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PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: February 26, 2003

TO: Orange County Planning Commission

FROM: Planning & Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA02-0108 for Use Permit

PROPOSAL: Use Permit to allow an existing commercial composting facility to increase the permitted incoming tonnage of compostable material from 420 tons per day to 10,500 tons per week, addition of on site sale of final product in bulk form, increase permitted traffic volume from 100 vehicles per day to 350 vehicles per day, extend the public and composting hours of operation to 5:00 am to 10:00 pm, seven days a week with equipment and facility maintenance 24 hours per day seven days a week, as well as expand the active processing area of the site from six to seven acres.

LOCATION: 7982 Irvine Boulevard, Irvine within the 3rd Supervisorial District.

APPLICANT: Tierra Verde Industries

STAFF Chad Brown, Project Manager
CONTACT: Phone: (714) 834-5159 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Planning Commission approval of PA02-0108 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The project site is located in unincorporated Irvine and is zoned A1 "General Agricultural"(and is within the FP2 "Floodplain" District). Use Permit 3619 was approved on April 10, 1975 to permit commercial processing of agricultural minerals and establishment of a caretaker's mobile home residence. The above approved use permit restricted the hours of operation to 5:00 am to 7:00 pm with no Sunday operations and prohibited the on-site retail sale or wholesale of compost products.

Use Permit 3619 permitted the facility to operate for 10 years. The purpose of the time limitation was to review the land use compatibility after a ten-year lapse. In May 1985 the Planning Commission approved Use Permit UP85-15P to permit the facility to continue operations without any time limitations. The Use Permit allowed the site to be utilized as a commercial compost facility. The approved use permit allows continued operations including: commercial processing of agricultural products, specifically stockpiling, shredding and composting of organic material. Changed Plan CP950046 approved August 16, 1995 permitted minor changes in operations including depiction of windrows on the site plan, location of

vehicle parking, depiction of a paved storage area, and a detailed report of operations and its coordination with the Orange County Solid Waste Local Enforcement Agency to ensure compliance with all applicable state regulations governing composting operations.

The 10-acre site is graded and surrounded by a diversion berm to prohibit surrounding run-off from flowing through the site. Two 4,000 square foot buildings are located on the site and are used for, vehicle and equipment maintenance, and administration. UP85-15P designated an asphalt area along with a gravel area to accommodate 17 parking spaces. An onsite stormwater retention basin is located in the northwest corner.

The greenwaste composting facility operates under the following government approvals: a Solid Waste Facility Permit (number 30-AB-0369) issued by the Orange County Solid Waste Local Enforcement Agency, a waiver from waste discharge requirements as stipulated by the Santa Ana Regional Water Quality Control Board, and UP85-15P issued by the County of Orange, Planning and Development Services Department.

SURROUNDING LAND USE:

Direction	Zoning	Existing Land Use
Project Site	A1 “General Agricultural”	Commercial Compost Facility
North	A1 “General Agricultural”	Outdoor Laboratory/Industrial Research
South	A1 “General Agricultural”	Closed El Toro MCAS
East	A1 “General Agricultural”	Vacant Agricultural Lane
West	A1 “General Agricultural”	Nursery

The site is currently located in a remote area and no single-family residences are located in the area. However, it should be noted that the City of Irvine has approved the “Northern Sphere Area” and some planning areas located north of the site will consist of medium density single-family dwellings. It is believed that the proposed expansion will not impact any of these planning areas. The following photograph provides an overview of the existing facility and the immediate surrounding area.



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to 7 County Divisions and the City of Irvine.

The City of Irvine voiced some concern to possible effects regarding traffic and future development in the area (see discussion). As of the writing of this staff report, no comments raising issues with the project have been received from County divisions.

CEQA COMPLIANCE:

Negative Declaration No. PA020108 (SCH No. 2002121081) has been prepared and was posted for public review on 12/12/02 and became final on January 13, 2003. It is attached as Exhibit 3 for your consideration and must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA.

DISCUSSION/ANALYSIS:

The site is currently being used as a greenwaste composting facility including receiving, chipping and grinding, windrowing, and blending of material. The applicant, Tierra Verde Industries, is requesting an expansion of the services offered and hours of operation. The applicant is requesting that the permitted incoming tonnage that is processed be increased from 420 tons per day to 10,500 tons per week – an increase that more than triples the existing daily volume. This would result in higher traffic volume for delivery trucks and customer vehicles. Therefore the applicant is proposing an increase in traffic volume of up to 350 vehicles per day. Also included in the proposed expansion is to increase the public hours and the composting hours of operation. Public hours are to be increased from 7:00 am to 4:00 pm Monday

through Saturday, to 5:00 am to 10:00 pm seven days a week. Composting hours of operation are to be increased from 5:00 am to 7:00 pm Monday through Saturday, to 5:00 am to 10:00 pm, seven days a week with equipment and facility maintenance occurring 24 hours a day, seven days a week. The second shift operations will consist of maintenance and material processing. The site will be closed to the public at night and will not conduct composting operations from 10:00 pm to 5:00 am.

The extended hours and increase volume of material will allow for increase product for customers. Therefore the applicant is requesting the addition of on-site sale of final products in bulk form on a wholesale and retail basis. Additionally, these expansions in service will require more of the property to be utilized. The plan proposes to expand the active processing area from six to seven acres on the 10-acre site.

The impacts from the proposed expansion should be relatively minimal. The site is located adjacent to similar agricultural land uses. Traffic will be the biggest impact on the surrounding area. However, Irvine Blvd is three lanes wide and was constructed to handle the weight of large trucks. Transportation Planning along with Traffic Studies Section reviewed the plans. Traffic Review Section has requested that the applicant modify the existing striping to provide a right turn lane prior to expansion of operations.

There are currently no residential units in the immediate area. However, the Northern Sphere Project was approved by the City of Irvine on June 11, 2002. The City of Irvine is also proposing to annex the El Toro Marine Corps Air Station. A NOP was issued on October 2, 2002 for a General Plan Amendment and zone change in preparation for the development of the former MCAS El Toro site. A portion of that proposal will include residential units, which will be located near the subject site. To mitigate against possible noise created by the facility all operations shall comply with the Orange County Codified Ordinance Division 6 (see Condition 12).

An existing berm and fence serve to screen the facility from surrounding properties. The applicant has drawn up measures to minimize any odors that may be created on site. The applicant recognizes these and other impacts. The applicant addresses possible mitigation measures within the Project Description Document dated September 2002 and included as Exhibit 2.

Storm-Water/ Drainage

The project site is located in “Floodplain” District. The facility has filed a Notice of Intent (NOI) with the Santa Ana Regional Water Quality Control Board. A Storm-water Pollution Prevention Plan and Mitigation Monitoring Plan have been implemented. Sampling and testing of storm runoff water is performed and shall continue to be performed to make sure runoff is not contaminated.

Leachate, a discolored liquid formed by rainwater passing through composted windrows, is a possibility on the site. However, the water is non-hazardous and all water is either evaporated or runs off into the drainage system that has been installed on the site. On site personnel take samples of this discharge as mandated by the RWQCB stormwater permit. The California Regional Water Quality Control Board, Santa Ana Region, has received data related to potential impacts on groundwater for the project site and has issued a Waiver from Waste Discharge Requirement for the operation.

Berms have been installed to help alleviate possible water contamination and divert storm water drainage away from the facility. Berms in the rear, along upslope areas, protect against run-on drainage and deflect off-site water away from the site. Berms on the southwestern corner of the site provide water detention to

control on site surface drainage. All on site drainage flows towards an existing catch basin at the corner of N Street and Irvine Boulevard. An earthen berm and retention basin in the northwest corner captures and retains storm-water until it evaporates or is discharged.

Due to the above drainage and water quality concerns staff has applied water quality conditions of approval and are located in Appendix B for your review. The facility shall continue to incorporate Best Management Practices as stated in the letter of explanation.

CONCLUSION AND SUMMARY

With the advent of AB939 and mandatory recycling, the TVI facility serves a community function by processing and recycling greenwaste collected from homes and businesses. This proposal will provide assistance to municipalities in achieving the 50% diversion mandate as well as providing compost to interested consumers.

Approval of this planning application will permit the facility to increase the permitted incoming tonnage of compostable material from 420 tons per day to 10,500 tons per week. It will permit the addition of on-site sale of final product in bulk. The proposal is expected to create an increase in traffic from 100 to 350 vehicles per day to the site. The proposal includes expanding the active processing area up to seven acres. The approval of this planning application will also permit the facility to extend the public and compost hours of operation to 5:00 am to 10:00 pm, seven days a week with equipment and facility maintenance 24 hours per day seven days a week. Operating equipment and performing maintenance will be limited by the County of Orange Noise Ordinance. Shipping and receiving of materials will be prohibited between 10:00 pm and 5:00 am. The facility will be closed to the public between 10:00 pm to 5:00 am.

RECOMMENDED ACTION:

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA02-0108 for Use Permit subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager
CPSD/Current Planning Services

ATTACHMENTS:

- Appendix A. Recommended Findings
- Appendix B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Project Description Document
3. Environmental Documentation
4. Site Photos
5. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.