

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST AREA

45 FREMONT, SUITE 2000

SAN FRANCISCO, CA 94105-2219

(415) 904-5260

**F 9a**

Filed:	February 21, 1997
49th Day:	April 11, 1997
180th Day:	August 20, 1997
Staff:	Robert Merrill
Staff Report:	May 29, 1997
Hearing Date:	June 13, 1997
Commission Action:	

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: **A-1-MEN-93-70-A**

APPLICANT: **MENDOCINO COUNTY SOLID WASTE DIVISION**

PROJECT LOCATION: Caspar Transfer Station, at the end of Prairie Way, .45-mile south of Caspar-Little Lake Road, Mendocino County, APN 118-500-11.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Installation of a solid waste transfer station.

DESCRIPTION OF AMENDMENT: (1) Modify Special Condition No. 12 to allow for the creation of a vegetative material stockpile berm to serve as a sound barrier and visual screen and (2) authorize the installation of a ramp to facilitate the public's disposal of bulk materials.

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP

STAFF NOTES:

1. PROCEDURE AND BACKGROUND: Section 13166 of Title 14 of the California Code of Administrative Regulations states that the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

Coastal Development Permit No. A-1-MEN-93-70 was approved de novo by the Commission after Mendocino County's approval of the transfer station project had been appealed to the Commission. The Commission found that the appeal

MENDOCINO COUNTY SOLID WASTE DIVISION

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raised a substantial issue with regard to conformance of the project as approved by the County with LCP policies designed to adequately protect environmentally sensitive habitat from disturbance. The Commission approved the permit with conditions similar to the conditions the County imposed on the project, but with an additional condition requiring the establishment of a barricade around the ESHA found on the property and adjacent Russian Gulch State Park to protect the habitat from transfer station operations. The 18 special conditions imposed included requirements that (a) the applicant submit a revised comprehensive operation document within 90 days for County approval that incorporate pertinent information concerning the project design, operations, mitigations, and mitigation monitoring; (b) the applicant submit annual reports demonstrating compliance with each permit condition; (c) the term of the permit is limited to five years; (d) wastes collected by commercial haulers shall not be deposited at the transfer station; (e) hazardous wastes not be accepted at the transfer station and a comprehensive plan for hazard management and site evacuation shall be submitted within 90 days for County approval; (f) the applicant submit a final leachate minimization, containment and disposal plan acceptable by the Division of Environmental Health and the Regional water Quality Control Board; the site be operated and maintained to provide adequate drainage controls to prevent water contamination and erosion; (g) no vegetation be removed outside of existing disturbed areas; (h) the applicant submit a plan for County approval that includes a contoured berm or equivalent alternate to screen the transfer station from public use areas to the south in Russian Gulch State Park and to rehabilitate cover material stockpile areas; (i) noise be controlled by limiting use of the tub grinder and metal baler to certain hours, containing the tub grinder and metal barrier in pits, orienting the machinery in a particular fashion, monitoring noise levels, and installing permanent sound barriers if noise standards are exceeded; (j) a final transfer station site closure plan be prepared for County approval at least 90 days prior to closure that provides for restoration of the site; (k) the intersection of Prairie Way and the site access road be improved; and (l) the applicants implement a landfill gas migration program at the transfer station site as an extension of a similar program to be implemented for the landfill closure.

The amendment request proposes essentially four changes to the original permit. First, the request seeks authorization for the construction of a ramp to facilitate the public's disposal of bulk materials at the transfer station. Second, the request seeks authorization for the construction of a stockpile of vegetative cover material in the form of a berm, for use (if needed) in future repairs of the landfill cover and to serve as a visual and noise screen. Third, the amendment request seeks modification of Special Condition No. 12, Rehabilitation of Cover Material Stockpiles Area, to allow the vegetative material stockpile berm to be created on the site even though the condition required the removal of old stockpiles and rehabilitation of the stockpile area. Finally, the amendment request seeks modification of the same special condition to substitute the actual work the County has now performed to rehabilitate the old cover material stockpile area for the current requirement to submit for the review and approval of the Executive Director a plan for rehabilitation of the site.

The Executive Director has determined that the proposed amendment does not lessen the intent of the approved permit for the following reasons. First, the construction of a ramp to facilitate use of the approved bulk waste disposal area is consistent with the intent of the conditions to prevent impacts on nearby environmentally sensitive habitat areas and visual resources, as the ramp will be located well outside areas needed to buffer adjoining environmentally sensitive habitat from the impacts of development at the site and because the ramp will be effectively screened from view of the adjoining State park and other surrounding properties. Second, the construction of a stockpile of vegetative cover material in the form of a berm, for use both for future repairs of the landfill cover and to provide a visual and noise screen is consistent with conditions of the permit requiring the establishment of visual and noise screens to screen the transfer station operation from the State Park. Third, amending Special Condition 12 to allow the stockpile berm to be established on the site even though the condition requires the removal of previously existing stockpiles to restore the visual appearance of the site is consistent with the intent of the condition in that the berm will be seeded and mulched to avoid visual impacts and the berm itself is proposed as a visual mitigation measure designed to reduce the visual impacts of the transfer station on the adjoining state park. Fourth, the proposal to substitute the rehabilitation work performed by the applicants for the current requirement to submit for the review and approval of the Executive Director a plan for rehabilitation of the site does not conflict with the intent of the condition as the work has been performed in a manner that restores and enhances the visual appearance of the area. Therefore, the Executive Director accepted the amendment for processing.

2. STANDARD OF REVIEW: The Coastal Commission effectively certified Mendocino County's LCP in October of 1992. Therefore, the LCP, not the Coastal Act, is the standard of review for the proposed amendment.

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STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that the proposed development with the proposed amendment is consistent with the provisions of the Mendocino County Local Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

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**MENDOCINO COUNTY SOLID WASTE DIVISION**  
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**III. Special Conditions:**

The following Special Condition shall replace Special Condition No. 12 of the original permit:

**12. Rehabilitation of Cover Material Stockpiles Area.**

Α/plan to rehabilitate the cover material stockpiles areas shall be submitted to the Executive Director and Planning and Building Services for review and approval at least ninety (90) days prior to commencement of work. The applicant shall submit written evidence to the Executive Director that County Planning and Building Services has approved the revised operational document within 10 days of the agency's approval. The plan shall address the following: The applicant shall rehabilitate the cover material stockpile areas by removing waste materials from the subject areas, providing berms and engineered drainage, and revegetation with native species allowing the disturbed area to revegetate. The applicant may store earthen and vegetative cover material on the site for use in future repairs to the landfill cover in the form of the berm authorized by Amendment No. A-1-MEN-93-70-A. The berm shall be seeded with native grasses and covered with mulch. The applicant shall submit for the review and approval of the Executive Director at least ninety (90) days prior to the commencement of work a plan to develop the plan shall include a contoured berm or equivalent alternative screen, to screen to the extent reasonably feasible, the transfer station from public use areas to the south in Russian Gulch State Park. The screening need not totally obscure waste piles nor the transfer station operation. Work shall be completed within one (1) year from final landfill capping. The applicant shall consult with the Department of Fish and Game and Russian Gulch State Park in the preparation of this plan.

Special Conditions 1-11 and 13-18 of the original permit remain in effect.

**IV. Findings and Declarations.**

The Commission hereby finds and declares:

**1. Project Description:**

The original project approved by the Commission in 1994 on appeal was for the installation of a large volume transfer station for the collection and transfer of solid waste adjacent to the now closed Caspar Landfill, approximately 7 miles southeast of the City of Fort Bragg, 1.5 miles east of Highway One at the end of Prairie Way (see Exhibits 1-3).

Soon after the County closed the landfill to the public, the County opened the waste transfer station to provide the local population with a coastal location where it could take solid waste. With closure of the landfill, all waste would otherwise have to be hauled to distant inland locations.

The transfer station accepts municipal waste which is collected and sorted. Waste that can be recycled such as aluminum, scrap metals, appliances, wood waste, yard waste, and tires are collected in designated areas in bins, piles, and trailers. Refuse that cannot be recycled is compacted in two compactors ("waste pods"). The wood and yard wastes are mulched. All other recyclables and compacted refuse is hauled away from the site to processing or disposal centers by commercial waste haulers. In addition to the waste pods and designated storage facilities, development of the transfer station included the installation of an attendant shed, utilities, other storage buildings, runoff (leachate) collection tanks, and access routes. Some existing roads that formerly served the landfill are utilized now by the transfer station.

The amendment request proposes essentially four changes to the original permit. First, the request seeks authorization for the construction of a ramp to facilitate the public's disposal of bulk materials at the transfer station. Second, the request seeks authorization of the construction of a stockpile of vegetative cover material in the form of a berm, for use (if needed) in future repairs of the landfill cover. Third, the amendment request seeks modification of Special Condition No. 12, Rehabilitation of Cover Material Stockpiles Area, to allow vegetative material stockpile berm to be created on the site even though the condition required the removal of old stockpile material and rehabilitation of the stockpile area. Finally, the amendment request seeks modification of the same special condition to substitute the actual work the County has now performed to rehabilitate the old cover material stockpile area for the requirement of the condition that the applicant submit for the review and approval of the Executive Director a plan for rehabilitation of the site. The rehabilitation work was performed without submittal of the originally required plan. Details of each of the four elements of the amendment are discussed below.

a. Ramp for Bulk Materials Disposal Site.

The proposed ramp for bulk materials disposal would make it easier for the public to dispose of bulky items such as furniture, mattresses, roofing material, and sheet rock. Instead of lifting materials from their vehicles and dropping them into a debris box, people would be able to drive their vehicles up the ramp next to and above the top of the debris box and deposit the material down into the box (see Exhibits 5-7). The proposed 60-foot by 80-foot ramp would be located in the same location as the current bulk waste disposal facility. Construction of the ramp would require the placement of approximately 1,200 cubic yards of material behind a new retaining wall. The ramp would be approximately 10 feet high at its highest point.

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**MENDOCINO COUNTY SOLID WASTE DIVISION**

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b. Vegetative Cover Material Stockpile Berm.

The proposed stockpile of vegetative cover material would be established for use (if needed) in future repairs of the landfill cover. The material consists of reclaimed soil containing a high percentage of woody debris from the nearby Louisiana Pacific Caspar bark dump. Some of the material for the berm is left over from creation of the uppermost layer of the cap that was placed over the landfill pursuant to Coastal Development Permit No. 1-94-46. The rest of the material would be imported from the LP bark dump, just as the original cover material was. The stockpile would be used to patch any breaks that might develop in the cap in the future due to erosion.

The partially curved 35-foot-wide berm would extend from a point about 30 feet west of the landfill and 90 feet north of the property boundary with Russian Gulch State Park to a point approximately 260 feet to the northwest. The County proposes to seed the berm with grasses and apply mulch.

In addition to providing a source of material for repairing the landfill cover, the berm would also serve as an additional sound barrier and visual screen to buffer Russian Gulch State Park from the transfer station operations.

c. Modifying Special Condition 12 to Allow Berm.

The amendment request would modify Special Condition 12 of the original permit to allow for the creation of the vegetative material stockpile berm. Among other things, the condition currently requires all of the excess material originally stockpiled on the grounds of the Transfer station for use in covering the landfill to be removed from the site. The proposed amendment would change this requirement of the condition to allow the material left over from the original capping work to remain and allow a new vegetative cover material stockpile to be created on the site.

d. Modifying Special Condition 12 Requirements for Rehabilitating the Site.

Special Condition 12 of the original permit requires that "A plan to rehabilitate the cover material stockpiles areas shall be submitted to the Executive Director and Planning and Building Services for review and approval at least ninety (90) days prior to the commencement of work...The plan shall address removal of waste materials from the subject areas, berms, engineered drainage, and revegetation with native species..." No plan for rehabilitating the cover material stockpiles area was ever submitted, although the County did accomplish the goals of the condition to remove waste material, construct a berm to separate the transfer station grounds from other parts of the property, engineer drainage, and allow the area formerly covered by stockpiles to revegetate. Under the proposed amendment, the County would substitute the actual work the County performed to rehabilitate the old cover material stockpile area for the current requirement to submit for the review and approval of the Executive Director a plan for rehabilitation of the site.

2. Site Description:

The project site is located along the eastern margin of the Mendocino County coastal zone. The 45-acre subject parcel contains both the closed landfill and the transfer station. Apart from the approximately 60-foot-high capped landfill which occupies the eastern half of the parcel, the subject property is predominantly flat to gently sloping, dipping gently to the northeast at approximately two to four percent. Surrounding land uses include Russian Gulch State Park adjacent to the south, an undisturbed 20-acre forested parcel also owned by the County directly to the west, and low density rural residential land uses beyond the forested parcel to the west and also to the north and east.

The portion of the property in the immediate vicinity of the landfill and transfer station is generally devoid of significant vegetation, as these areas were cleared many years ago for the landfill. An exception is the approximately 3,500-square-foot habitat restoration area along the boundary of the Transfer Station and the state park. The restoration area was created by the County pursuant to Special Condition 12 of the original permit which calls for the establishment of a visual screen between the transfer station and the state park, and pursuant to Special Condition No. 1 of Coastal Development Permit No. 1-94-45, which required the restoration work as mitigation for clearing performed for the installation of ground water monitoring wells. Areas surrounding the transfer station and landfill support moderately dense growths of coniferous trees, including true and transitional pygmy forest containing certain special status rare and endangered plant species such as Mendocino cypress, Bolander's pine. However, none of this vegetation is located at the immediate site of the development proposed by the amendment request.

The transfer station and landfill is visible from a trail within Russian Gulch State Park that runs generally east west along the boundary with the transfer station/landfill property. The transfer station and landfill is not visible from Highway One (several miles to the west) and other public roads except from the end of Prairie Way, the entrance to the site.

3. Environmentally Sensitive Habitat Areas:

Section 3.1-7 of the County's LUP states:

A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that

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**MENDOCINO COUNTY SOLID WASTE DIVISION**

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particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width.

Section 3.1-7 further states that:

Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.

Section 20.496.020 of the County's Zoning Code states:

A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.

(1) Width. The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width.

This section also states that development permitted within the buffer area shall comply at a minimum with a number of standards including that structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.

As noted previously, some environmentally sensitive habitat exists near the the transfer station site. The ESHA consists of the approximately 3,500-square-foot habitat restoration area along the boundary of the Transfer Station and the state park, that was created pursuant to special conditions of a separate coastal development permit granted for the installation of ground water monitoring wells. In addition, there is ESHA on some of the adjoining land in Russian Gulch State Park where rare and endangered pygmy forest species are present.

The proposed ramp for the bulk waste disposal area will be built hundreds of feet away from the habitat restoration area and the riparian habitat found on the adjoining Russian Gulch State Park. Therefore, the portion of the proposed amendment request concerning the installation of the bulk waste disposal facility ramp is consistent with Section 3.1-7 of the County's LUP and Section 20.496.020 of the County's Zoning Code, as the ramp will be constructed much more than 100 feet away from ESHA areas.



The proposed vegetative cover stockpile berm will be located within 90 feet of ESHA on the adjoining State Park property and within 50 feet of the ESHA habitat restoration area on site. Therefore, the berm will not be built completely outside of the 100-foot minimum buffer area required by the LCP policies. However, the Department of Fish and Game commented to the County on the original project that stockpiled cover material should be limited to its then western and southern boundaries. As these boundaries are closer to ESHA habitat than the proposed stockpile berm, and as the proposed berm will meet the 50-foot minimum setback specified in Section 3.17 of the LUP, the size of the buffer is appropriate. In addition, as proposed, the berm will serve as part of the buffer, buffering the ESHA restoration area and the ESHA on the state park property from noise and visual impacts of the transfer station operation. In addition, as the berm will be seeded and mulched to prevent dust from blowing into adjacent areas, and as the berm will only rarely be needed to provide material to repair the landfill cover, the activities associated with use of the material for landfill cover repairs will not have a significant impact on adjacent ESHA habitat. Therefore, the Commission finds that the proposed amendment is consistent with Policy 3.1-7 of the County's LUP and Section 20.496.020 of the County's Zoning Code as the berm will both help protect the environmentally sensitive habitat from degradation resulting from use of the transfer station and will be compatible with continuance of ESHA areas.

4. Visual Impacts on Adjacent State Park.

The LCP contains two main provisions addressing the protection of visual resources.

LUP Policy 3.5-1 states:

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

Section 20.504.015(C) of the Zoning Code reiterates Policy 3.5-1.

As noted previously, Russian Gulch State Park lies approximately 500 feet south of the transfer station, and an equestrian and hiking trail runs along the side of the park that borders the Caspar Landfill property. The surrounding residential land uses are less vulnerable to visual degradation caused by the transfer station as dense vegetation and the land fill configuration shield the transfer station from the residences.

Installation of a bulk waste disposal area ramp and vegetative material stockpile at the subject site could potentially degrade the quality of views from the trail alongside the transfer station/state park boundary by adding more development within the viewshed of the trail. However, the developments as proposed will not have such impacts for several reasons.

First, the berm will be seeded with grasses and mulched. This landscaping treatment will soften the appearance of the berm and help it blend in visually with the surrounding landscape. Second, the berm itself will help screen views of the bulk waste disposal facility ramp from the park. The County is purposely locating the berm between the State Park and the bulk waste disposal facility to serve as a visual screen. Third, the bulk waste disposal ramp and the berm will both be partially screened from view by the growth of plants in the ESHA habitat restoration area adjacent to the State park boundary. The ESHA restoration area was developed in part by the County to satisfy the provisions of Special Condition No. 12 of the original permit for the transfer station which requires a "screen to screen to the extent feasible, the transfer station from public use areas to the south in Russian Gulch State Park." Pursuant to the terms of the conditions, the Executive Director administratively approved the ESHA restoration plan as satisfying this requirement of Special Condition No. 12. As the trees and shrubs within the ESHA restoration area grow, they will help screen most of the transfer station operation, including the bulk waste disposal ramp and the proposed berm from the view of people using the trail within the park.

The portion of the proposed amendment request that would modify Special Condition 12 to substitute the actual work the County performed to rehabilitate the old cover material stockpile area for the current requirement to submit for the review and approval of the Executive Director a plan for rehabilitation of the site could also potentially degrade visual resources if the amendment did not provide for a similar level of visual enhancements. However, the work performed to rehabilitate the old cover material stockpile area has in fact improved the appearance of the site consistent with the intent of the original condition. The original condition required several measures to restore and enhance the visual appearance of the stockpile area. The condition required that unsightly waste materials be removed, that berms and engineered drainage be provided, and that disturbed areas be revegetated to reduce the scarring of the landscape. The scattered stockpiles formerly occupying the area have been removed by the County. Although the amendment request includes a request to establish a permanent stockpile of vegetative cover material on the site, the stockpile is intended to and has been designed to serve as a visual screen. In addition, a low berm designed to keep vehicles away from portions of the property outside the working area of the transfer station and thereby reduce scarring of the landscape by vehicle tires has been installed around the perimeter of the waste transfer site. Drainage courses to route water away from disturbed areas have also been installed, consistent with the intent of the permit condition. Finally, disturbed areas formerly occupied by the stockpile have revegetated, eliminating the scars of land disturbance and allowing the appearance of the site to blend in with the

appearance of the surrounding area which is vegetated with the same grasses that have become reestablished in the former stockpile area.

Therefore, the Commission finds that the proposed amendment is consistent with LUP Policy 3.5-1 and Zoning Code Section 20.504.015(C) as the project, as amended, will be visually compatible with the character of surrounding area and will restore and enhance visual quality in a visually degraded area.

5. Alleged Violation.

An approximately 174-foot-long portion of the proposed stockpile berm of vegetative cover material has already been constructed. Although development has allegedly taken place prior to consideration of this permit amendment request, consideration of the amendment by the Commission has been based solely upon the standards and policies of the Mendocino County LCP. Approval of the permit amendment does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

6. CEQA:

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. As discussed above, the proposed development with the proposed amendment will not have a significant adverse effect on the environment, within the meaning of CEQA. The Commission finds that there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment.

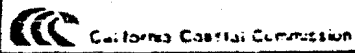
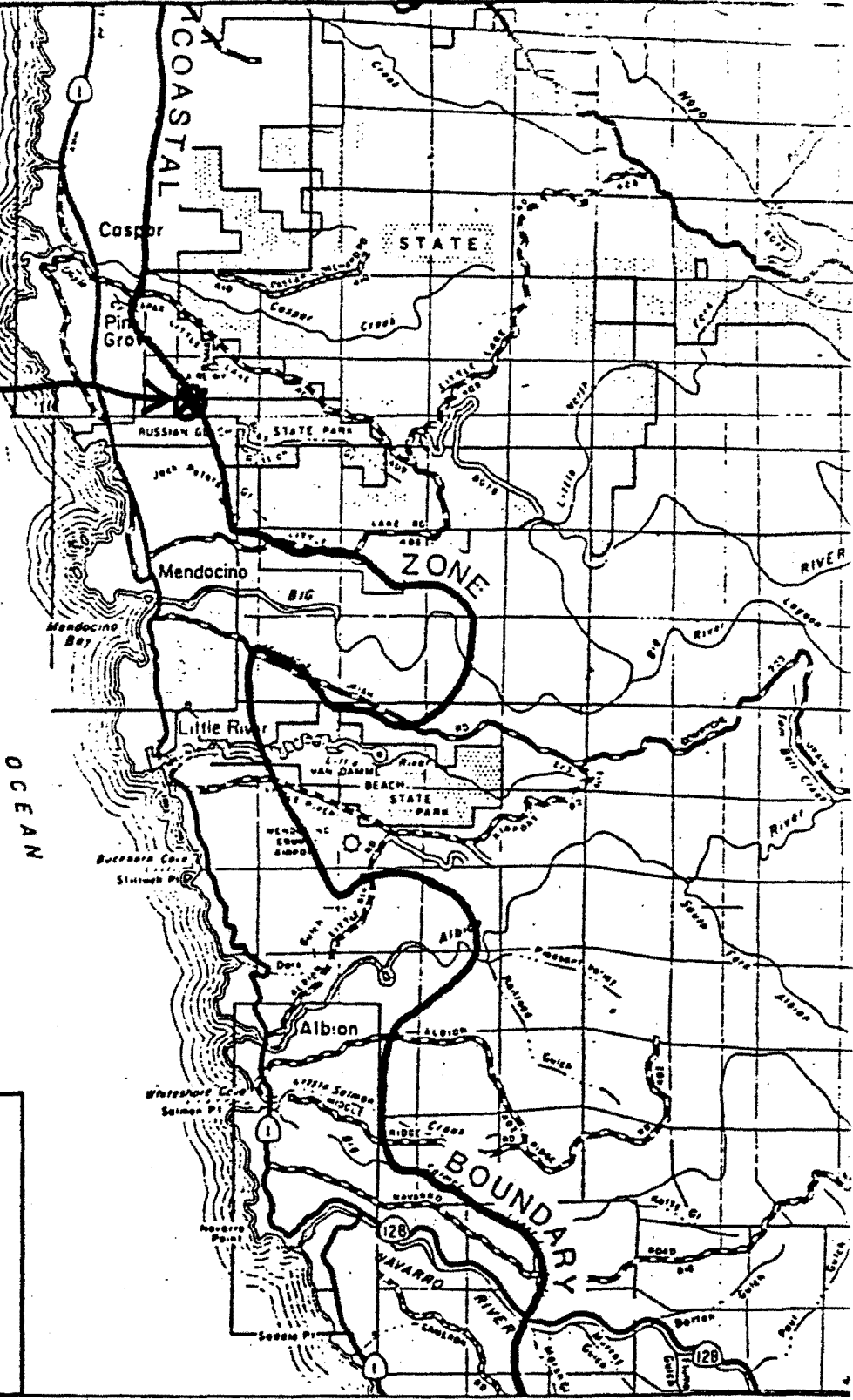
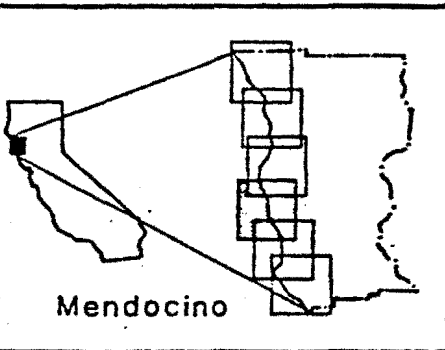
ATTACHMENT A

Standard Conditions

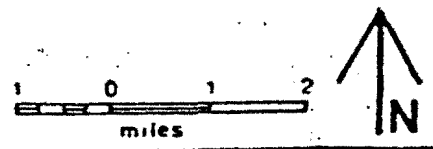
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**PROJECT SITE**

EXHIBIT NO.	1
APPLICATION NO.	A-1-MEN-93-70-A
REGIONAL LOCATION	



**LOCATION MAP**



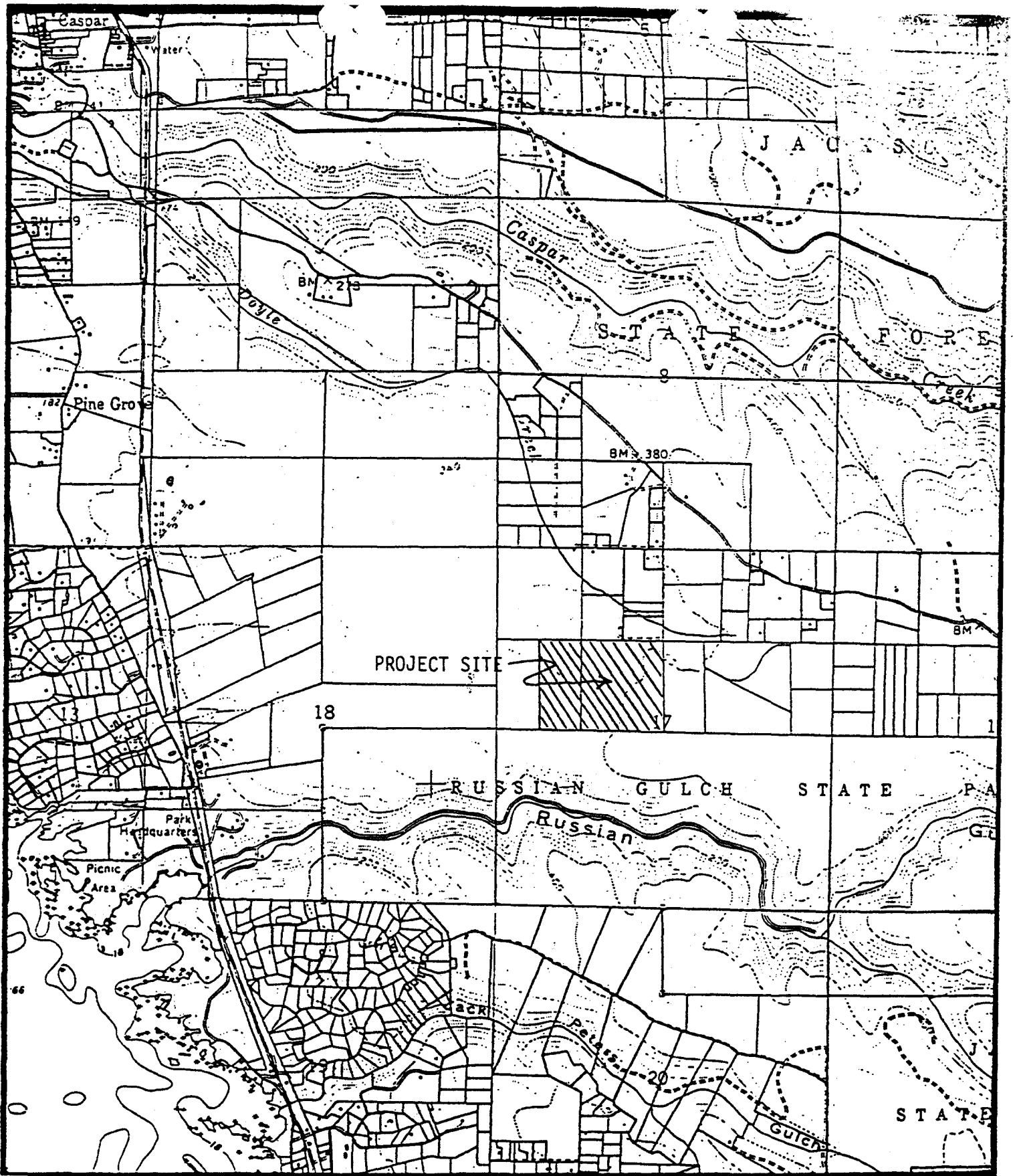


EXHIBIT NO.	2
APPLICATION NO.	A-1-MEN-93-70-A
VICINITY MAP	


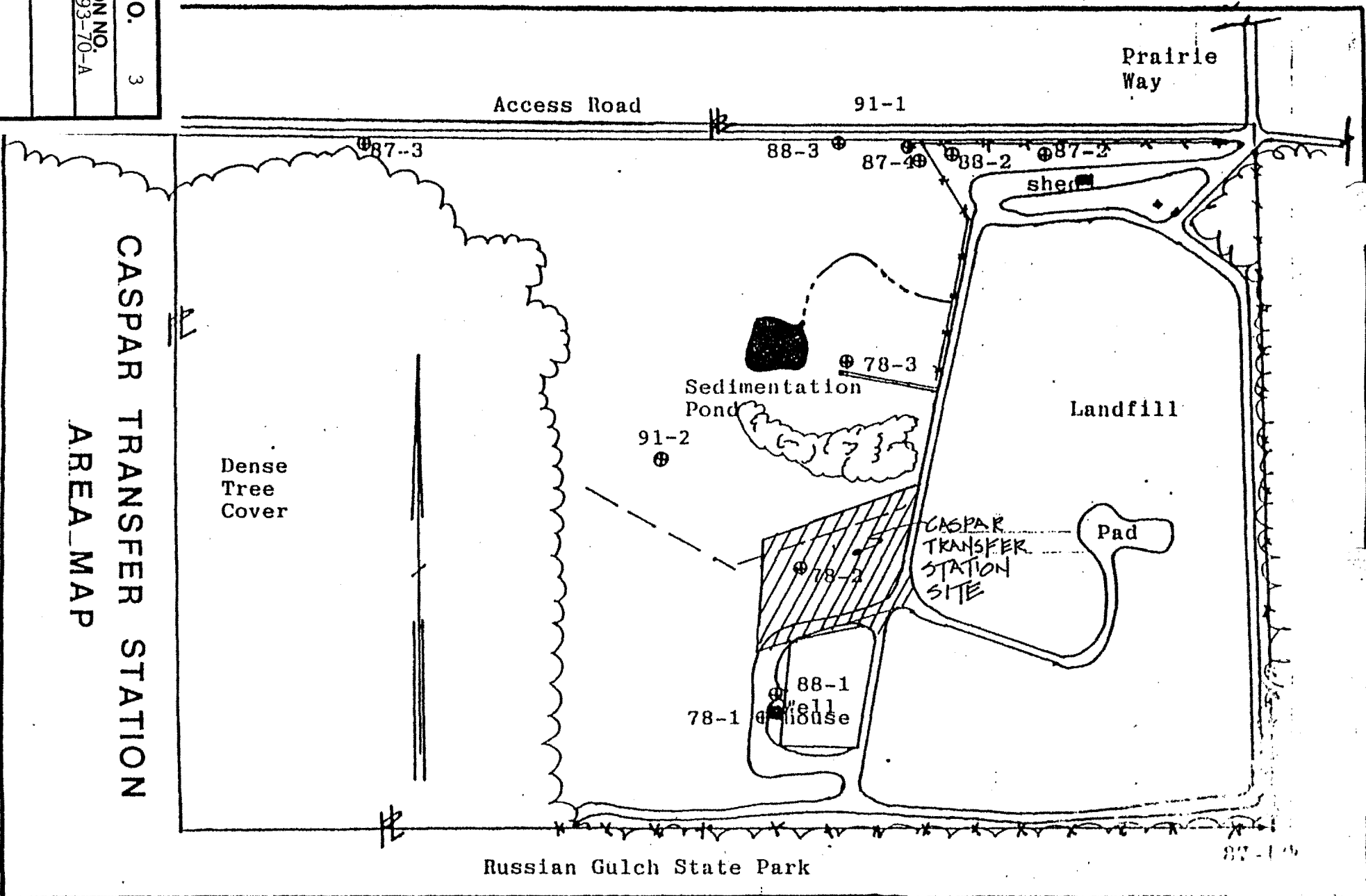
OWNER:	Mendocino Co/City of Fort Bragg	AGENT:	Mendocino County
		SCALE:	2 5/8" = 1 mile
			 NORTH

EXHIBIT NO.	3
APPLICATION NO.	A-1-MEN-93-70-A
AREA MAP	



CASPAR TRANSFER STATION  
AREA MAP

Russian Gulch State Park

CASPAR LANDFILL

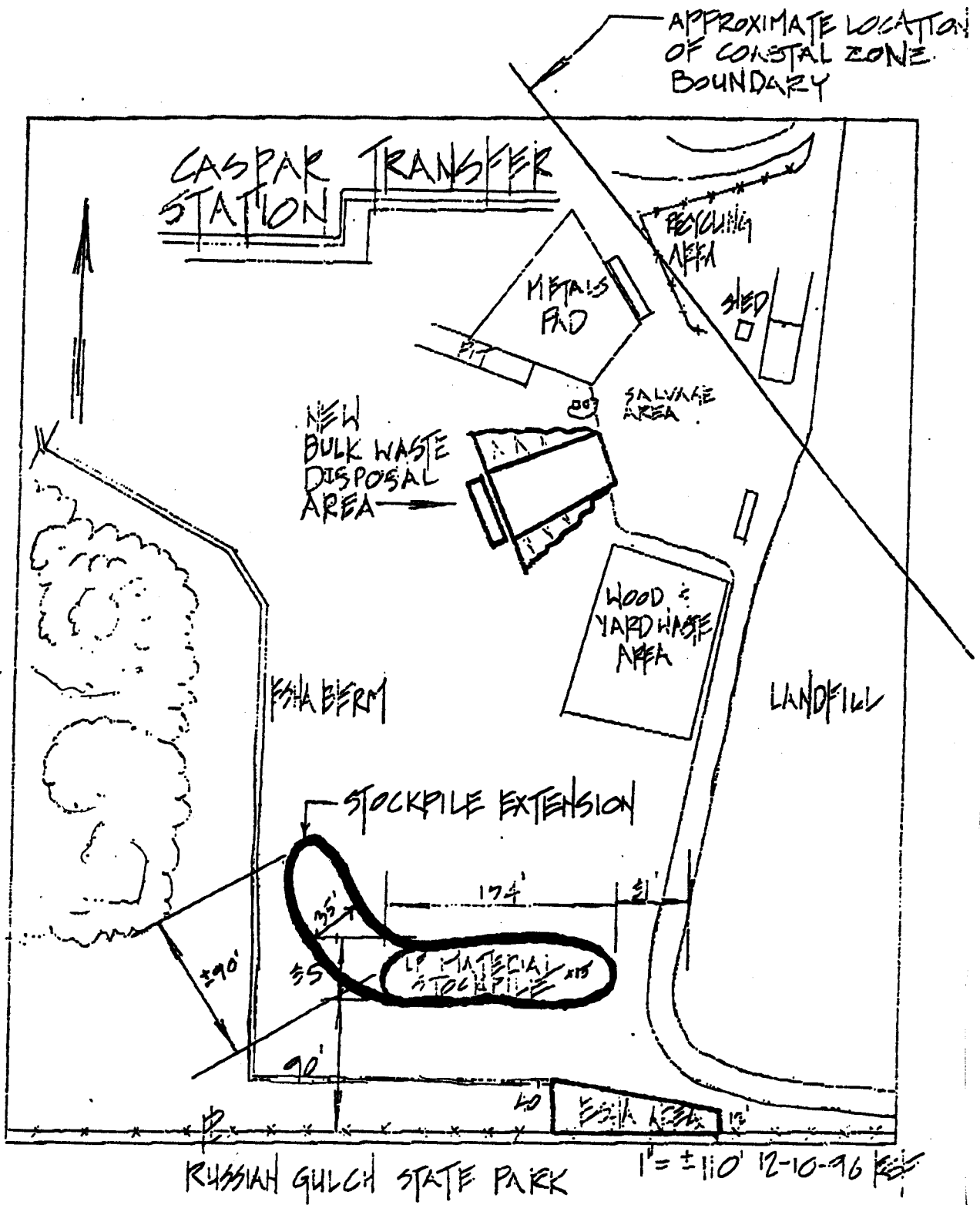


EXHIBIT NO.	4
APPLICATION NO.	A-1-MEN-93-70-A
SITE PLAN	



# Caspar transfer Station Bulk Storage Disposal Pad

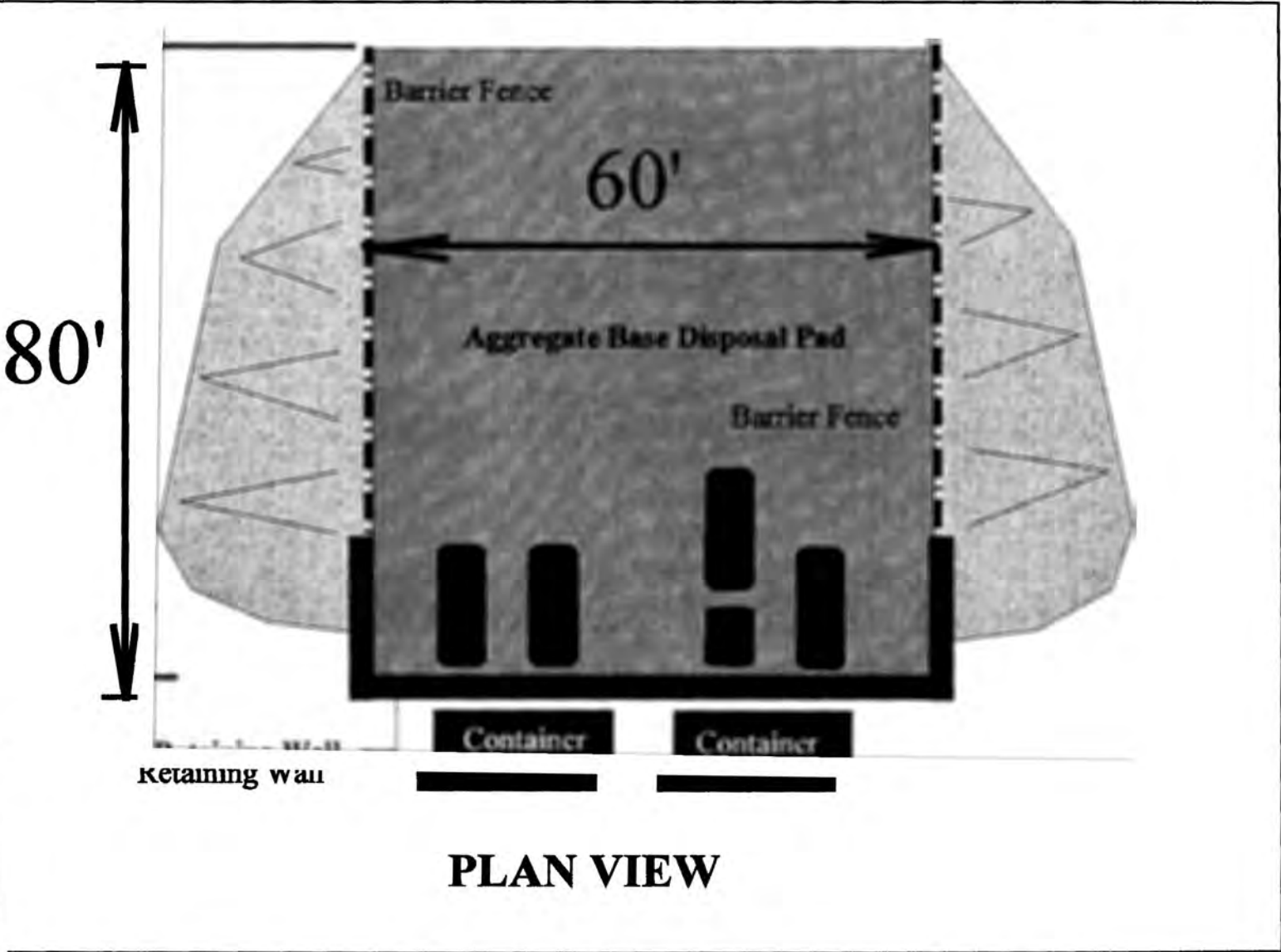


Figure 1

EXHIBIT NO.	5
APPLICATION NO.	A-1-MEN-93-70-A
BULK WASTE DISPOSAL RAMP PLAN	

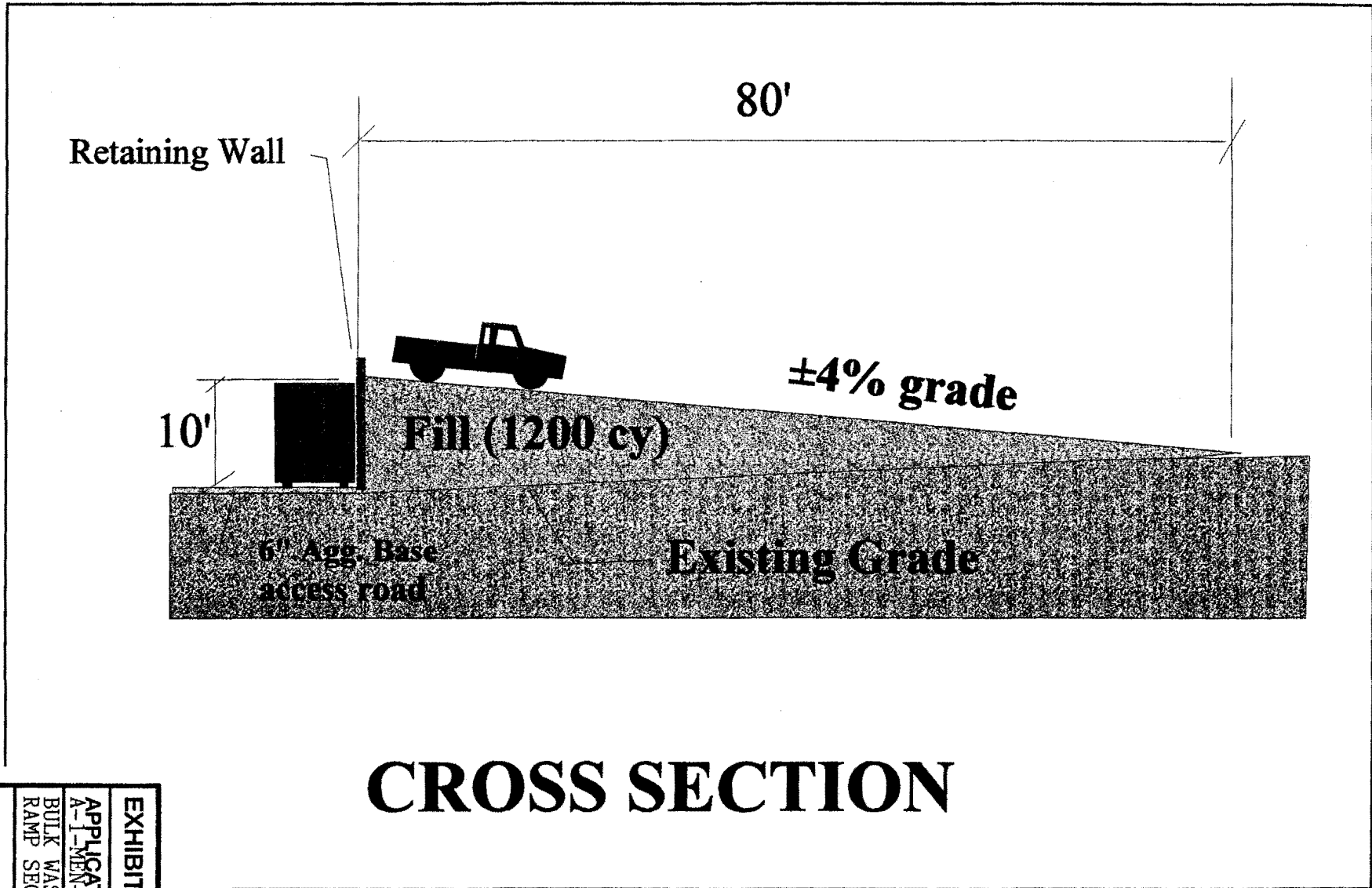
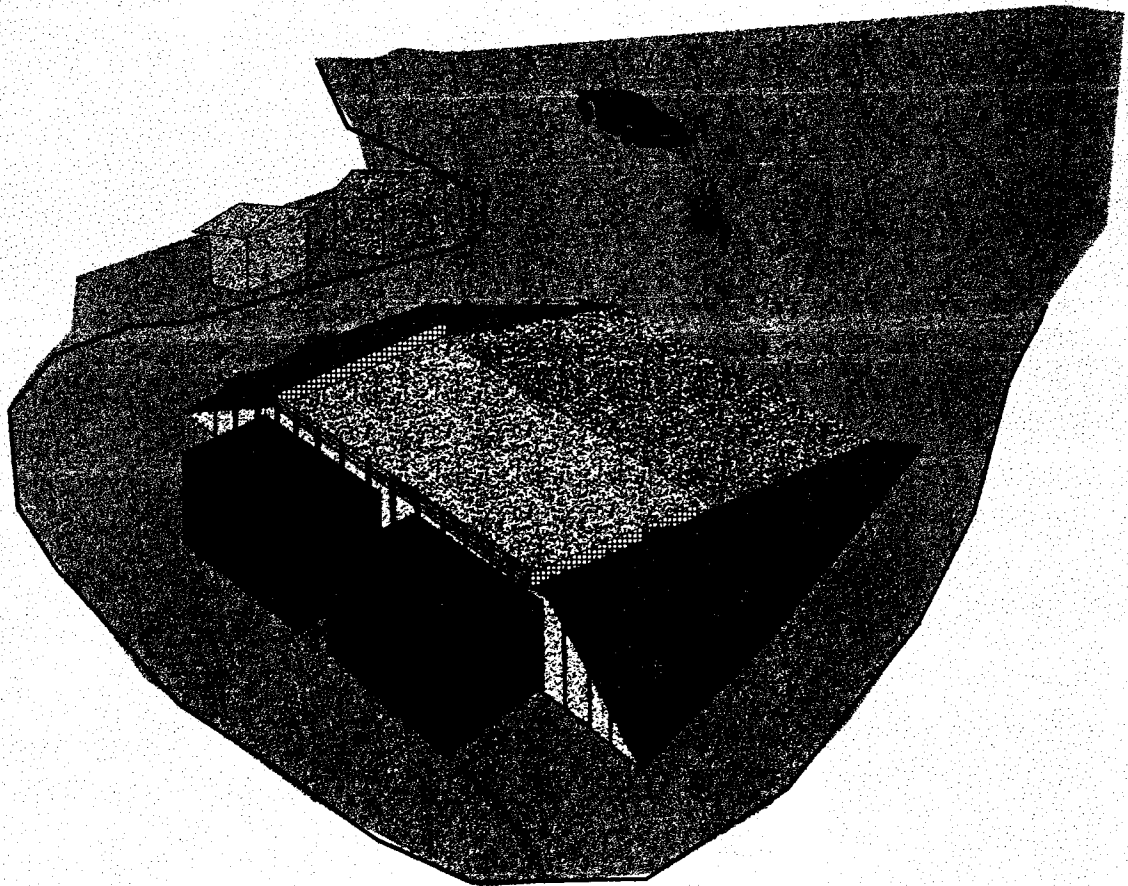


Figure 1

Caspar transfer Station Bulk Storage Disposal

EXHIBIT NO.	6
APPLICATION NO.	A-1-MEN-93-70-A
BULK WASTE DISPOSAL RAMP SECTION	



**Bulk Disposal Site  
Caspar Transfer Station**

EXHIBIT NO.	7
APPLICATION NO.	A-1-MEN-93-70-A
BULK WASTE DISPOSAL RAMP - PERSPECTIVE	

## CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
(415) 904-5260

F7a



Staff: Robert Merrill  
Staff Report: November 4, 1994  
Hearing Date: November 18, 1994  
Commission Action:

STAFF REPORT: REVISED FINDINGS

APPEAL NO.: **A-1-MEN-93-70**

APPLICANT: **MENDOCINO COUNTY SOLID WASTE DIVISION**

LOCAL GOVERNMENT: Mendocino County

DECISION: Approval with Conditions

PROJECT LOCATION: At the Caspar Landfill, off of Prairie Way, south of Caspar-Little Lake Road, Mendocino County, APNs 118-500-10 and 118-500-11

PROJECT DESCRIPTION: Installation of a solid waste transfer station.

APPELLANT: Lee Lette

COMMISSION ACTIONS: March 18, 1994: Found the Appeal Raised a Substantial Issue

July 12, 1994: Approved the Application with Conditions.

COMMISSIONERS ON THE PREVAILING SIDE ON SUBSTANTIAL ISSUE QUESTION (March 18, 1994): Commissioners Doughty, Cervantes, Doo, Flemming, Giacomini, Glickfield, Moulton-Patterson, Rick, Malcolm, and Chairman Gwyn

COMMISSIONERS ON THE PREVAILING SIDE ON ACTION ON THE PERMIT (July 12, 1994): Commissioners Cervantes, Doo, Flemming, Giacomini, Stevens, Rick, Wright, and Chairman Gwyn

SUBSTANTIVE FILE DOCUMENTS: Mendocino County LCP; Mendocino County Coastal Development Use Permit CDU # 37-92; Emergency Permit No. 1-91-20G; Coastal Development Permit Application Nos. 1-92-47, 1-94-45, and 1-94-46; and Sierra Club v. California Coastal Commission (1993) 12 Cal.App. 4th 602; Reconsideration of findings regarding Mendocino County Land Use Plan

EXHIBIT NO. 8

APPLICATION NO.  
A-1-MEN-93-70-AREVISED FINDINGS  
ORIGINAL PERMIT

(1 of 23)

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PART TWO - DE NOVO ACTION ON APPEAL

For reference, the adopted resolution of approval and conditions precede the proposed revised findings.

I. ADOPTED RESOLUTION OF APPROVAL

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of the certified Mendocino County Local Coastal Program as well as the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS: See attached.

III. SPECIAL CONDITIONS:

1. Protection of Environmentally Sensitive Habitat Areas.

WITHIN 90 DAYS OF COMMISSION ACTION ON THIS PERMIT, the applicant shall submit for the review and approval of the Executive Director a plan for barricading off the areas described below to prevent impacts to the Environmentally Sensitive habitat at the subject site.

- A. Those portions of the two parcels within the coastal zone identified in the botanical survey submitted with the application as "Non-Pygmy Forest," and "Transitional Forest;"
- B. The ESHA restoration area required by Coastal Development Permit No. 1-94-45, and
- C. A buffer area extending 50 feet outward from the outer edge of the areas identified in subsections A and B, above, and the boundary with Russian Gulch State Park.

The plan to be submitted shall include (a) a site plan, drawn to scale, that shows the required restricted areas, (b) and illustrations and/or cross sections of the barricade to be used.

The barricade shall be installed within 90 days of the Executive Director's approval of the plan.

Site operations and material storage shall not intrude into the barricaded areas except for installation and maintenance of (1) drainage and leachate collection facilities (not including containment facilities), (2) visual screening required pursuant to Special Condition No. 12, and (3) ground water monitoring wells approved by the Commission.

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2. Monitoring of Compliance with Special Conditions.

The following actions shall be taken to achieve monitoring of compliance with project conditions and mitigations: (1) The Report of Station Information or other appropriate comprehensive operational document(s) shall be revised within ninety (90) days of the effective date of this permit, for review by Mendocino County Planning and Building Services and the Executive Director of the Commission, to incorporate pertinent information concerning the project design, operations, mitigations and mitigation monitoring. The applicant shall submit written evidence to the Executive Director that County Planning and Building Services has approved the revised operational document within 10 days of the agency's approval. A determination of compliance with such conditions and terms shall be undertaken as part of the monthly review of the Report of Station Information by the Division of Environmental Health, local enforcement agency. (2) Applicant shall submit to Planning and Building Services and the Executive Director an annual report including evidence substantiating compliance with each project condition/mitigation. (3) Applicant shall annually remit to Planning and Building Services a mitigation monitoring fee equal to County costs incurred in monitoring compliance with mitigation measures. (4) That the term of this permit not exceed five (5) years from the date of Commission action on this application. If the applicant wishes to continue use of the transfer station beyond that date, the applicant shall apply to Mendocino County Planning and Building Services for a coastal development use permit or to the Commission for a new coastal permit if the site is considered to be part of an area of deferred certification at that time.

3. Operating Restrictions.

The transfer station shall be operated in accordance with the following restrictions and as specified in the project documents and conditions.

- a. All accessways shall be secure from unauthorized entry. Trained personnel in a number adequate to monitor site use and waste disposal shall be on the premises at all times that the site is open to the public or persons employed to service the site.
- b. Wastes collected by commercial haulers shall not be deposited at the transfer station.
- c. Liquids, hazardous materials, dead animals, and offal, except as stated, shall not be accepted or deposited at the transfer stations. Waste minimization and processing shall be limited to the activities cited in the project description such as baling, grinding and crushing, and shall exclude incineration or other resource reduction or recovery techniques.
- d. The site shall be limited to the general public between the hours of 9:00 a.m. and 2:00 p.m., Monday through Friday and 8:00 a.m. through

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5:00 p.m. Saturday and Sunday. Site operations shall be limited to 8:00 a.m. to 5:00 p.m. Sunday through Saturday except in emergencies.

- e. Commercial waste removal operations shall be prohibited during hours of public use, except in emergency situations to prevent or remedy a threat to health or safety.

4. Minimizing Hazards and Nuisances.

Wastes shall be removed and the site maintained as specified to minimize hazards or nuisances associated with fire, vectors, odors, etc. Minor operational modifications may be implemented if required by the Division of Environmental Health, local enforcement agency, to remedy health or safety problems.

- a. Tires shall be stacked on a trailer at a minimum on a weekly basis or more often to minimize vectors and ignition hazard.
- b. Yard waste and mulched material shall be removed as necessary to protect public health. Composting shall be limited to a "back yard demonstration project" as shown on the aerial photo site plan.
- c. All recyclables shall be properly stored and removed for recycling on a regular basis. Storage buildings for resalable materials may be located within the transfer station site, however, shall not exceed 250 square feet.
- d. All municipal garbage shall be removed within seven days. If required by the local enforcement agency, deodorizers or other management practices shall be employed to reduce odors. The pod push plate shall be set flush with the opening of the compactor pod and the unit shall be tarped daily when not in use.
- e. Litter shall be controlled through use of cleanup crews, litter control fences or other appropriate means.
- f. Comply with vehicle code and other laws pertaining to covered loads and littering along County roads.
- g. The site shall be properly graded and drainage installed and maintained to minimize accumulation of standing water and control odors and vectors.

5. Hazard Management and Site Evacuation.

A comprehensive plan for hazard management and site evacuation shall be prepared for acceptance by Division of Environmental Health incorporating use permit and legal requirements, within ninety (90) days of the effective date of this permit. The applicant shall submit written evidence to the Executive

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Director that County Planning and Building Services has approved the revised operational document within 10 days of the agency's approval.

- a. The operation shall comply with all laws and regulations regarding waste stream control and handling, particularly for control of hazardous materials. Hazardous wastes shall not be accepted. Non-friable asbestos maybe accepted upon approval by site personnel on a case-by-case basis.
- b. Best management practices shall be maintained such as posted signs, customer notification, waste inspection, reporting and employee training. Inadvertent hazardous materials shall be removed prior to processing or collected.
- c. If liquids, batteries or hazardous materials are discovered, the customer is directed to contact the Division of Environmental Health for proper disposal. Site personnel shall be properly trained in human and environmental protection. If an unknown substance is encountered, such as a potential hazardous waste, the Redwood Empire Hazardous Waste Team will be contacted via 911 to identify the substance and provide direction concerning appropriate actions. The County shall contract with a waste transporter to have the material transported to and disposed of in a permitted hazardous waste disposal facility. Hazardous materials encountered in containers will be stored at the site in a small secured storage structure until a transporter is contracted (if required) to remove the materials, but not longer than ninety (90) days.

**6. Compliance With Fire Protection Requirements.**

The applicant shall comply with the fire protection requirements of the California Department of Forestry, Mendocino Fire District and Environmental Health, including physical separation of combustibles, first response procedures, and site evacuation procedures.

**7. California Department of Forestry State Fire Safe Regulations.**

The applicant shall comply with the California Department of Forestry State Fire Safe Regulations for roads and defensible space (including 30 foot clearance setback from structures and waste diversion piles). An exception to the gate standards has been granted for use of the existing entrance gate and turnaround (California Department of Forestry Preliminary Clearance, Case # 14-93, dated 1/14/93).

**8. Approval of Signs.**

Any new or modified signs shall comply with Coastal Zoning Code Chapter 20.476 as required, subject to submittal and approval by Planning and Building Services.



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9. Final Leachate Plan.

A final leachate minimization, containment and disposal plan shall be prepared, subject to acceptance by the Division of Environmental Health and Regional Water Quality Control Board, including the following components.

- a. Plans for improvements to minimize production of and to contain leachate in accordance with the use permit. The emphasis shall be on prevention of leachate production.
- b. Construct concrete pads and install a runoff (leachate) collection system for the municipal garbage compactor units (pods).
- c. All collected leachate shall be disposed of in a wastewater treatment system. Runoff (leachate) collection vessels shall be maintained and serviced in a manner that leachate is not discharged to the environment.
- d. The Storm water Runoff Pollution Prevention Plan shall be revised to incorporate transfer station mitigations, monitored, and remedial action taken as required.
- e. Establish storm water sampling, including installation of additional monitoring wells if required, in accordance with the Regional Water Quality Control Board Revised Storm water Monitoring and Reporting Program No. 78-125 dated December 3, 1990 and as may be amended. Well #78-2 (west of metals pile) will be monitored for early detection of contaminants from metals or appliances.
- f. Other measures to control leachate which may be implemented if required pursuant to monitoring include the use of protective barriers, roofs or covers limited to the immediate waste pile site. Applicant shall submit to Planning and Building Services all proposals under this subsection for review sixty (60) days prior to proposed construction. Substantial changes shall require a coastal development use permit modification.
- g. Best management practices shall be implemented including load checking, hazardous waste management, disclosure statements, removal of contaminants prior to waste processing (such as baling), spill prevention and response, storm water management practices, and sediment and erosion prevention.

10. Waste Hauler Service Contracts.

The County and all contractors and waste haulers shall collect, handle, store and transport all wastes in compliance with all applicable regulations and licenses. All equipment shall be properly maintained and licensed as applicable.

- a. Service contracts shall include a provision that all trucks operate in compliance with all laws and regulations, including speed, weight and waste containment restrictions.
- b. Service contracts shall include a general provision that all waste removal operators comply with all laws and regulation for the handling and transport of all wastes.
- c. Service contracts shall require that all waste removal operators shall maintain insurance, including environmental insurance, as determined by County Risk Management.
- d. Service contracts shall require that all equipment be properly muffled.

11. Drainage and Erosion Controls.

The site shall be operated and maintained to provide adequate drainage controls to prevent contamination of surface and ground water, prevent impacts to adjacent properties, and to prevent erosion in conformance with the principles in Coastal Zoning Code, Chapter 20.492 (Grading, Erosion and Runoff). If a permanent sound barrier, such as berm is constructed, drainage and erosion control measures shall be implemented. Pits for noise mitigation shall be properly drained. Drainage shall be routed away from Russian Gulch State Park. The pits shall not be used in wet weather.

12. Rehabilitation of Cover Material Stockpiles Area.

A plan to rehabilitate the cover material stockpiles areas shall be submitted to the Executive Director and Planning and Building Services for review and approval at least ninety (90) days prior to commencement of work. The applicant shall submit written evidence to the Executive Director that County Planning and Building Services has approved the revised operational document within 10 days of the agency's approval. The plan shall address removal of waste materials from the subject areas, berms, engineered drainage, and revegetation with native species. The plan shall include a contoured berm or equivalent alternative screen, to the extent reasonably feasible, the transfer station from public use areas to the south in Russian Gulch State Park. The screening need not totally obscure waste piles nor the transfer station operation. Work shall be completed within one (1) year from final landfill capping. The applicant shall consult with the Department of Fish and Game and Russian Gulch State Park in the preparation of this plan.

13. Noise Impact Mitigations.

Phase I: Noise impact in "Noise Impacts and Mitigation in Connection with Operations at the Caspar Transfer Station and Landfill, Mendocino County, California" (Sound Solutions, April 29, 1993), paragraphs V-b and V-d, 1 through 4 and the first Alternative 5 (including the configurations in

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Figure 2) shall be implemented prior to commencement of specified activities, and noise levels shall be monitored by the Division of Environmental Health the first two (2) times that baling and tub grinding occur and at least one time per year thereafter in accordance with the Noise Impacts Study. Phase II: If noise standards are exceeded, then the second Alternative V-D-5, including the configurations in Figure 2, (permanent sound barrier) or as provided in Sound Solutions' letter dated July 14, 1993 shall be implemented prior to commencement of specified activities. The precise configuration of the sound barrier may vary to consist of barriers placed adjacent to equipment or within the stockpiled material and as specified in Sound Solutions' letter dated July 14, 1993. Such sound barriers shall maintain a minimum 50 foot buffer from vegetated areas and 100 feet from Russian Gulch State Park, and shall be drained away from such areas. Prior to construction, final plans to the specifications in paragraph V-D-5 and/or letter of July 14, 1993 shall be presented to a qualified acoustical consultant for comment and shall be accepted by Environmental Health.

14. Transfer Station Site Closure Plan.

A final site closure plan shall be prepared for acceptance by the Executive Director, Planning and Building Services and Environmental Health at least ninety (90) days prior to closure. The applicant shall submit written evidence to the Executive Director that County Planning and Building Services and Environmental Health have approved the revised operational document within 10 days of each agency's approval. The plan shall provide for the restoration of the transfer station site to its natural state, to the maximum extent reasonably feasible, including removal of all wastes and non permanent structures, reseedling and replanting with native or native-like vegetation, grading to natural contours, drainage, and implementation of mitigations in Department of Fish and Game letter dated July 13, 1993. Restoration shall be diligently pursued such that wastes are removed, and site preparation and reseedling are accomplished within one (1) year from transfer station closure.

15. Traffic Improvements.

The applicant shall improve the intersection of Prairie Way and the site access in accordance with mitigation recommendations in the TJKM Traffic Impact Study dated June 1993, subject to the requirements of the Department of Public Works. This condition shall be diligently pursued and completed not later than one (1) year from the effective date of this permit, unless delayed due to requirements of Public Works.

16. Air Quality.

The access road and interior circulation routes shall be treated with a dust suppressant and maintained to minimize dust generation subject to Air Quality Management District regulations.

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17. Caltrans Notification.

Applicant shall provide a letter to Caltrans notifying Caltrans of the recommendation of the TJKM Traffic Impact Study that, if and when State Highway 1 is widened and a left hand turn pocket is developed at Caspar Creek Bridge (as recommended in the DKS State Route 1 Capacity and Development Study), a left hand turn pocket at Caspar Little Lake Road should be evaluated.

18. Landfill Gas Migration Program.

Within 60 days of Commission approval of this permit, the applicant shall implement a landfill gas migration program at the transfer station site, as an extension of the Calderon Air Quality Assessment Test described in the Landfill Closure Plan, including installation of an alarm system to alert employees when methane gas concentrations in the guard shack reach 25% of the lower explosive limit and ambient air tests to be performed at the transfer station.

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares as follows:

1. Site Description

The project site is located approximately 7 miles southeast of the City of Fort Bragg, 1.5 miles east of Highway One at the end of Prairie Way (see Exhibits 1 and 2).

The Caspar Landfill consists of a 20-acre landfill located on a 65-acre site. The site is comprised of two parcels, a 45-acre parcel occupying the eastern two-thirds of the ownership where both the landfill and the transfer station are located, and a 20-acre undisturbed parcel on the west (see Exhibits 2 and 4). Surrounding land uses include Russian Gulch State Park to the south, and low density rural residential land uses in other directions.

The landfill closed to the public in 1992, as the result of a ground water contamination problem. The landfill still has a valid permit from the Regional Water Quality Control Board to accept waste, and some limited amounts of waste are still accepted at the landfill by special arrangement. The predominant feature of the landfill is the large pyramid shaped mound that occupies the eastern half of the 45-acre parcel and rises approximately 60 feet above the surrounding grade. The transfer station is located immediately adjacent to the landfill pyramid in the south-central portion of the 45-acre County parcel (see Exhibit 3). Landfill closure activities began in the fall of 1992 with preparation of a closure plan and environmental impact report. Full closure of the site will require installing an earthen cap over the landfill, revegetating the site, installing a leachate collection and recovery system, a gas migration control system, monitoring wells, and a variety of other development. These activities are the subject of Coastal Development

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permit application No. 1-94-46, submitted at the same time as the subject application for the monitoring wells.

The project site is located along the eastern margin of the Mendocino County coastal zone. The coastal zone boundary runs northwest to southeast in this area, bisecting both of the parcels at the site. As shown in Exhibit 4, all but the extreme northeast corner of the westernmost County parcel and about one-third of the easternmost County-owned parcel are within the coastal zone. The coastal zone boundary runs through the middle of the transfer station.

The property is predominantly flat to gently sloping, dipping gently to the northeast at approximately two to four percent. Two perennial coastal streams, Doyle Creek and Russian Gulch, are located approximately 500 feet north and 1,200 feet south of the site, respectively.

The portion of the property immediately adjacent to the landfill and transfer station site is generally devoid of significant vegetation, as these areas were cleared many years ago for the landfill. However, certain areas surrounding the site support moderately dense growths of coniferous trees.

Since the March 1994 public hearing, a botanical survey of the project site was performed for the applicant by the consulting firm of Winzler & Kelly. The botanical survey determined that the project site contains transitional forest, and non-pygmy forest areas, but no true pygmy forest (see Exhibit 8).

The transitional forest, although not a known documented forest type, is interpreted as that forest dominated by Mendocino cypress, Bolander pine and dwarfed Bishop pine where the majority of trees reach heights of over 12 feet and as tall as 35 feet. Coniferous species in the transition forest do not have the standard appearance typically found in the pygmy forest. At the project site, most of the identified transitional forest is found on the western 20-acre parcel, with small transitional forest areas located at either end of the isolated forest area in the southwest portion of the larger 45-acre County parcel.

The non-pygmy forest vegetation type consists of Bishop pine and Mendocino cypress dominated forests with canopy heights 30 feet or greater growing outside the harsh soil conditions that create the stunted pygmy forest. More than half of the 20-acre County parcel is covered with non-pygmy forest vegetation. In addition, the three isolated forest areas on the eastern County parcel are almost entirely non-pygmy forest vegetation (see Exhibit Nos. 8a and 8c).

The project site also contains special status rare and endangered plant species. The botanical survey found Mendocino cypress and Bolander's pine throughout the forested areas on both parcels included in the project site. In the non-pygmy forest at the southwest corner of the eastern parcel, five individual specimens and a closely spaced population of 20 individuals of the Coast lily (*Lilium maritima*) are found. In addition, one individual Coast lily specimen was found in the western portion of the western parcel.

2. Project Description.

The proposed project consists of the installation of a large volume transfer station for the collection and transfer of solid waste at the site of the recently closed Caspar Landfill (see Exhibits 3, 5, and 6).

Soon after the County closed the landfill to the public, it opened the waste transfer station. The application for the transfer station was submitted after-the-fact, as the transfer station has been in operation since October of 1992. The purpose of the transfer station is to provide the local population with a coastal location where they can take solid waste. With closure of the landfill, all waste would otherwise have to be hauled to distant locations.

The transfer station accepts municipal waste which is collected and sorted. Waste that can be recycled such as aluminum, scrap metals, appliances, wood waste, yard waste, and tires are collected in designated areas in bins, piles, and trailers. Refuse that cannot be recycled is compacted in two compactors ("waste pods"). The wood and yard wastes are mulched and are currently used as landfill cover material. All other recyclables and compacted refuse is hauled away from the site to processing or disposal centers by commercial waste haulers. In addition to the waste pods and designated storage facilities, development of the transfer station included the installation of an attendant shed, utilities, other storage buildings, runoff (leachate) collection tanks, and access routes. Some existing roads that formerly served the landfill are utilized now by the transfer station.

3. Local Government Action

The Mendocino County Planning Commission approved Coastal Development Use Permit No. CDU 37-92 for the project on September 16, 1993. The Planning Commission's approval was appealed to the Board of Supervisors by Lee Lette on behalf of the Road 409 Residents Association. The Board of Supervisors considered the appeal and approved the project on October 25, 1993.

In approving the project, the County imposed an extensive list of conditions (see Exhibit No. 7). Virtually all of the County imposed conditions have been incorporated herein.

4. Appeal to the Coastal Commission.

The local decision was appealed to the Commission by Lee Lette on behalf of the Road 409 Residents Association. Among the grounds for the appeal cited by the appellants was (1) the transfer station adversely affects the public's use and enjoyment of adjacent Russian Gulch State Park by creating unacceptable odors and noise and by degrading views from the park; (2) the transfer station endangers pygmy forest habitat on the subject property and at Russian Gulch State Park; (3) the project is causing contamination of ground water and surface waters; (4) the project creates a fire danger concern; (5) the project creates traffic hazards at local intersections, including the intersection of

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Highway One and Caspar-Little Lake Road (County Road 409), and the intersection of Caspar-Little Lake Road and Prairie Way; (6) the project is creating a law enforcement concern; and (7) the applicant omitted from its project description intended use of the site for manufacturing and retail sales.

On March 18, 1994, the Commission found that the appeal raised a substantial issue in regard to the project's conformance to the Mendocino County local coastal program. Further action on the permit was continued.

5. Standard of Review.

Because the Commission determined already on March 18, 1994 that the appeal filed in this case raised a substantial issue, the matter came before the Commission de novo. The standard of review applicable to an appeal such as this is the certified local coastal program, in addition to the public access and public recreation policies of Chapter 3 of the Coastal Act (Section 30604(b) and (c)).

6. New Development.

Policy 3.9-1 of the County's LUP states, in applicable part, that new development shall be located in or in close proximity to existing areas able to accommodate it.

The proposed development consists of the installation of a large volume waste transfer station. The facility is consistent with the LUP and zoning designation for the site of Public and Semi Public facilities. These classifications allow "major impact services and utilities" such as the transfer station. The development is also located at the site of an already existing major impact service, the Caspar Landfill.

The transfer station site has existing telephone and electrical services. For water and sewer, the operation relies on bottled water and a chemical toilet, as there is no sewer or direct water service to the site. Water for watering down roads was previously drawn from wells on the site. However, because the ground water is contaminated, the Regional Water Quality Control Board has instructed the County to discontinue the practice of watering the roads. To the extent that water is needed, the applicant has an agreement with a neighboring property owner to the west to provide water. The applicant indicates however, that the operation's need for water is fairly minimal, and the applicant has only drawn upon the neighbor's water source twice in the past two years.

Therefore, the Commission finds that the proposed transfer station is located in an existing area able to accommodate it in a manner consistent with LUP Policy 3.9-1 as (1) the proposed use is consistent with the LUP and zoning designations for the site, (2) the use is located on the site of an existing major impact facility, (3) sufficient services are available to serve the transfer station use.

7. Environmentally Sensitive Habitat Areas:

Section 3.1-7 of the County's LUP states:

A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from significant degradation resulting from future developments. The width of buffer area shall be a minimum of 100 feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning Staff, that 100 feet is not necessary to protect the resources of that particular habitat area from possible significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the environmentally sensitive habitat areas and shall not be less than 50 feet in width.

Section 3.1-7 further states that:

Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.

Section 20.496.020 of the County's Zoning Code states:

A buffer area shall be established adjacent to all environmentally sensitive habitat areas. The purpose of this buffer area shall be to provide for a sufficient area to protect the environmentally sensitive habitat from degradation resulting from future developments and shall be compatible with the continuance of such habitat areas.

(1) Width. The width of the buffer area shall be a minimum of one hundred (100) feet, unless an applicant can demonstrate, after consultation and agreement with the California Department of Fish and Game, and County Planning staff, that one hundred (100) feet is not necessary to protect the significant disruption caused by the proposed development. The buffer area shall be measured from the outside edge of the Environmentally Sensitive Habitat Areas and shall not be less than fifty (50) feet in width.

This section also states that development permitted within the buffer area shall comply at a minimum with a number of standards including that structures will be allowed within the buffer area only if there is no other feasible site available on the parcel.

Mendocino County Land Use Plan maps indicate that the subject property contains pygmy vegetation. In addition, the U.S. Soil Conservation Service soils maps indicate the presence of pygmy soils on portions of the subject parcel. Furthermore, adjacent Russian Gulch State Park is known to contain substantial pygmy forest habitat.



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The LUP previously contained certified policies that offered protection for pygmy forest habitat, but did not grant them ESHA status and the additional protections that the ESHA policies provide. The Second Appellate District Court, in Sierra Club v. California Coastal Comm. (1993) 12 Cal.App.4th 602. affirmed the lower court's issuance of a peremptory writ commanding the Commission to set aside its approval of the LUP for failure to confer environmentally sensitive habitat area (ESHA) status on pygmy forest areas. The appellate court found no substantial evidence supporting the Commission's approval of the LUP without according ESHA status to the pygmy forest.

To comply with the court's order, the approved LUP policies dealing with pygmy forest were set aside.

To the extent that subject site contains pygmy vegetation or come in close proximity to pygmy vegetation, the Commission must consider whether pygmy vegetation constitutes an ESHA and whether the project would adversely affect the pygmy.

After the Commission found that the appeal raised a substantial issue and decided to act on the appeal, the applicant had a botanical survey conducted of the subject property. Although the botanical survey identified pygmy forest vegetation on an adjacent property to the north where the applicant drilled a number of ground water monitoring wells pursuant to another permit, no portion of the project site within the coastal zone is identified as containing pygmy forest (see Exhibit No. 8).

The botanical survey did, however, identify the entire forested area of the site as being vegetated with two rare and endangered plant species: Pinus contorta bolanderi (Bolander's pine), and Cupressus pygmea (pygmy cypress). Furthermore, small numbers of two other rare and endangered plant species, Lilium maritima (Coast Lily) and Carex californica (California sedge) grow in isolated locations within the forested areas. These rare and endangered plant species grow in what are considered environmentally sensitive areas as they are rare and valuable habitats that are easily disturbed or degraded by human activities. Therefore, independent of the presence of true pygmy forest, all of the forested areas of all three parcels at the project site are considered environmentally sensitive habitat areas (ESHA) pursuant to Section 30107.5 due to the presence throughout of at least two of rare and endangered plants.

The botanical survey also identifies areas of transitional forest that contain many of the same species types that are found in true pygmy forest but where the majority of trees reach heights of over 12 feet and as tall as 35 feet, and the coniferous species do not have the standard appearance typically found in the pygmy forest. These forests are considered transitional between true pygmy forest and non-pygmy forest. The Commission notes that at this particular site, all of the areas identified as Transitional Forest are ESHA already by virtue of the fact that they contain rare and endangered plant species throughout as discussed above. The Commission, therefore, need not make any determination at this time as to whether the transitional forest

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areas are independently considered ESHA by virtue of the fact that they display some of the same characteristics as pygmy forest.

Although not covered by the botanical survey, the adjoining Russian Gulch State Park is known to contain pygmy forest vegetation. State Park staff has indicated to Commission staff that pygmy vegetation is growing near the parcel boundary with the Caspar Landfill property. The forested areas near the boundary may also contain plants of the same rare and endangered plant species found in forested areas at the Landfill site.

The transfer station site is located within a portion of the County Landfill property that was cleared of all vegetation many years ago in conjunction with operation of the former landfill. All of the transfer station structures, storage areas, and other development installed specifically to serve the transfer station are more than 100 feet away from the ESHA areas on the County's property that were identified in the botanical survey (see Exhibit No. 8). In addition, none of the transfer station development is located within 100 feet of the State Park boundary. Some previously existing access roads, leachate containment facilities, and stockpile areas installed to serve the operation of the landfill are located within 100 feet of ESHA areas, but all of this development existed prior to installation of the transfer station.

A proposed project can be found to be consistent with the buffer requirements of Policy 3.1-7 of the LUP and Section 20.496.020 of the Coastal Zoning Code if no new development is proposed within 100 feet of an ESHA. As no new development associated with the transfer station is proposed within 100 feet of any pygmy forest habitat or ESHA, the project is consistent with the buffer requirements of Policy 3.1-7 of the LUP and Section 20.496.020.

Although no new development associated with the transfer station is proposed within 100 feet of any ESHA, there is a danger that vehicles serving the transfer station may drive in and out of areas adjacent to the ESHA or even into the ESHA areas themselves and damage the habitats.

To prevent just such an occurrence, the Commission attaches Special Condition No. One. The condition requires that the applicant submit a plan for the review and approval of the Executive Director for barricading the ESHA and a 50-foot area around the ESHA and adjacent to the boundary with Russian Gulch State Park. The barricade will help ensure that vehicles serving the transfer station do not encroach into areas surrounding the ESHA, and that these areas are not used for temporary storage of materials or other activities that could adversely affect the ESHA areas. The condition does allow for certain necessary activities to occur within the barricaded areas including the visual screening required pursuant to Special Condition No. 12, and other development associated with the management and closure of the old landfill that the Commission may authorize in separate permits such as the installation and maintenance of drainage and leachate collection facilities (not including containment facilities), and ground water monitoring wells. All of these allowed activities would require some form of separate review and approval by

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the Commission or the Executive Director and would only occur very infrequently. Therefore, the allowed activities would not cause significant disturbance to the ESHA areas.

Special Condition 11 of this permit, will also help ensure that the transfer station operation does not adversely affect pygmy vegetation in adjacent Russian Gulch State Park. Changes in surface water and ground water are believed to affect the pygmy vegetation ecosystem. Currently, surface water runoff from the Caspar Landfill site is drained away from Russian Gulch State Park. To ensure that this practice continues, Special Condition 11 requires that the site be operated and maintained to provide adequate drainage controls to prevent contamination of surface and ground water and prevent impacts to adjacent properties. Drainage is specifically required to be routed away from Russian Gulch State Park.

Therefore, the Commission finds that as conditioned, the proposed project will be consistent with Policies 3.1-7 and 3.1-10 of the LUP and with Sections 20.496.020 and 20.496.035 of the Zoning Code, as no new development associated with the transfer station is proposed within 100 feet of ESHA areas, and as the barricade required by Special Condition No. 1 and the and the drainage requirements of Special Condition No. 11 will protect existing environmentally sensitive habitat at the site and on adjacent properties from impacts of the project.

8. Aesthetic Effects on Adjacent State Park.

As noted previously, Russian Gulch State Park lies approximately 500 feet south of the transfer station, and an equestrian and hiking trail runs along the side of the park that borders the Caspar Landfill property. The surrounding residential land uses are less vulnerable to odors, noise, and visual degradation caused by the transfer station as dense vegetation and the land fill configuration shield the transfer station from the residences.

Section 30240(b) of the Coastal Act states that "Development in areas adjacent to ... parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those ... recreation areas." However, the standard of review for the project is the LCP, not the Coastal Act, and the LCP contains no such policies that place special restrictions on development adjacent to State Parks. With regard to development within State Parks, Policy 3.1-24 of the LUP and Section 20.496.050 of the Coastal Zoning Code do state that development within designated resource areas, including State parks and reserves, shall be carefully reviewed and that some development shall be allowed under mitigating conditions that would assure the continued protection of the resource. However, these policies do not apply to the proposed transfer station project as no portion of the project is proposed actually within the park boundaries.

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The LCP does contain a general policy calling for minimization of the impacts of development on coastal resources, regardless of whether such development is located next to a park or not. LUP Policy 3.9-1 states, in part, "... all development proposals shall be regulated to prevent any significant adverse effects either individually or cumulatively, of coastal resources." The conformance of the proposed transfer station project to LUP Policy 3.9-1 is discussed below under each impact type. In addition, under the discussion of visual impacts, the conformance of the project to the policies in the LCP addressing visual impacts is also discussed.

a. Odors. The transfer station will produce certain odors as the facility will be accepting municipal garbage and yard wastes. If the refuse is not properly managed, odors from the transfer station could potentially be noticeable to users of the trail along the north border of the park.

To minimize odor problems, the Commission includes County-imposed Condition No. 9(d) which states as follows:

All municipal garbage shall be removed within seven days. If required by the local enforcement agency, deodorizers or other management practices shall be employed to reduce odors. The pod push plate shall be set flush with the opening of the compactor pod and the unit shall be tarped daily when not in use.

This condition will ensure that old garbage, which is most likely to create the strongest odors, will be removed from the site, and that odors from residual garbage left around the garbage compactors will be minimized. In addition, the condition will allow for the enforcing agency to require deodorizers and other management practices to reduce odors. As conditioned, it appears the odor problem would be reduced to an insignificant level.

Therefore, the Commission finds that the project is in conformance with LUP Policy 3.9-1 with respect to odor impacts in that the project will not have a significant adverse odor impact on coastal resources.

b. Noise. Operation of the transfer station will generate a certain amount of noise. Principal noise generating activities include the daily compaction of municipal garbage, and the periodic crushing and baling of metals, grinding of wood wastes, and vehicle movements by self haulers and service equipment. Noise from the transfer station could potentially be noticeable to users of the trail along the north border of the park.

The County imposed conditions to mitigate noise impacts, which should benefit users of Russian Gulch State Park. Condition 19 requires that certain recommendations of a noise consultant on the project be implemented including (a) orienting the metal baler and tub grinder in a particular fashion to minimize noise impacts on the park and residences, (b) containing the metal baler and tub grinder in a pit, (c) positioning bins in particular location next to the tub grinder when the metal baler and tub grinder are operational,

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(d) ensuring that the metal baler and tub grinder are not operated simultaneously, and (e) locating piles of waste material or processed material between the heavy machinery and all noise receiver locations. Condition 19 also requires the County Division of Environmental Health to monitor noise levels on an ongoing basis to determine if noise levels are being exceeded even with the above mitigations. If noise levels are exceeded, then the condition requires the applicant to submit for County approval a plan for construction of permanent sound barriers that are in accordance with recommendations of the noise consultant.

As conditioned, noise impacts on users of Russian Gulch State Park will be reduced to an insignificant level. Therefore, the Commission finds that the project is in conformance with LUP Policy 3.9-1 with respect to noise impacts in that the project will not have a significant adverse noise impact.

Visual Impacts. The transfer station site is visible from the trail that lies along the northern boundary of Russian Gulch State Park. Currently, no vegetative, topographic or other barriers screen the site from the park. Park users can see the waste diversion piles at the transfer station which may reach 20 feet in height. In addition, wind blown litter from the transfer station and landfill is visible from the park, and is reported by park personnel to occasionally blow into the park. The view of the waste diversion piles and wind blown litter can clearly detract from the aesthetic experience of park users.

The County's approval contained conditions that require mitigation for these visual impacts on Park users. The County's conditions are incorporated herein as Special Conditions 4e and 12. The principal requirement is that the applicants are required pursuant to Special Condition 12 to prepare a plan in consultation with the Department of Fish & Game and State Park personnel for Executive Director and County review that provides for the installation of a contoured berm or equivalent alternative to screen, to the extent reasonably feasible, the transfer station from public use areas in the park. The berm is required to be in place within one year of final capping of the landfill as part of the landfill closure operations. Special condition 4e attempts to address the litter problem by requiring the applicants to control litter through the use of cleanup crews, litter control fences, or other appropriate means.

The LCP contains several provisions that address the protection of visual resources.

LUP Policy 3.5-1 states:

The scenic and visual qualities of Mendocino County coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of

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surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas designated by the County of Mendocino Coastal Element shall be subordinate to the character of its setting.

Section 20.504.015(C) of the Zoning Code reiterates Policy 3.5-1.

No views are afforded through the project site from Russian Gulch State Park of the ocean and scenic coastal areas, and the site is not located in an area designated as highly scenic. Therefore the provisions of LUP Policy 3.5-1 and Section 20.504.015(C) of the Zoning Code that are pertinent to this project are whether or not the development minimizes the alteration of natural land forms and is visually compatible with the character of the surrounding area.

The transfer station site is located within a landfill area where the natural land forms have already been significantly altered. Just east of the transfer station site, the landfill rises quite significantly where alternating layers of trash and cover material have been placed for many years. The transfer station project does not result in any significant additional alteration of landforms. The only major change to landforms that may result from the project is the construction of a berm which is intended to be a mitigation for visual impacts. Thus, the project minimizes the alteration of natural land forms.

9. Water Contamination.

LUP Policy 3.9-1 states, in part, "... all development proposals shall be regulated to prevent any significant adverse effects either individually or cumulatively, of coastal resources." Ground water and surface water resources are certainly "coastal resources," so industrial development must not have significant adverse effects on ground water and surface water to be consistent with the policy. In addition, Section 20.488.010(B) of the Coastal Zoning Code states, "the productivity of wetland estuaries, tidal zones and streams shall be protected, preserved, and where feasible, restored."

Operation of the Caspar landfill resulted in ground water contamination in the surrounding area. The County is currently studying the extent of the problem and possible remediation measures. The transfer station is less likely to create ground water contamination problems than the old landfill given that wastes are not permanently retained and buried on the site as they were in the landfill operation. However, leachate from liquid contained in waste deposited at the transfer station could potentially contaminate ground and surface waters. In addition, runoff that comes in contact with waste material at the site could collect pollutants and contaminate the ground and surface waters that receive the runoff. Potential contaminants include contaminants leached from wood or yard wastes, the fuels, oils, and refrigerants found in appliances dropped at the site, and from the municipal garbage collected and processed at the site. In addition, although hazardous materials are not allowed to be deposited at the waste transfer station, such wastes could

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potentially be deposited illegally at the station, and contribute dangerous contaminants to leachate and runoff from the transfer station.

To minimize potential ground water contamination problems, the County imposed a number of Conditions in its approval. The Commission incorporates these conditions herein in order to prohibit liquids, hazardous materials, dead animals, and offal from being accepted or deposited at the transfer station. All of these materials could contribute contaminants to leachate if allowed to be deposited at the site. According to the County staff report, attendants at the transfer station monitor waste collection at all times during operating hours, and site users must sign a statement that they are not disposing of hazardous materials.

Condition 4 requires that wastes be removed and the site maintained according to certain specifications to minimize the accidental or purposeful placement of waste in inappropriate areas or placement of waste for long periods of time where the potential for water contamination and other impacts such as odors and vector production is greater.

Condition 5 requires the transfer station operators to prepare for the approval of the County Division of Environmental Health a comprehensive plan for hazard management within 90 days of the effective date of the permit. The condition reiterates the requirement of Condition 3 that hazardous wastes shall not be accepted, and requires the use of best management practices to prevent and identify the depositing of hazardous wastes such as posted signs, customer notification, waste inspection, reporting, and employee training. Furthermore, the condition requires that in the event unidentified hazardous wastes are discovered, the transfer station operators are required to contact the Redwood Empire Hazardous Waste Team and contract with a waste transporter to have the material removed and properly disposed of at an approved facility.

Condition 9 requires the applicants to prepare for the approval of both the County Division of Environmental Health and the Regional Water Quality Control Board a final leachate minimization, containment, and disposal plan. The plan must conform to a number of requirements, including requirements that a runoff (leachate) collection system for the municipal garbage compactor units (pods) be installed, and as modified by the Commission, the plan must provide for paving concrete pads for the pods. All leachate must be disposed of in a wastewater treatment system. Moreover, Condition 9 requires that a program for storm water sampling to monitor for early detection of contaminants from metals or appliances be instituted.

Finally, Condition 11 specifies that the site be operated and maintained to provide adequate drainage controls to prevent contamination of surface and ground water. In addition, the pits within which the baler and tub grinder will be located must not be used in wet weather so as to minimize contaminants coming in contact with storm water runoff.

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With the comprehensive conditions imposed to prevent or minimize water contamination, and the involvement and independent review by the County Division of Environmental Health and the Regional Water Quality Control Board of the required leachate minimization, containment, and disposal plan, the risk of potential contamination of ground water and surface water has been reduced to a level of insignificance. Therefore, the Commission finds that the project is consistent with LUP Policies 3.11-13 and 3.9-1 and with Coastal Zoning Code Section 20.488.010(B) with respect to water contamination in that the project will not have a significant adverse impact on water resources.

**10. Fire Protection.**

LUP Fire Policy 3.4-13 states, "All new development shall meet the requirement for fire protection and fire prevention as recommended by responsible fire agencies."

The transfer station is located in an area designated by the California Department of Forestry as a "very high" fire hazard severity area. According to the County prepared Negative Declaration, the fire hazards predominantly consist of combustible materials such as wood and yard waste and tires. Fire may occur spontaneously or due to negligence or arson. In addition, given that the transfer station is located at the closed Caspar Landfill, there is a danger that methane gas originating from buried waste at the landfill could build to explosive concentrations.

The County imposed several conditions to mitigate the potential fire hazard. The Commission incorporates these conditions herein. Condition 3(a) requires that all accessways shall be secure from unauthorized entry. Properly securing the site will reduce the susceptibility of the site to arsonists. Condition 4 requires that wastes shall be removed and the site maintained in a prescribed manner to minimize a number of hazards, including fire. According to the Negative Declaration, materials are stockpiled with combustibles separated to avoid ignition of adjacent materials. In addition, tires are stacked weekly in a metal trailer. Condition 5 requires the preparation and submittal for approval to the County Division of Environmental Health of a comprehensive plan for hazards management, which will minimize the likelihood that flammable hazardous wastes will be initially deposited illegally at the transfer station and provide for appropriate procedures for removing and properly disposing of any flammable hazardous materials that are discovered at the site. Condition 6 specifically requires the operators to comply with the fire protection requirements of the California Department of Forestry, the Mendocino Fire District, and the Division of Environmental Health, including physical separation of combustibles, first response procedures, and site evacuation procedures. Condition 7 mandates that the project conform to California Department of Forestry State Fire Safe Regulations for roads and defensible space (including 30-foot clearance setback from structures and waste diversion piles). The Negative Declaration notes that heavy vegetation is largely already cleared within approximately 700 feet of the area where recyclables are stored. Finally, Condition 18 requires the applicants to



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implement a landfill gas migration program at the transfer site to monitor and control the build up of explosive methane gas concentrations originating from the old landfill.

Given that the special conditions of approval require that the operators comply with all the fire protection requirements of the California Department of Forestry, the Mendocino Fire District, and the Division of Environmental Health, the Commission finds that the project is consistent with LUP Fire Policy 3.4-13.

11. Traffic Hazards.

The principal LCP policy that addresses the traffic impacts of new development is LUP Transportation, Utilities and Public Services, Policy 3.8-1. This policy states that "Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits."

Vehicles using the site could potentially affect traffic conditions at local intersections, including the intersection of Highway One and Caspar Little Lake Road (County Road 409), and the intersection of Caspar-Little Lake Road and Prairie Way.

The County hired a traffic consultant to evaluate the traffic impacts of the project. According to the consultant's traffic report, the project is anticipated to generate 150 trips per day with 40 trips during the p.m. peak hour at the peak month, peak day of operation. Not all of this traffic represents an increase in traffic in the area over past years, as prior to closure of the landfill and installation of the transfer station, vehicles were traveling the same roads to access the landfill. The report recommends modifying the project access at Prairie Way, creating a more formal intersection configuration to facilitate property vehicle flow. Caltrans has commented to the County that it judges the project will not create a hazard at the intersection of Highway One and Caspar-Little Lake Road. Nonetheless, the traffic consultant's report recommends that at the time State Highway One is widened, an evaluation should be made of creating a left hand turn pocket at Caspar Little Lake Road.

The County conditioned its approval of the project in accordance with the traffic consultant's recommendations. The Commission incorporates this condition herein as Special Condition No. 15. The condition requires that the intersection of Prairie Way and the site access be improved in accordance with the traffic study within one year of the effective date of the permit. In addition, Condition 17 requires the applicant to provide a letter to Caltrans notifying the agency of the traffic consultant's recommendation for evaluating a left turn pocket on Highway One at Caspar-Little Lake Road.

As noted, the transfer station will not substantially increase traffic over the amount generated by the Caspar Landfill when it was still in operation.

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Furthermore, Caltrans has indicated that the project will not create a hazard at the intersection of Highway One and Caspar-Little Lake Road. Therefore, it does not appear that the project would significantly affect Highway One capacity, and the Commission finds that the project is consistent with LUP Policy 3.8-1.

12. Alleged Violation.

Although development in the form of installation of the transfer station has allegedly taken place prior to consideration of this appeal, consideration of the appeal by the Commission has been based solely upon the standards and policies of the Mendocino County LCP. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

13. CEQA:

Mendocino County, the lead agency under CEQA, certified a Negative Declaration for the project. The project, as conditioned, does not have a significant adverse effect on the environment, within the meaning of CEQA, as the project is located in an area able to accommodate it, and the project will not have any significant adverse effects on visual resources, environmentally sensitive habitat, traffic conditions, fire safety, water quality and other coastal resources.

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