project Title:</b>	Keller Canyon Landfill Land Use Permit Review
<b>County File(s):</b>	#LP89-2020
<b>Applicant/Owner:</b>	Keller Canyon Landfill Company (KCLC) / Republic Services
<b>General Plan/Zoning:</b>	Landfill (LF) / Heavy Agricultural (A-3)
<b>Site Address/Location:</b>	901 Bailey Road, Pittsburg – Bay Point area (APN: 094-060-008, 018, 019, 020 & 021)
<b>California Environmental Quality Act (CEQA) Status:</b>	Exempt. This permit review and the preparation and proposed acceptance of the staff report are purely administrative in nature and not subject to CEQA per Section 15061.(b)(3). This action does not constitute a project since staff is not recommending any new or modified conditions of approval for the existing land use permit (LUP).
<b>Project Planner:</b>	David Brockbank, Senior Planner (925) 674-7794
<b>Staff Recommendation:</b>	RECOMMEND that the Board of Supervisors accept the permit review reports for the Keller Canyon Landfill LUP. (See Section II for Full Recommendation)

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### **I. PROJECT SUMMARY**

This remains the third annual review of the conditions of approval for KCL's approved LUP that was continued from the December 6, 2017, County Planning Commission (CPC) meeting. These annual permit review reports, initiated in 2014, are prepared in accordance with LUP condition of approval 11.1. The Permit Review Criteria approved by the Board of Supervisors (Board) in 1995 and condition 11.1 affords the Board the opportunity to approve new and/or modified conditions of approval to improve public health, safety, and welfare or to address inconsistencies resulting from court decisions or regulatory changes made since the land use permit was approved in July 1990. The

CPC can recommend modifications to the LUP's conditions as needed to address demonstrated public health, safety, or welfare impacts; or required by new regulations or court decisions. The CPC may propose new or modified conditions to the LUP, however only the Board has the authority to approve any proposed changes.

## **II. RECOMMENDATION**

- A. CONSIDER the information presented in the October 25, 2017, staff report, its Exhibit D – Compliance Table, as well as the December 6, 2017, staff report to provide appropriate background and context necessary to satisfy Parts I and II of the 1995 Permit Review Criteria approved by the Board of Supervisors for KCL's Land Use Permit (File #LP98-2020).
- B. RECOMMEND that the Board of Supervisors ACCEPT the permit review reports prepared by staff for the KCL use permit, pursuant the 1995 Board approved Permit Review Criteria.

## **III. BACKGROUND**

The CPC continued this item a second time for KCL's third annual LUP review on December 6, 2017. The initial hearing, held on October 25, 2017, was continued based on testimony from some of the residents living in the adjacent neighborhood and additional questions from the Commissioners that required further time to review. Local residents brought up various issues potentially associated with the landfill at the previous hearing, including odor, dust, noise, visual impacts, seagulls, and litter. Staff prepared a supplemental staff report to address each of the concerns brought up by the local residents. At the December 2017 meeting, the CPC took additional testimony from residents who had not spoken at the October meeting, and the operator shared a presentation of landfill operations that included some rebuttal to previous comments from the public. The CPC Chair then closed the public hearing and the commissioners began deliberations. At 10:30 PM, the discussions were still going but there was not unanimous consent from the CPC to continue deliberations and thus, the item was continued a second time.

## **IV. CONCLUSION**

Staff recommends that the CPC accept the original staff report from October 25, 2017, including its Exhibit D, as well as the December 6, 2017, staff report as adequate to satisfy Parts I and II of the Board approved 1995 Permit Review Criteria.