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IN THE BOARD OF SUPERVISORS
OF
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

In the Matter of Hearing on Application)
of Acme Fill Corporation for Land Use)
Permit No. 2052-81, Martinez Area.)

July 17, 1981

The Board on June 23, 1981 having fixed this hearing on the application filed by the Acme Fill Corporation for Land Use Permit No. 2052-81 to expand an existing refuse disposal site in the Martinez area; and

A. A. Dehaesus, Director of Planning, having stated that the County Planning Commission had reviewed the aforesaid application at its June 30 meeting and had recommended approval of the land use permit subject to conditions, and having noted that a Negative Declaration of Environmental Significance was filed for the proposal; and

Frank Boerger, representing the applicant, having stated that the 22-acre expansion is needed for land fill operations pending the U.S. Army Corps of Engineers decision on Acme's request for a 200-acre enlargement, having noted that the California Regional Water Quality Control Board has approved the disposal of waste on the site, and having urged that the Board approve the land use permit; and

The following persons having expressed concern with respect to access, buffer zone for existing residences, wildlife and the need for an Environmental Impact Report (EIR):

- Lynn N. DeVaney, 830 Bella Vista Avenue, Martinez;
- Harry Russo, representing the Martinez Gun Club;
- Dorothy Sakazaki, representing residents of the Vine Hill area;
- Albert Castro, 796 Central Avenue, Martinez; and

Jay S. McCoy, Services Division Manager, Central Contra Costa Sanitary District, having stated that the District would not oppose the expansion if an additional condition were included to require a soils engineer to review the fill operations in the area of the existing sanitary sewer pipeline on a monthly basis to guarantee that proper filling operations are being followed; and

Mr. Boerger, in rebuttal, having stated that one of the proposed conditions recommended by the Planning Commission would provide the information requested by the Sanitary District, and having responded to the concerns expressed by the neighbors; and

Supervisor Powers having recommended that a condition be added to prohibit access from Central Avenue to the 22-acre site and that access be permitted along the edge of the Martinez Gun Club property; and

Supervisor McPeak having recommended that the applicant submit a fill removal report for the hill site within three months after approval is obtained from the U.S. Army Corps of Engineers to use the nearby 200-acre site for purposes of land fill; and

Supervisor Fahden having recommended that the conditions be amended to provide that development conform to the May 11, 1981 application and that a closure plan for the 22-acre site also be included, and having requested that the Public Works Department review the grading issue and report back to the Board as to whether the firm is in violation of its permit; and

Supervisor Fahden having stated that in her opinion an EIR should have been prepared for the proposal and that she would recommend that the application be denied; and

Supervisor Torlakson having expressed the opinion that the proposed conditions would mitigate the neighborhood concerns, and having moved that the application for Land Use Permit No. 2052-81 be approved as recommended by the Planning Commission and with conditions as added by the Board members (Exhibit A attached hereto and by reference made a part hereof) and that the Board certify that the Negative Declaration of Environmental Significance prepared for the proposal is adequate; and

Supervisor R. I. Schroder having seconded the motion; and

The Board in approving the aforesaid application makes the following findings:

(1) The above action was taken in that the Board finds that the proposed expansion of the refuse disposal site was in conformance with the Solid Waste Management Plan which was approved by the State Solid Waste Management Board on March 25, 1977; and

(2) The Board finds that the expansion of the refuse disposal site would not have an adverse effect on the health, safety and welfare of the people of Contra Costa County; and

(3) The Board finds that the expansion of the refuse disposal site would not adversely affect orderly development of the County; and

(4) The Board finds that with proper buffering of the site from the residential neighborhood to the west, the expansion of the refuse disposal site would not have an adverse effect on property values or adversely affect the tax base of the County; and

(5) The Board finds that in complying with the County Solid Waste Management Plan, adverse impacts would not be created if the refuse disposal site were enlarged; and

(6) The Board finds that the refuse disposal site expansion is in conformance with the County General Plan; and

(7) The Board also reviewed the special conditions, exceptions or characteristics of the site and finds that they would be properly mitigated or controlled by the conditions of approval imposed by this permit; and

(8) The Board finds that the applicant presently has a Solid Waste Permit from the Health Department for the subject site; and

(9) The Board finds that the applicant presently has the approval of the California Regional Water Quality Control Board for the disposal of wastes on the subject site.

PASSED by the Board on July 7, 1981 by the following vote:

AYES: Supervisors Schroder, McPeak, Torlakson, Powers.

NOES: Supervisor Fahden.

ABSENT: None.

cc: Acme Fill Corporation
Director of Planning
Director of Health Services
Public Works Director
County Health Department ✓
County Counsel
Central Contra Costa
Sanitary District

CERTIFIED COPY

I certify that this is a full, true & correct copy of the original document which is on file in my office, and that it was passed & adopted by the Board of Supervisors of Contra Costa County, California on the date of such ACTION TO: J. H. ... County Clerk & ... Clerk of said Board of Supervisors, by Deputy Clerk.

Wesley Nelson on July 7, 1981

CONDITIONS OF APPROVAL FOR LAND USE PERMIT NO. 2052-81-AS APPROVED
BY THE BOARD OF SUPERVISORS ON JULY 7, 1981

1. Development shall be as shown on the plans submitted with the application and dated May 11, 1981 by the Planning Department, subject to the conditions of approval listed below.
2. Pursuant to Section 418-4.014(d) of the County Ordinance Code, submit a Surety Company bond in the penal sum of \$10,000 prior to the issuance of the permit. If such a bond is already in force, no additional bond shall be required.
3. This permit shall be in compliance with the requirements of Solid Waste Permit No. 07-AA-002.
4. This permit is granted to Acme Fill Corporation and is not transferable.
5. Construction shall be in accordance with the specifications and recommendations set forth in the Harding-Lawson Associates report dated April 14, 1981 (5829,003.01).
6. A grading and drainage plan shall be submitted to the Public Work Department, Land Development Division, for review and approval.
7. In accordance with Section 82-2.014 of the County Ordinance Code, this project shall conform to the requirements of Division 914 (Drainage) of the Subdivision Ordinance.
8. Furnish proof to the Public Works Department, Land Development Division, that access to the property is available.
9. Applicant shall erect a fence with wood slats around the site to prevent paper and refuse from blowing onto adjacent property.
10. Access to the site shall only be along the west side of the Martinez Gun Club property.
11. Within three months of the U.S. Army Corps of Engineer's decision regarding the proposed 200-acre expansion the applicant shall submit to the Board of Supervisors for its review and approval a plan to buffer the residential area to the west from the effects of landfill operations. The plan shall delineate the amount of fill required for dump operations on the 200 acres, the amount of dredge material available for use as cover and the amount of material to be removed from the low hill separating the East Vine Hill neighborhood and Acme landfill. The plan must provide for continued buffering between the two land uses.
12. The applicant shall comply with the Solid Waste Management Plan for the County.