

## CALIFORNIA COASTAL COMMISSION

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# F8b

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49<sup>th</sup> Day: October 24, 2006  
Staff: Tiffany S. Tauber  
Staff Report: September 22, 2006  
Hearing Date: October 13, 2006

STAFF REPORT: APPEAL  
SUBSTANTIAL ISSUE

APPEAL NO.: **A-1-MEN-06-039**

APPLICANT: **MENDOCINO COUNTY SOLID WASTE DIVISION**

LOCAL GOVERNMENT: County of Mendocino

DECISION: Approval with Conditions

PROJECT LOCATION: At the Caspar Solid Waste Transfer Station located approximately two miles southeast of Caspar, at 14000 Prairie Way (APN 118-500-10 & -11), Mendocino County.

PROJECT DESCRIPTION: Modify the Coastal Development Use Permit to: (1) allow the addition of new facilities including (a) a 50-square-foot, 35-foot-high waste transfer building with a 50' x 60' x 12' vehicle ramp, and (b) a 128-square-foot, 10-foot-high gate house, (2) enlarge the existing metals yard and construct a loading ramp, (3) install landscaping, and (4) expand the hours of operation to the public.

APPELLANT: Rick Childs (representing the Road 409 Residents Association)

SUBSTANTIVE FILE DOCUMENTS: 1) Mendocino County CDUM No. 37-92/2005;  
2) CDP No. A-1-MEN-93-70; and  
3) Mendocino County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that NO SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal has been filed.

The development, as approved by the County, consists of the modification of the Coastal Development Use Permit to authorize (1) constructing a 50-square-foot, 35-foot-high waste transfer building with a 50' x 60' x 12' vehicle ramp, (2) constructing a 128-square-foot, 10-foot-high gate house, (3) enlarging the existing metals yard and construct a loading ramp, (4) installing landscaping, and (5) expanding the hours of operation to the public.

The appeal raises five contentions, three of which allege inconsistency of the approved project with the County's certified LCP. The appellant contends that the approved development would (1) create de facto permanent operations at the transfer site; (2) prejudice the County's waste transfer facility siting study; (3) result in adverse traffic impacts; (4) result in adverse visual impacts as viewed from Russian Gulch State Park; and (5) result in adverse impacts to environmentally sensitive pygmy habitat.

The contentions raised regarding establishing a de facto permanent site for the waste transfer facility and prejudicing the siting study do not allege the local approval's inconsistency with policies and standards of the certified LCP. Thus, staff recommends that the Commission find that these contentions are not valid grounds for appeal pursuant to Section 30603(b)(1) of the Coastal Act.

Staff recommends that the Commission find that the contentions raised by the appellant regarding (1) traffic impacts, (2) visual impacts from Russian Gulch State Park, and (3) impacts to environmentally sensitive pygmy habitat are based on valid grounds for an appeal, but do not raise a substantial issue of conformity of the approved development with the certified LCP.

Regarding the traffic issue, the appellant contends that the approved development would result in adverse traffic impacts by (a) contributing to cumulative impacts on Highway 1, (b) creating hazardous traffic conditions at the Highway 1/Road 409 intersection, and (c) creating a conflict with the presence of school children on Prairie Way as a result of expanding the hours of operation. The appellant asserts that the County only mentioned,

but did not address or analyze the project's impact on Highway 1 in its approval of the subject development.

Staff recommends that the Commission find that contrary to the appellant's assertion, the County did consider project impacts on Highway 1 in its approval of the subject development as required by the LCP. The County's findings indicate that because the new enclosed waste transfer structure would accommodate larger capacity trucks, there would be a slight reduction in the number of highway trips required to transport waste from the transfer station to waste disposal sites. Additionally, the development approved by the County would not change the density of the development in a manner that would necessitate the need for increased traffic capacity of Highway 1. Furthermore, the approved development would not change or expand the service area of the waste transfer station in a manner that would result in an increased number of vehicle trips on Highway 1. Additionally, the County consulted with the Transportation Supervisor for the Mendocino Unified School District regarding the schedule and operation of the transfer facility relative to the area bus schedule and indicated that the extended hours of operation would not result in a safety hazard for the bus or the school children.

Therefore, staff recommends that the Commission find that the County's decision was based on a high degree of factual support and that the appellant's contention regarding traffic impacts does not raise a substantial issue with regard to the conformance of the project as approved with the certified LCP.

Regarding the visual issue, the appellant asserts that the approved 35-foot-high building would be visible from a trail along the northern boundary of Russian Gulch State Park between a gap in an existing berm and that the height of the building would extend above the screening ability of the berm as viewed from the trail. Commission staff visited the site and determined that the approved new building would not expand views of the waste transfer station operation or otherwise have significant adverse effects on views from the park, as the transfer station operation is currently visible from a trail within the park, and the approved building would enclose waste drop-off operations at the site in a manner that would contain and screen a significant portion of the existing facility operations from view. In addition, the trail along this portion of the park is not among the more heavily used areas of the park and no views are afforded through the project site from Russian Gulch State Park of the ocean or scenic coastal areas. Furthermore, the site is not located in an area designated as highly scenic. Moreover, the approved building height is consistent with the 35-foot maximum height limitation allowed in the Public Facility (PF) zoning district and the project proposes exterior earthtone colors such as green and brown and would utilize downcast and shielded lighting to ensure the approved development would be visually compatible with the surrounding area.

Therefore, staff recommends that the Commission find that the contention regarding visual impacts does not raise a substantial issue because the extent and scope of the development as approved by the County is small, as it involves a 50-square-foot, 35-foot-high structure, ramp, and accessory gatehouse, which would be part of the established

waste transfer facility, and the approved development would not block views to or along the ocean and would be compatible with the character of the surrounding area consistent with the visual resource provisions of the LCP.

Lastly, regarding environmentally sensitive habitat, the appellant contends that although the approved development would be located 100 feet from environmentally sensitive habitat areas, the approved project would compromise future restoration of the sensitive pygmy habitat in the area.

The development approved by the County would be located entirely within an unvegetated and graded portion of the established waste transfer facility site void of any natural habitat. All approved development would be located more than 100 feet away from any ESHA as required by the LCP. The appellant asserts that the approved development creates a permanent use of the site that would preclude restoration of the site in the future. However, there is no evidence in the record that the approved structures could not be removed in the future should the transfer facility be relocated and the area proposed or required to be restored.

Staff recommends that the Commission find the contention regarding environmentally sensitive pygmy habitat does not raise a substantial issue because the County has a high degree of factual and legal support for its decision with regard to the conformance of the project as approved with the ESHA provisions of the LCP, as the approved development would be setback at least 100 feet from any environmentally sensitive habitat area and would not encroach into any new ESHA.

For all of the above reasons, staff recommends that the Commission find that the appeal raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved project with the certified LCP.

**The motion to adopt the staff recommendation of No Substantial Issue is found on page 6.**

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**STAFF NOTES:**

1. Appeal Process

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603).

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of

developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea, or within three hundred feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, or within one hundred feet of any wetland or stream, or within three hundred feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Additionally, Section 30603(a)(4) makes the approval of "any development" by a coastal county appealable to the Commission, with the only exception being development that is "designated as the principal permitted use" under the zoning in the LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission because (a) the development is not designated the "principal permitted use" under the certified LCP, (b) the development constitutes a major public works facility.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. In this case, because the staff is recommending no substantial issue, the Commission will hear arguments and vote on the substantial issue question. Proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicant, the appellant and persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. If the Commission were to conduct a *de novo* hearing on the appeal, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program.

## 2. Filing of Appeal

One appeal was filed by Rick Childs representing the Road 409 Residents Association (Exhibit No. 5). The appeal was filed with the Commission in a timely manner on September 5, 2006 within 10 working days of receipt by the Commission of the County's Notice of Final Action (Exhibit No. 4) on August 22, 2006.

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**I. MOTION, STAFF RECOMMENDATION AND RESOLUTION**

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

**MOTION:**

I move that the Commission determine that Appeal No. A-1-MEN-06-039 raises **NO substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application *de novo* and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

**RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-1-MEN-06-039 presents no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved project with the Certified Local Coastal Plan.

**II. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

**A. APPELLANT'S CONTENTIONS**

The Commission received one appeal of the County of Mendocino's decision to approve the development from Rick Childs representing the Road 409 Residents Association. The development, as approved by the County, consists of the modification of the Coastal Development Use Permit to (1) allow the addition of new facilities consisting of (a) a 50-square-foot, 35-foot-high waste transfer building with a 50'x 60'x 12' vehicle ramp, (b) a 128-square-foot, 10-foot-high gate house, (2) enlarge the existing metals yard and construct a loading ramp, (3) install landscaping, and (4) expand the hours of operation to the public. The project is located at the Caspar Solid Waste Transfer Station located approximately two miles southeast of Caspar, at 14000 Prairie Way (APN 118-500-10 & -11), Mendocino County.

The appeal raises five contentions, three of which allege inconsistency of the approved project with the County's certified LCP. The appellant's contentions are summarized below, and the full text of the contentions is included as Exhibit No. 5.

1. De facto Permanent Operation of the Waste Transfer Facility

The appellant contends that the approved development, which includes construction of a new waste transfer building and vehicle ramp, results in new permanent development at the site that effectively establishes the site as a permanent location for the waste transfer station. The appellant contends that the waste transfer building has an anticipated 50-year lifespan, which undermines the notion that the waste transfer station is intended by the County to be located at this site only temporarily until another more suitable site for the facility can be located. The appellant argues that the County could have simply modified the currently existing facilities to accommodate the proposed upgrades in a more temporary manner with a shorter five to ten-year lifespan.

2. Prejudicing the County's Siting Study

The appellant further asserts that the approved development would prejudice the City of Fort Bragg and Mendocino County's recently initiated siting study to investigate potential alternative long-term locations for a commercial and self-haul waste transfer station. The appellant asserts that the County should have completed the siting study prior to approving the subject development that would introduce new permanent structures to the Caspar site, thereby resulting in a prejudicial influence on the investigation currently underway to relocate the waste transfer facility elsewhere.

3. Traffic Impacts

The appellant contends that the approved development would result in adverse traffic impacts by (a) contributing to cumulative impacts on Highway 1 by effectively establishing the existing Caspar site as the permanent location for the waste transfer station resulting in continued annual increases of Fort Bragg-Caspar vehicle trips, (b) creating hazardous traffic conditions at the 75-foot-long left turn lane at the Highway 1/Road 409 intersection which is not sufficient to safely accommodate the longer 65-foot-long trucks that are proposed to use the new facility rather than the currently utilized 51-foot-long trucks when other vehicles are present, and (c) expanding the hours of operation in a manner that would conflict with the presence of school children on Prairie Way.

4. Visual Impacts from Russian Gulch State Park

The appellant contends that the approved 35-foot-high structure would be visible through a gap in the existing berm previously erected to screen the waste transfer station facilities from Russian Gulch State Park, thereby resulting in an adverse visual impact for hikers and bikers using the North Boundary Trail in the park.

5. Impacts to Pygmy Soils

The appellant contends that although the approved development would be located 100 feet from environmentally sensitive habitat, the expected increased and permanent use of the site would compromise future restoration of the sensitive pygmy habitat in the area.

**B. LOCAL GOVERNMENT ACTION**

On April 20, 2006, the Mendocino County Planning Commission approved the project with six special conditions. On August 15, 2006, the Board of Supervisors upheld the Planning Commission's action following local appeal of the project.

The special conditions require: (1) construction and operation of the new transfer station building and gate house to comply with all mitigation measures described in the Initial Study prepared for the project including (a) dust control measures, (b) measures to protect cultural resources should they be encountered, (c) limitations on construction hours, (d) measures to minimize noise, (e) traffic control measures during construction; (2) the applicant to provide a copy of the mitigation measures to any contractors during construction; (3) continued compliance with all applicable conditions previously adopted by the County and the Coastal Commission in conjunction with the construction and operation of the Caspar Solid Waste Disposal Site and Transfer Station; (4) limiting hours of operation of the facility to 9:00 a.m. to 3:00 p.m. Monday, Tuesday, and Wednesday, and 9:00 a.m. to 4:00 p.m. Saturday and Sunday; (5) implementation of noise monitoring; and (6) all trucking activity to be limited to hours of operation only except during emergencies.

Commission staff received the Notice of Final Action of the Mendocino County Board of Supervisor's approval of the project on August 22, 2006 (Exhibit No. 5). The County's approval of the project was appealed to the Coastal Commission in a timely manner on September 5, 2006, within ten working days after receipt by the Commission of the Notice of Final Local Action on August 22, 2006 (Exhibit No. 4).

**C. PROJECT AND SITE DESCRIPTION**

The project site is located at the southerly end of Prairie Way along the eastern margin of the Mendocino County coastal zone, approximately two miles southeast of Caspar at the Caspar Solid Waste Transfer Station at 14000 Prairie Way (APN 118-500-10 & -11). The 45-acre former landfill site is bisected by the coastal zone boundary with the majority of the existing waste transfer station located within the coastal zone. 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 to the north and east.



The portion of the property in the immediate vicinity of the transfer station is generally void of significant vegetation, as these areas were cleared many years ago for the former landfill. An exception is an approximately 3,500-square-foot habitat restoration area along the boundary of the waste transfer station and the state park. Areas surrounding the transfer station support moderately dense growths of coniferous trees, including transitional pygmy forest containing several rare and endangered plant species such as Bolander's pine and pygmy cypress. However, no special status plant species or other environmentally sensitive habitat areas are located in the immediate vicinity of the subject development approved by the County.

The transfer station is visible from a trail within Russian Gulch State Park that runs generally east-west along the boundary of the subject property. The transfer station and approved development is not visible from Highway One, which is located approximately two miles to the west, and does not provide views to or along the coast.

The development as approved by the County consists of the modification of the Coastal Development Use Permit to (1) allow the addition of new facilities consisting of (a) a 50-square-foot, 35-foot-high waste transfer building with a 50' x 60' x 12' vehicle ramp, (b) a 128-square-foot, 10-foot-high gate house, (2) enlarge the existing metals yard and construct a loading ramp, (3) install landscaping, and (4) expand the hours of operation to the public.

**D. SUBSTANTIAL ISSUE ANALYSIS.**

Section 30603(b)(1) of the Coastal Act states:

*The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.*

Some of the contentions raised in this appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP and/or with the public access policies of the Coastal Act. These contentions allege that the approval of the project by the County is inconsistent with LCP provisions regarding: (1) traffic, (2) visual resources, and (3) environmentally sensitive habitat. The Commission finds that the other contentions raised in the appeal are not based on valid grounds for appeal.

**1. Appellant's Contentions That Are Not Valid Grounds for Appeal**

The appellant raises contentions that are not valid grounds for appeal. As discussed below, the contentions raised regarding establishing a de facto permanent site for the waste transfer facility and prejudicing the siting study do not allege the local approval's

inconsistency with policies and standards of the certified LCP and thus, are not potentially valid grounds for appeal pursuant to Section 30603(b)(1) of the Coastal Act.

a. De facto Permanent Operations

The appellant contends that the approved development, which includes construction of a new waste transfer building and vehicle ramp, results in new permanent development at the site that effectively establishes the site as a long-term, indefinite location for the waste transfer station. The appellant contends that the waste transfer building has an anticipated 50-year lifespan, which undermines the notion that the waste transfer station is intended by the County to be located at this site only temporarily until another more suitable site for the facility can be located. The appellant argues that the County could have simply modified the currently existing facilities to accommodate the proposed upgrades in a more temporary manner with a shorter five to ten-year lifespan.

Mendocino County originally approved a coastal development use permit to establish the waste transfer station at the subject site in 1993. The County's approval was appealed to the Coastal Commission and the Commission approved the permit with conditions in July, 1994 (CDP No. A-1-MEN-93-70). Special Condition No. 2, subsection (4) of CDP No. A-1-MEN-93-70 required that the term of the permit not exceed five years from the date of the Commission's action and that if the Mendocino County Solid Waste Division chose to continue use of the transfer station beyond that date, a new coastal development permit would be required from the County. Pursuant to this condition, the Mendocino County Planning Commission approved a conditional use permit renewal and new coastal development permit (CDUR #37-92(99)) in 1999 to extend the use of the waste transfer station at the subject location for an additional 20 years with an expiration of July 12, 2019.

The approved development that is the subject of this appeal does not change or extend the expiration date of the coastal development use permit. Although the appellant asserts that the approved building has a 50-year lifespan, no authorization has been granted that would allow the County to use the building beyond the terms of the permit. If the County chose to continue using the site beyond the July 2019 permit expiration date, a new coastal development use permit would be required.

The appellant does not cite a specific LCP policy that they feel the County's action did not conform with in regard to this contention. The County's LCP does not contain any policies that set forth limitations on the duration of the use of the site for the waste transfer facility, or require that facilities at the waste transfer station be of a temporary design. Thus, the Commission finds that this contention is not a valid ground for appeal because it does not allege an inconsistency of the local approval with the certified LCP.

b. Prejudicing the County's Siting Study

The appellant further asserts that the approved development would prejudice the City of Fort Bragg and Mendocino County's recently initiated siting study to investigate potential alternative long-term locations for a commercial and self-haul waste transfer station. The appellant asserts that the County should have completed the siting study prior to approving the subject development that would introduce new permanent structures to the Caspar site, thereby creating a prejudicial influence on the investigation currently underway to potentially relocate the waste transfer facility elsewhere.

As discussed above, the waste transfer station is permitted at the current location until July 2019. The County's LCP does not contain any policies that set forth limitations on the duration of the use of the site for the waste transfer facility, or set forth criteria or a timeline for relocating the facility prior to the permit expiration date. Thus, the appellant has not alleged an inconsistency of the local approval with the certified LCP. Therefore, the Commission finds that this contention is not a valid ground for appeal because it does not allege an inconsistency of the local approval with the certified LCP.

**2. Appellant's Contentions That Are Valid Grounds For Appeal**

Several contentions raised in this appeal present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP. These contentions allege that the approval of the project by the County is inconsistent with LCP provisions regarding: (a) traffic, (b) visual resources, and (c) environmentally sensitive habitat.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

*With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.*

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (California Code of Regulations, Title 14, Section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

- The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
- The extent and scope of the development as approved or denied by the local government;

- The significance of the coastal resources affected by the decision;
- The precedential value of the local government's decision for future interpretations of its LCP; and
- Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing a petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that with respect to all of the allegations below, the appeal raises **no substantial issue** with regard to the approved project's conformance with the certified Mendocino County LCP.

## 2. Allegations Raising No Substantial Issue:

### A. Traffic Impacts and Highway 1 Capacity

The appellant contends that the approved development would result in adverse traffic impacts by (a) contributing to cumulative impacts on Highway 1 by effectively establishing the existing Caspar site as the permanent location for the waste transfer station resulting in continued annual increases of Fort Bragg-Caspar vehicle trips, (b) creating hazardous traffic conditions at the 75-foot-long left turn lane at the Highway 1/Road 409 intersection which is not sufficient to safely accommodate the 65-foot-long trucks that would be using the new facility rather than the currently utilized 51-foot-long trucks, and (c) expanding the hours of operation in a manner that would conflict with the presence of school children on Prairie Way.

### LCP Policies and Standards

LUP Policy 3.8-1 states:

*Highway 1 capacity, availability of water and sewage disposal system and other known planning factors shall be considered when considering applications for development permits.*

*On the rural side of the Urban/Rural Boundary, consideration shall be given to Land Use Classifications, 50% buildout, average parcel size, availability of water and solid and septage disposal adequacy and other Coastal Act requirements and Coastal Element policies.*

*Highway capacity impacts shall be considered in determining land use classifications and density changes.*

#### Discussion

The appellant asserts that the County only mentioned, but did not address or analyze the project's impact on Highway 1 in its approval of the subject development.

LUP Policy 3.8-1 requires that the capacity of Highway 1 be considered when reviewing proposed new development and density changes. Contrary to the appellant's assertion, the County did consider project impacts on Highway 1 in its approval of the subject development as required by LUP Policy 3.8-1. The County's findings indicate that because the new enclosed waste transfer structure would accommodate larger capacity trucks, there would be a slight reduction in the number of highway trips required to transport waste from the transfer station to waste disposal sites. Additionally, the development approved by the County would not change the density of development at the site or elsewhere in a manner that would significantly increase use of the available traffic capacity of Highway 1. Furthermore, the approved development would not change or expand the service area of the waste transfer station in a manner that would result in an increased number of vehicle trips on Highway 1.

As further discussed in the County's findings, the coastal zone portion of the parcel was planned and zoned to accommodate its use as a waste disposal facility when the LCP was initially developed. The significant cumulative adverse impacts on traffic capacity of Highway 1 due to buildout and population growth from development approved pursuant to the certified LCP were addressed at the time the LCP was certified. Additionally, the County's findings indicate that since the time the transfer station was originally approved, Caltrans constructed left turn pocket lanes on Highway 1 at the intersection with Caspar-Little Lake Road (Road 409), improving the level of service at the intersection. It is not clear whether the larger trucks that would use the modified facility as approved by the County would have an effect on the operation of the left turn lane when trucks are present. However, LUP Policy 3.8-1 does not establish highway operation standards for new development, but does require that the County consider Highway 1 capacity when reviewing new development. As discussed above, the County found that the development would not increase use of the available traffic capacity of Highway 1 and thus, the approved project does not raise a substantial issue of conformance with LUP Policy 3.8-1.

The County also analyzed potential traffics from the expanded hours of operation. The project as approved and conditioned by the County would increase the hours that the transfer station is open to the public by one hour on three weekday afternoons (M-W 9:00 am to 3:00 pm) and by two hours on weekend mornings (Sat. and Sun. 9:00 am to 4:00pm). As discussed in the County's findings, these expanded hours of operation would have the effect of spreading existing traffic out over a slightly longer period of time, but would not change the number of vehicle trips on any given day because as

noted above, the approved development would not change or expand the service area of the waste transfer station. Furthermore, the impact of the expanded hours on local school children was analyzed in the Environmental Checklist prepared for the project and incorporated into the County's findings of approval. The Transportation Supervisor for the Mendocino Unified School District was consulted regarding the schedule and expanded hours of operation of the transfer facility relative to the area bus schedule and indicated that the extended hours of operation would not result in a safety hazard for the bus or the school children.

These factors present a high degree of factual support for the County's decision that the development is consistent with LUP Policy 3.8-1 requiring the County to consider impacts of new development on Highway 1 capacity. In addition, the Commission finds that the extent and scope of the development as approved by the County is relatively small given that the waste transfer facility is an existing, permitted use at the site and that the approved development would not change the density of the site or expand the service area of the facility. Therefore, the Commission finds that the appeal raises no substantial issue of consistency of the approved project with the certified LCP, including LUP Policy 3.8-1.

B. Visual Resources

The appellant contends that the approved 35-foot-high structure would be visible through a gap in the existing berm previously erected to screen the waste transfer station facilities from Russian Gulch State Park, thereby resulting in an adverse visual impact for hikers and bikers using the North Boundary Trail in the park.

LCP Policies and Standards

LUP Policy 3.5-1 states in applicable part:

*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 20.504.020 of the Coastal Zoning Code states in applicable part:

*(D) 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. (Ord. No. 3785 (part), adopted 1991)*

### Discussion

The subject site is located approximately three miles inland from the coast adjacent to Russian Gulch State Park to the south. This portion of the park, including the North Boundary trail, does not provide any views to or along the ocean and does not provide public access to the coast. The project site is not located within a designated highly scenic area.

CDP No. A-1-MEN-93-70, which originally approved the waste transfer facility at the subject site, included a condition requiring construction of a vegetative berm to serve as a partial visual screen between the transfer station and the state park. The approved building would be located approximately 200 feet from the boundary of the park. As noted by the appellant, an existing driveway creates a gap in the berm that allows the waste transfer facility to be visible from a portion of the state park trail along the northern boundary of the park. The appellant asserts that the approved 35-foot-high building would be visible between this gap in the berm and that the height of the building would extend above the screening ability of the berm as viewed from the trail.

LUP Policy 3.5-1 and Coastal Zoning Code Section 20.504.020 require that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas and that development in non-highly scenic areas be compatible with the character of the area. As no views are afforded through the project site from Russian Gulch State Park of the ocean or scenic coastal areas, the project raises no substantial issue with respect to conformance with the view blockage provisions of LUP Policy 3.5-1 and CZC Section 20.504.020(D). The project as approved also does not raise a substantial issue of conformance with the provisions of LUP Policy 3.5-1 and CZC Section 20.504.020(D) of the zoning code that require development to be visually compatible with the character of the surrounding area.

The approved building height is consistent with the 35-foot maximum height limitation allowed in the Public Facility (PF) zoning district. Additionally, the County's findings indicate that the project proposes exterior earthtone colors such as green and brown and that all lighting would be downcast and shielded such that the approved development would be visually compatible with the surrounding area consistent with LUP Policy 3.5-1 and Section 20.504.020(D).

Commission staff visited the site and determined that the approved new building would not affect views in a way that would expand views of the waste transfer station operation from the park. The findings for approval of Coastal Development Permit No. A-1-MEN-

93-70 granted by the Commission for establishment of the transfer station in 1994 note that the landscaped berm that was proposed as part of the original project would help mute, but not totally screen views of the transfer station from the park. Currently, the transfer station operation is partially screened, but still visible from the North Boundary Trail within the park as envisioned by the Commission in its findings for the original permit. Although the approved new 35-foot-high waste transfer building would be visible from the North Boundary Trail, the approved building would enclose the waste drop-off operations at the site in a manner that would contain and screen a significant portion of the existing facility operations from view. In addition, the Commission notes that the trail along this portion of the park is not among the more heavily used areas of the park. This portion of the trail is at the inland edge of the coastal zone, approximately three miles from the shore and more than a mile from the nearest trailhead. Therefore, the significance of this particular coastal resource, the limited view from the park looking north toward the existing waste transfer facility, is low when compared with other visual coastal resource areas within Russian Gulch State Park that provide undeveloped and pristine coastal views. Furthermore, the extent and scope of the development as approved by the County is small, as it involves a 50-square-foot, 35-foot-high structure, ramp, and accessory gatehouse, which would be part of the established waste transfer facility.

Therefore, the project as approved would not block views to or along the ocean, and does not raise a substantial issue of compatibility with the character of its surroundings consistent with LUP Policy 3.5-1 and CZC Section 20.504.020(D). Thus, the Commission finds that the contention raised by the appellant does not raise a substantial issue of conformance of the approved project with the visual resource provisions of the LCP.

### C. Environmentally Sensitive Pygmy Habitat

The appellant further contends that although the approved development would be located 100 feet from environmentally sensitive habitat, the expected increased and permanent use of the site would compromise future restoration of the sensitive pygmy habitat in the area.

#### LCP Policies and Standards

Environmentally Sensitive Habitat Areas (ESHA) are defined on page 38 of the Mendocino County LUP as:

*Any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

Coastal Zoning Code Section 20.496.010 “Environmentally Sensitive Habitat and other Resource Areas—Purpose” states:



*...Environmentally Sensitive Habitat Areas (ESHA's) include: anadromous fish streams, sand dunes, rookeries and marine mammal haul-out areas, wetlands, riparian areas, areas of pygmy vegetation which contain species of rare or endangered plants and habitats of rare and endangered plants and animals.*

LUP Policy 3.1-7 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 the 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 and the adjacent upland transitional habitat function of the buffer 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. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent environmentally sensitive habitat area and must comply at a minimum with each of the following standards:*

- 1. It shall be sited and designed to prevent impacts which would significantly degrade such areas;*
- 2. It shall be compatible with the continuance of such habitat areas by maintaining their functional capacity and their ability to be self-sustaining and to maintain natural species diversity; and*
- 3. Structures will be allowed within the buffer area only if there is no other feasible site available on the parcel. Mitigation measures, such as planting riparian vegetation, shall be required to replace the protective values of the buffer area on the parcel, at a minimum ratio of 1:1, which are lost as a result of development under this solution.*

Coastal Zoning Code Section 20.496.020 “Environmentally Sensitive Habitat and other Resource Areas—Development Criteria” states in applicable part:

***(A) Buffer Areas.** 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 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 fifty (50) feet in width. New land division shall not be allowed which will create new parcels entirely within a buffer area. Developments permitted within a buffer area shall generally be the same as those uses permitted in the adjacent Environmentally Sensitive Habitat Area.*

...

### Discussion

The transfer station site is located within an area that was cleared of all vegetation many years ago in conjunction with operation of a former landfill. The development approved by the County would be located entirely within an unvegetated and graded portion of the established waste transfer facility site void of any natural habitat. The approved development would be located approximately 200 feet from the boundary of Russian Gulch State Park and approximately 160 feet from an environmentally sensitive habitat area (ESHA) restoration project located along the park boundary. All approved development would be located more than 100 feet away from any ESHA as required by LUP Policy 3.1-7 and CZC Section 20.496.020.

CDP No. A-1-MEN-93-70 that originally approved the waste transfer facility required preparation of a botanical survey that identified pygmy forest vegetation on an adjacent property to the north, but no portion of the project site within the coastal zone was identified as containing true pygmy forest habitat. The botanical survey did, however, identify the entire forested area of the site as being vegetated with several rare and endangered plant species including Bolander's pine, pygmy cypress, Coast lily, and California sedge. CDP No. A-1-MEN-93-70 required the establishment of setbacks and barricades to protect existing rare plant ESHA at the site. The development approved by the County would not conflict with these established setbacks and barricades, nor would the approved development encroach into new areas of ESHA or impair existing ESHA.

As discussed in section 1(a) above, the waste transfer station is permitted at the current location until July 2019. The appellant asserts that the approved development creates a permanent use of the site that would preclude restoration of the site in the future. However, there is no indication that the approved structures could not be removed in the future should the transfer facility be relocated and the area proposed or required to be restored. Therefore, the approved development would not preclude potential restoration of the site in the future following cessation of authorization of use of the site for the transfer station in 2019, or prior to the 2019 expiration date. Furthermore, any proposed extension of use of the site beyond the July 2019 permit expiration date would require a

new or amended coastal development permit from the County and would require review of impacts to ESHA.

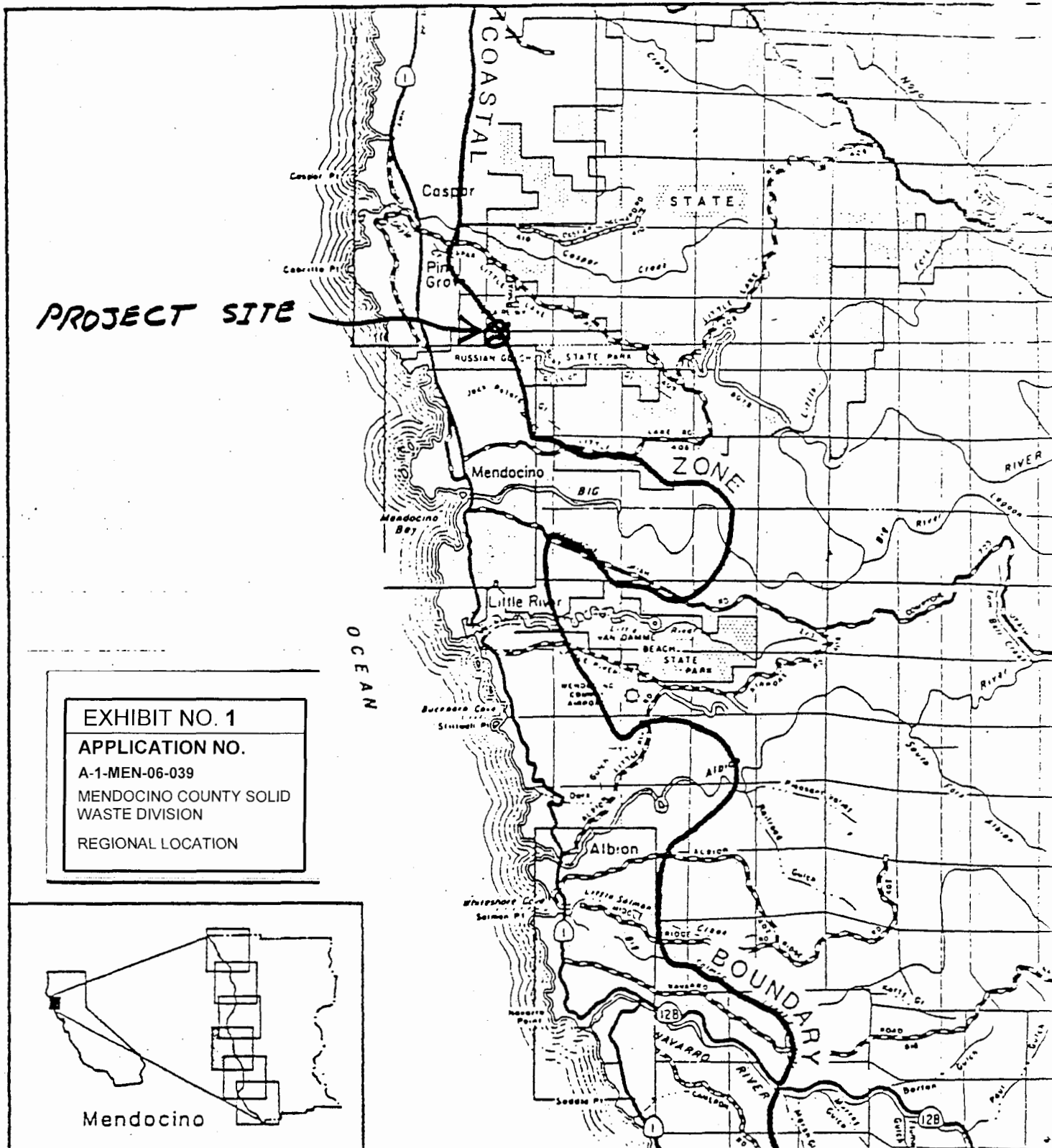
Based on these factors, the County has a high degree of factual and legal support for its decision. As the approved development would be setback at least 100 feet from any environmentally sensitive habitat area and would not encroach into any new ESHA consistent with LUP Policy 3.1-7 and CZC Section 20.496.020, no substantial issue is raised with regard to the conformance of the project as approved with the provisions of the LCP. Therefore, the Commission finds that the contention raised by the appellant does not raise a substantial issue of conformance of the approved project with applicable ESHA provisions of the LCP.

### Conclusion

The Commission finds that for the reasons stated above the appeal raises no substantial issue with respect to conformance of the approved project with the certified LCP and the public access policies of the Coastal Act.

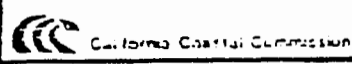
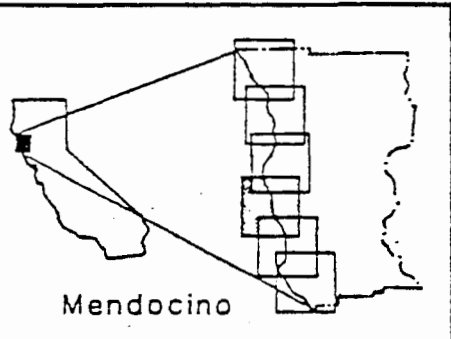
### **EXHIBITS:**

1. Regional Location Map
2. Vicinity Map
3. Project Plans
4. Notice of Final Local Action
5. Appeal

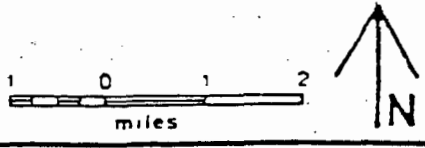


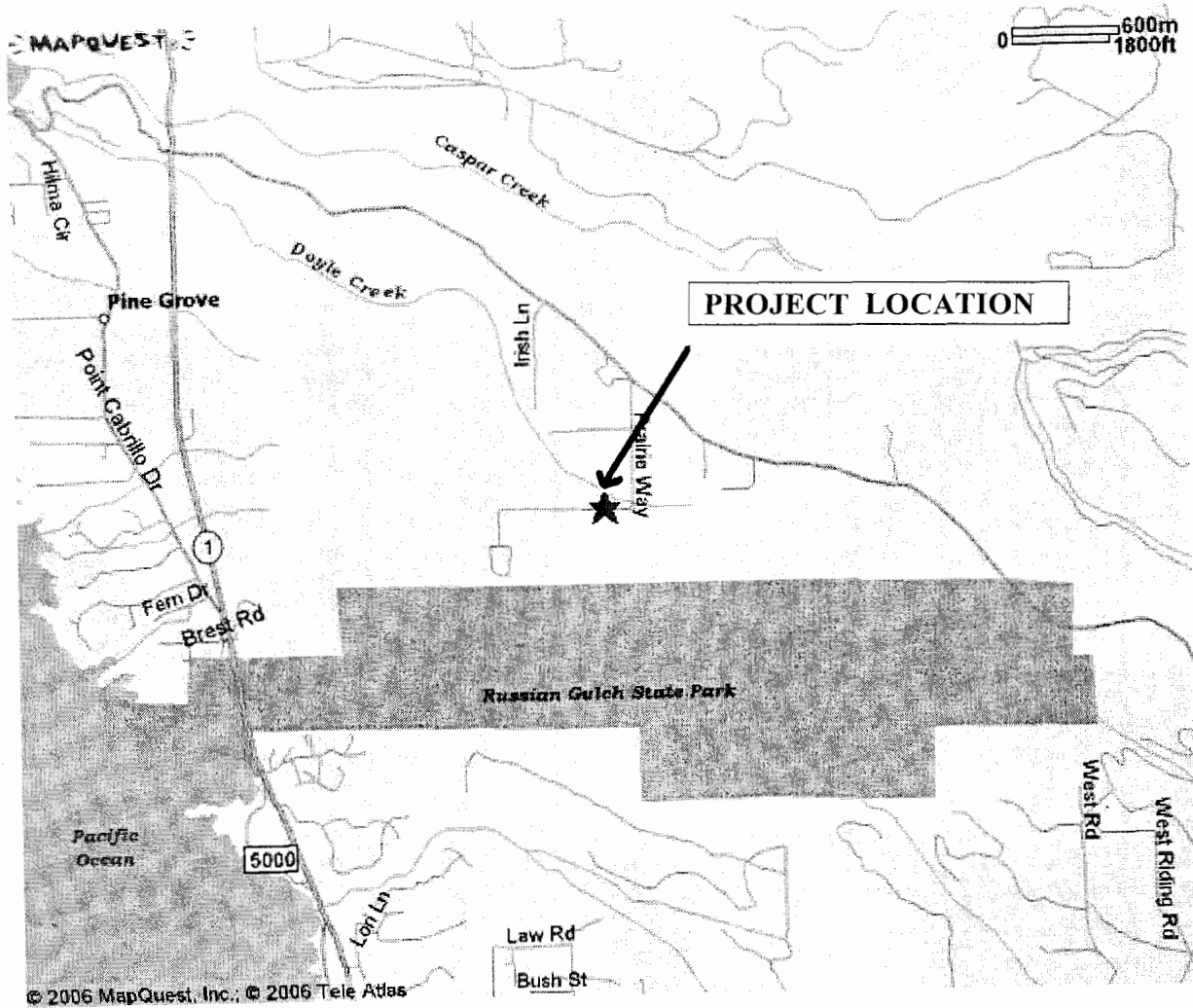
**PROJECT SITE**

**EXHIBIT NO. 1**  
**APPLICATION NO.**  
 A-1-MEN-06-039  
 MENDOCINO COUNTY SOLID  
 WASTE DIVISION  
 REGIONAL LOCATION



**LOCATION MAP**



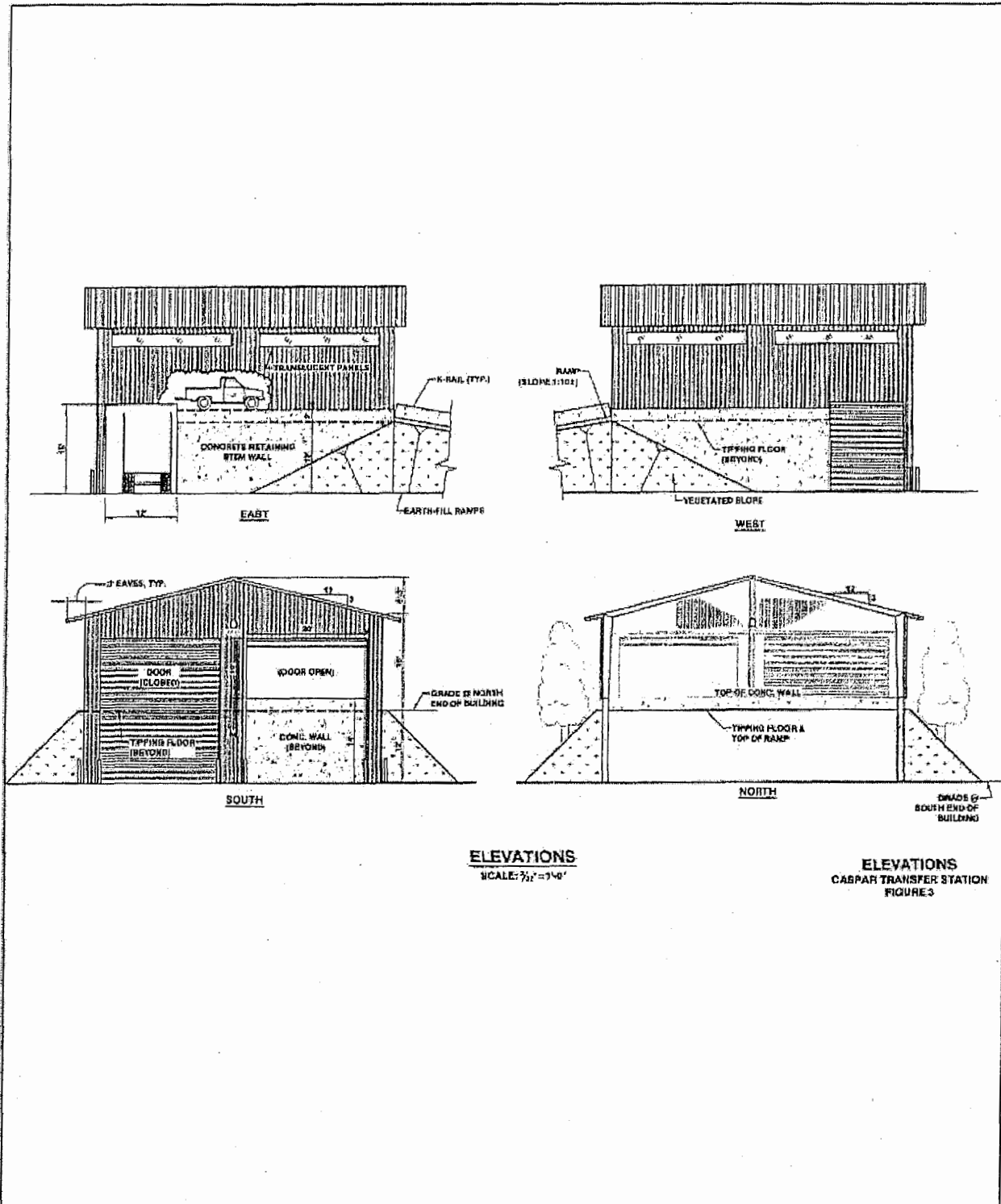


<b>EXHIBIT NO. 2</b>
<b>APPLICATION NO.</b>
A-1-MEN-06-039
MENDOCINO COUNTY SOLID WASTE DIVISION
VICINITY MAP



OWNER: COUNTY OF MENDOCINO AND CITY OF FORT BRAGG  
APPLICANT: MENDOCINO COUNTY SOLID WASTE DIVISION  
AGENT: CAYLER, Paul  
CASE #: CDUM 37-1092 / 2005  
APN: 118-500-11

**EXHIBIT NO. 3**  
**APPLICATION NO.**  
A-1-MEN-06-039  
MENDOCINO COUNTY SOLID  
WASTE DIVISION  
PROJECT PLANS (1 of 2)



**TRANSFER BUILDING ELEVATIONS  
 EXHIBIT D**

OWNER: COUNTY OF MENDOCINO AND CITY OF FORT BRAGG  
 APPLICANT: MENDOCINO COUNTY SOLID WASTE DIVISION  
 AGENT: CAYLER, Paul  
 CASE #: CDUM 37-1992 / 2005  
 APN: 118-500-11

*2 of 2*

Not To Scale



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES  
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

RAYMOND HALL, DIRECTOR  
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www.co.mendocino.ca.us/planning

August 16, 2006

RECEIVED

AUG 22 2006

CALIFORNIA  
COASTAL COMMISSION

NOTICE OF FINAL ACTION

Action has been completed by the County of Mendocino on the below described project located within the Coastal Zone.

**CASE#:** CDUM 37-92/2005

**OWNER:** MENDOCINO COUNTY AND CITY OF FORT BRAGG

**APPLICANT:** MENDOCINO COUNTY SOLID WASTE DIVISION, Paul Cayler - Director

**REQUEST:** Modify the Coastal Development Use Permit for the Caspar Solid Waste Transfer Station to allow the addition of new facilities, consisting of a new 50 foot square by 35 foot tall waste transfer building with a 50 foot by 60 foot by 12 foot high vehicle ramp, and a new 8 foot by 16 foot by 10 foot tall gate house. Enlarge the existing metals yard and construct a loading ramp. Add landscaping and expand hours of operation to the public.

**LOCATION:** In the Coastal Zone, approximately two miles southeast of Caspar, at the end of Prairie Way (CR# 561-A), approximately 0.50 mile south of its intersection with Caspar-Little Lake Road (CR# 409); located at 14,000 Prairie Way; AP# 118-500-10 and 118-500-11.

**PROJECT COORDINATOR:** Frank Lynch

**ACTION TAKEN:**

The Planning Commission, on April 20, 2006, approved the above described project. On August 15, 2006, the Board of Supervisors, on appeal, upheld the Planning Commission's action. See attached documents for the findings and conditions in support of this decision.

The project was referred to various agencies, adjacent property owners were duly noticed.

This project is appealable to the Coastal Commission pursuant to Public Resources Code, Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Coastal Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

Attachments

cc: MENDOCINO COUNTY  
CITY OF FORT BRAGG  
MENDOCINO COUNTY SOLID WASTE DIVISION, Paul Cayler - Director  
Coastal Commission  
Assessor

<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b>
A-1-MEN-06-039
MENDOCINO COUNTY SOLID WASTE DIVISION
NOTICE OF FINAL ACTION (1 of 41)



1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to August 21, 2006. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
2. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
4. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.

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Mitigation XI-1: Construction, including the operation of individual pieces of construction equipment will be limited to the hours between 8:00 a.m. to 6:00 p.m. on weekdays, 8:00 a.m. to 5:00 p.m. on Saturday and no work on Sundays and holidays.

Mitigation XI-2: The K-rails at the edge of the ramp and planting of trees on the fill slopes on either side of the ramp and building will reduce the potential for noise to travel to adjacent properties.

Mitigation XV-1: The County or its contractor will implement a traffic control plan to minimize potential hazards associated with construction vehicle traffic in the public right-of-way, to allow emergency vehicles to pass at all times and to provide reasonable traffic flow.

2. It shall be the responsibility of the applicant to provide a copy of the mitigation measures and conditions adopted as conditions of approval of CDUM 37-92 (2005) to any contractors engaged to perform work on the site in order that contractors be fully aware of applicable mitigation measures and conditions.
- \*\* 3. All of the conditions previously adopted by the County and by the Coastal Commission in conjunction with the construction and operation of the Caspar Solid Waste Disposal Site and Transfer Station, to the extent that they continue to be applicable, remain in effect, and are incorporated by reference as conditions of CDUM 37-92 (2005).
4. Hours of operation that the facility is open to the public shall be limited to 9:00 a.m. to 3:00 p.m. Monday, Tuesday, and Wednesday, and 9:00 a.m. to 4:00 p.m. Saturday and Sunday.
5. Within 60 days of the new facility becoming operational, there shall be a noise standard monitoring test, at appropriate locations, to insure compliance with adopted noise standards. Should noise levels conflict with adopted standards, the building and/or operational methods shall be modified to demonstrate compliance.
6. All trucking activity shall be conducted only during hours of operation, except in emergencies.

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**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

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February 17, 2006

Fort Bragg Planning & Building Services  
 Environmental Health – Ukiah  
 Department of Transportation Assessor  
 County Water Agency  
 Air Quality Management District  
 Department of Forestry

Department of Health Services  
 Coastal Commission  
 Caltrans  
 Department of Fish & Game  
 Department of Parks & Recreation  
 RWQCB  
 Native Plant Society

Emergency Services  
 Mendocino Fire District  
 City of Fort Bragg  
 Mendocino County Solid Waste Division  
 CA Waste Management Board

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE DECLARATION FOR PUBLIC REVIEW

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, March 16, 2006, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

**CASE#:** CDUM 37-92/2005

**DATE FILED:** May 17, 1999 – Modified September 9, 2005

**OWNER:** MENDOCINO COUNTY AND CITY OF FORT BRAGG, Paul Cayler - Director

**APPLICANT:** MENDOCINO COUNTY SOLID WASTE DIVISION

**REQUEST:** Modify the Coastal Development Use Permit for the Caspar Solid Waste Transfer Station to allow the addition of new facilities, consisting of a new 50 foot square by 35 foot tall waste transfer building with a 50 foot by 60 foot by 12 foot high vehicle ramp, and a new 8 foot by 16 foot by 10 foot tall gate house. Enlarge the existing metals yard and construct a loading ramp. Add landscaping and expand hours of operation to the public.

**LOCATION:** In the Coastal Zone, approximately two miles southeast of Caspar, at the end of Prairie Way (CR# 561-A), approximately 0.50 mile south of its intersection with Caspar-Little Lake Road (CR# 409); located at 14000 Prairie Way; Assessor's Parcel Numbers 118-500-10 and 118-500-11.

**PROJECT COORDINATOR:** Charles Hudson

**ENVIRONMENTAL DETERMINATION:** The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is attached for your review.

**RESPONSE DUE DATE:** March 15, 2006. If no response is received by this date, we will assume no recommendation or comments are forthcoming and that you are in agreement with the contents of the Draft Negative Declaration.

It should be noted that the decision making body may consider and approve modifications to the requested project(s). Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California. Oral comments may be presented to the Planning Commission during the public hearing(s).

The Planning Commission's action shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing(s). All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Secretary to the Planning Commission

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**COUNTY OF MENDOCINO  
ENVIRONMENTAL REVIEW GUIDELINES  
DRAFT NEGATIVE DECLARATION**

**I. DESCRIPTION OF PROJECT.**

**DATE:** February 14, 2006

**CASE#:** CDUM 37-92/2005

**DATE FILED:** May 17, 1999 – Modified September 9, 2005

**OWNER:** MENDOCINO COUNTY AND CITY OF FORT BRAGG

**APPLICANT:** MENDOCINO COUNTY SOLID WASTE DIVISION, Paul Cayler- Director

**REQUEST:** Modify the Coastal Development Use Permit for the Caspar Solid Waste Transfer Station to allow the addition of new facilities, consisting of a new 50 foot square by 35 foot tall waste transfer building with a 50 foot by 60 foot by 12 foot high vehicle ramp, and a new 8 foot by 16 foot by 10 foot tall gate house. Enlarge the existing metals yard and construct a loading ramp. Add landscaping and expand hours of operation to the public.

**LOCATION:** In the Coastal Zone, approximately two miles southeast of Caspar, at the end of Prairie Way (CR# 561-A), approximately 0.50 mile south of its intersection with Caspar-Little Lake Road (CR# 409); located at 14000 Prairie Way; Assessor's Parcel Numbers 118-500-10 and 118-500-11.

**PROJECT COORDINATOR:** Charles Hudson

**II. DETERMINATION.**

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a **NEGATIVE DECLARATION** be adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

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STAFF REPORT FOR  
COASTAL DEVELOPMENT USE PERMIT MODIFICATION

#CDUM 37-92/2005  
March 16, 2006  
Page PC-1

**OWNERS:** COUNTY OF MENDOCINO CITY OF FORT BRAGG  
559 LOW GAP ROAD 416 NORTH FRANKLIN STREET  
UKIAH, CA 95482 FORT BRAGG, CA 95437

**APPLICANT:** MENDOCINO COUNTY  
SOLID WASTE DIVISION  
PAUL CAYLER, Director  
559 LOW GAP ROAD  
UKIAH, CA 95482

**REQUEST:** Modify the Coastal Development Use Permit for the Caspar Solid Waste Transfer Station to allow the addition of new facilities, consisting of a new 50 foot square by 35 foot tall waste transfer building with a 50 foot by 60 foot by 12 foot high vehicle ramp, and a new 8 foot by 16 foot by 10 foot tall gate house. Enlarge the existing metals yard and construct a loading ramp. Add landscaping and expand hours of operation to the public.

**LOCATION:** In the Coastal Zone, approximately two miles southeast of Caspar, at the end of Prairie Way (CR# 561-A), approximately 0.50 mile south of its intersection with Caspar-Little Lake Road (CR# 409); located at 14000 Prairie Way; Assessor's Parcel Numbers 118-500-10 and 118-500-11.

**TOTAL ACREAGE:** The transfer station occupies approximately 4 acres of the 61.9±-acre ownership.

**GENERAL PLAN:** PF (Coastal Zone) & PS SW (Inland)

**ZONING:** PF:PD (Coastal Zone) & PF (Inland)

**ADJACENT ZONING:** North & East: RR:L-10  
South: OS (Coastal Zone) & PF (inland)  
West: RMR:PD

**EXISTING USES:** Solid waste transfer station and closed sanitary landfill

**SURROUNDING LAND USES:** North: Residential  
East: Residential  
South: State Park  
West: Residential

**SURROUNDING LOT SIZES:** North: 6± to 10± acres  
East: 21± acres  
South: 1162± acres  
West: 22± acres

**SUPERVISORY DISTRICT:** 4

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until there is a sufficient quantity to haul away. The site includes storage areas for wood waste, yard waste, metals and tires. Items with remaining useful life are set aside for resale. The transfer station does not accept hazardous wastes, but does have a secure storage container for any such materials that may be improperly left at the facility. Bulk waste materials are dumped from a ramp directly into large debris bins which are picked up by trucks and hauled away. Remaining waste, consisting primarily of household garbage, is compacted into waste pods, which also are picked up by trucks for transport to disposal sites. A minimal amount of processing occurs at the site. Yard waste and wood waste is chipped and metal waste is crushed and bailed prior to being hauled away.

Other facilities on the site include the roofed pit in which the trash compactors are located, an attendant's shed, leachate storage tanks, a sedimentation pond, various storage containers, and an earthen berm to provide a visual and acoustic barrier between the transfer station and the State Park. Four exterior light fixtures with motion detectors are used for security lighting. Portable toilets are maintained at the facility by a commercial supplier.

The proposed modifications to the coastal development use permit require initial approval by the County, followed by approval by the Coastal Commission.

**PROJECT DESCRIPTION:** The applicant wishes to add a new waste transfer building to the site that would allow solid waste arriving at the site to be unloaded directly into open-topped semi-trailers for transport to a disposal site. A new gatehouse, expansion of the existing metals storage yard, construction of a loading ramp, new landscaping, and changes to the permitted hours the site may be open to the public, are also proposed.

The application provides the following description of the existing facility and the proposed modifications:

Existing Facility: The existing Caspar Solid Waste Transfer Station facility (APN 118-500-11) consists of a waste transfer site, a garbage compactor (pods), a gatehouse, a recycling drop-off facility, a leachate collection system and a closed landfill. The transfer station facility includes setbacks from existing native pygmy forest and mitigation pygmy forest. The County of Mendocino also owns the adjacent parcel (APN 118-500-10) that consists of native coastal forests.

The existing disposal operations at the site include:

A covered garbage compactor pod tipping area located near the entrance gatehouse;

The site is open to the public between the hours of 9:00 a.m. and 2:00 p.m., Monday through Wednesday and 11:00 a.m. to 4:00 p.m. Saturday and Sunday;

An elevated, drive-up tipping platform that allows customers to dump their waste into the 50-cubic yard capacity, open-topped debris boxes;

A green waste and wood waste tipping area where the materials are dumped on the ground then loaded into debris boxes;

Recyclable materials are deposited in bins near the gatehouse or in the metals yard.

Special wastes are diverted from the waste stream and disposed or recycled separately.

Project Purpose: The purpose of the proposed project is to construct a covered solid waste transfer station building, enlarge the existing recycling area (metals yard) and locate a new gatehouse. At present, the solid waste transfer station utilizes an uncovered, elevated platform from which self-haul customers unload their waste into open, 50 cubic yard dumpsters. The proposed covered facility, to be constructed to a height of 35 feet (or less), is designed to provide the customers a sheltered, elevated platform from which they will dispose their waste into the open-topped long-haul, high-capacity truck. This arrangement will also protect the waste stream from unnecessary wind and rain impacts. This

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Number 1 is recommended specifying that the mitigation measures contained in the Initial Study are required to be implemented as conditions of CDUM 37-92 (2005).

Following is a summary of the potential environmental impacts identified in the Initial Study, and the recommended mitigation measures proposed for the mitigation of potential impacts. (The checklist prepared by Winzler & Kelly follows the format provided in Appendix G of the State Guidelines for Implementation of the California Environmental Quality Act, which is organized somewhat differently from the checklist found in the County's Environmental Review Guidelines, and usually used as the format for the environmental review section of a staff report.)

**I. Aesthetics:** Portions of the transfer station site are visible from the northern edge of Russian Gulch State Park, and the top of the new building may be visible from portions of a trail in the park, however the existing berm and vegetation will limit visibility. Construction activities may be visible during construction, however the impacts will be temporary. Lighting will use cut-off optics to minimize light spill offsite.

**II. Agriculture Resources:** No potential impacts were identified.

**III. Air Quality:** Potential impacts to air quality are diesel and gasoline engine exhaust, and dust raised by construction activities. Mitigation will be provided through compliance with Air Quality Management District requirements, and in addition, water will be applied to the site when dusty conditions exist.

**IV. Biological Resources:** No potential impacts were identified. The building site is within the area currently used by transfer station activities.

**V. Cultural Resources:** No potential impacts were identified, due to previous grading and use of the site. Mitigation, in the event of any discovery of cultural resources, would be provided by halting work and obtaining evaluation by a qualified archaeologist.

**VI. Geology and Soils:** Being within four miles of the San Andreas Fault, the site is subject to earthquakes. Mitigation will be provided through compliance with Uniform Building Code design requirements.

**VII. Hazards and Hazardous Materials:** A minor impact could result from a spill of ordinary equipment fuels and fluids during construction. Should any spill occur, cleanup would comply with County and State regulations. There is no extraordinary or unusual fire risk at the site.

**VIII. Hydrology and Water Quality:** No potential impacts were identified.

**IX. Land Use and Planning:** No potential impacts were identified.

**X. Mineral and Energy Resources:** No potential impacts were identified.

**XI. Noise:** Noise typical of building construction will occur during the construction period. A mitigation measure is proposed limiting construction hours to 8:00 AM to 6:00 PM on weekdays, and to 8:00 AM to 5:00 PM on Saturday, with no work on Sundays or holidays. Noise from vehicles operating on the ramp and tipping platform will be mitigated by concrete K-rails along the edges of the ramp, by the building enclosing the platform, and by trees to be planted on the ramp fill slopes.

**XII. Population and Housing:** No potential impacts were identified.

**XIV. Recreation:** No potential impacts were identified.

**XV. Transportation:** The extended hours will overlap with school bus traffic on Road 409 and Prairie Way. A representative of the school in charge of bus transportation did not consider the change in hours to be a potential safety impact for the buses or the children. A mitigation measure is proposed to require that any potential conflict

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The new transfer station building, gate house and other proposed improvements are all on the Coastal Zone portion of the site, while the entry to the facility, the existing compactor building, and a portion of the recycling drop-off area are on the inland portion.

Minimum front and rear setbacks within a PF zone are ten feet. Minimum side yard setbacks are six feet. The proposed new structures are in excess of 200 feet from the nearest property line.

The maximum building height limit in a PF zone is 35 feet. Building elevation drawings show the height of the new waste transfer to be 34 feet 3 inches in height, and the proposed gatehouse to be 10 feet.

**Public Access:** The project site is located east of Highway 1 and public access to the shoreline will not be affected by the project.

The transfer station site is adjacent to Russian Gulch State Park. The proposed additions to the transfer station will not affect access to the park. No comment was received from the Department of Parks and Recreation.

**Hazards:** The Coastal Plan lists six major hazards that can be of critical concern in the Coastal Zone: seismic activity, tsunamis, landslides, shoreline and bluff erosion, flooding, and fire. Chapter 3.4 of the Coastal Plan contains several policies that require that development projects be designed and carried out to minimize the risk from potential hazards.

The project is not located in an earthquake fault zone, in a tsunami hazard area, on steep or unstable ground, on a bluff, or in a flood plain. The California Department of Forestry has determined that the project is exempt from CDF requirements. No comment was received from the Mendocino Fire District. The proposed structures will be designed in accordance with applicable Uniform Building Code seismic requirements.

The primary potential air quality impacts from the new transfer station building are odors from waste materials and dust from traffic. The Mendocino County Air Quality Management District had no comment on the project. When CDU 37-92 was being considered for renewal in 1999, the AQMD found that the facility was being operated in compliance with District regulations and determined the facility to be exempt from District permitting requirements. Mitigation III-1 recommended in the Initial Study addresses the prevention of dust during construction.

Conditions for the protection of human health are in effect for the operation of the transfer station and will extend to the operation of the new waste transfer building as well. Operation of the new building will be subject to the regulations of the California Integrated Waste Management Board, and will be inspected monthly by the Division of Environmental Health acting as the Local Enforcement Agency. No human health hazards are anticipated.

Potential noise impacts due to the project include temporary noise during construction of the buildings, and operational noise associated with the use of the facility after completion. Noise during construction will be typical of sounds generated by construction equipment and activities. Mitigation XI-1 is recommended in the Initial Study, limiting construction activities to the hours between 8:00 AM and 6:00 PM on weekdays, and between 8:00 AM and 5:00 PM on Saturdays, with no work to occur on Sundays or holidays. Operational noise associated with the new facility is expected to be less than that produced by the existing facility because the transfer of waste from delivery vehicles to the long-haul waste trailers will occur within the transfer station building. Additionally, Mitigation XI-2 is recommended in the Initial Study specifying that concrete K-rails at the edge of the vehicle ramp leading into the transfer station building, and trees to be planted on the fill slopes of the ramp will serve to reduce noise from vehicles moving into and out of the building. Aside from construction noise, no new noise will be generated. The proposed new building will not increase the amount of waste being delivered to the site.

**Grading, Erosion and Runoff:** Chapter 20.492 of the Coastal Zoning Code requires that all applications for coastal development permits be reviewed to determine the extent of project related impacts anticipated to result from grading, erosion, and runoff.

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The site has been substantially disturbed during its many years of use as a landfill and transfer station. In 1993, in conjunction with CDU 37-02 for the establishment of the transfer station, both the Northwest Information Center at Sonoma State University, and the Mendocino County Archaeological Commission determined that no survey was warranted for cultural resources. Standard Condition Number 9 is recommended, advising the applicant of the requirements of the County's Archaeological Ordinance (Chapter 22.12 of the Mendocino County Code) in the event that archaeological or cultural materials are unearthed during site preparation or construction activities.

**Groundwater Resources:** Coastal Plan Policy 3.8-1 requires that water availability and sewage disposal be considered in conjunction with applications for development.

The site is located within an area designated as a Marginal Water Resources area (MWR) as shown in the 1982 Coastal Groundwater Study prepared by the Department of Water Resources, however the project will have no impact on groundwater. No well or septic system is proposed. Bottled water and portable toilets are currently used at the transfer station, and will continue to be provided. The project does not include any waste disposal on the site, and the provision of an enclosed waste transfer building will prevent contact between rainwater and waste materials, eliminating a potential source of contaminated runoff.

**Transportation/Circulation:** Coastal Plan Policy 3.8-1 requires that Highway 1 capacity be considered in conjunction with applications for development.

The primary effect of the new waste transfer building will be to increase the efficiency of the operation by allowing waste to be deposited directly into large-capacity truck trailers within an enclosed structure sheltered from wind and rain. Use of the large-capacity trailers will cause a slight reduction in the number of truck trips needed to transport waste from the Caspar Transfer Station to waste disposal sites. The amount of traffic delivering waste to the site is a function of the population of the service area, and will not be affected by the new facilities. Therefore, the new facilities will not result in any increase in traffic. The Coastal Zone portion of the parcel was zoned to accommodate its use as a waste disposal facility when the Local Coastal Plan was initially developed, and incremental traffic increases due to buildout and population growth were considered when the LCP land use designations were assigned to the site. Since the transfer station was originally approved, Caltrans has constructed left turn pocket lanes on Highway 1 at the intersection with Caspar-Little Lake Road, improving the level of service at the intersection.

The proposed change in hours that the transfer station will be open to the public will result in the facility being open two hours later Monday through Wednesday, and two hours earlier on Saturday and Sunday. The added hours can be expected to have the effect of spreading out the traffic using the transfer station, thereby slightly reducing the number of vehicles using the road in any given hour during the time that the transfer station is open. This will result in a slight reduction in the number of trips per hour, but not any change in the number of trips per day.

Added hours on weekday afternoons will overlap school bus drop-off schedules, with a potential increase in traffic while school children are present. The Initial Study states that the change in schedule was discussed with the Transportation Supervisor of the Mendocino Unified School District, and that she did not consider that the extended hours would be a potential safety impact for the bus or the children.

A traffic count done in July, 2005, by the County Department of Transportation shows that the number of vehicles on County Road 409 (Caspar-Little Lake Road) averaged between 52 and 99 vehicles per hour on weekdays during hours that the transfer station was open. During the same hours on weekdays when the transfer station was not open, counts averaged between 37 and 47 vehicles per hour. While the count indicates that the traffic approximately doubles while the transfer station is open, the numbers of vehicles are relatively low, averaging fewer than one vehicle per minute when the station is closed, and fewer than two vehicles per minute when the station is open. The July traffic count reflects vehicle counts for the current schedule that the transfer station is open to the public. If the hours are extended, it is likely that the peak numbers of trips per hour would be slightly reduced.

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**STANDARD CONDITIONS:**

1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of \$25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to March 27, 2006. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.
2. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.  
  
To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.
3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
4. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

8. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a

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- \*\* 3. All of the conditions previously adopted by the County and by the Coastal Commission in conjunction with the construction and operation of the Caspar Solid Waste Disposal Site and Transfer Station, to the extent that they continue to be applicable, remain in effect, and are incorporated by reference as conditions of CDUM 37-92 (2005).

Feb. 6, 2006  
DATE

Charles N. Hudson  
CHARLES N. HUDSON  
SENIOR PLANNER

CNH:jc  
2/6/06

Negative Declaration.

Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$1,237.50 (For an appeal to the Mendocino County Board of Supervisors.)

\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may effect the issuance of a Negative Declaration.

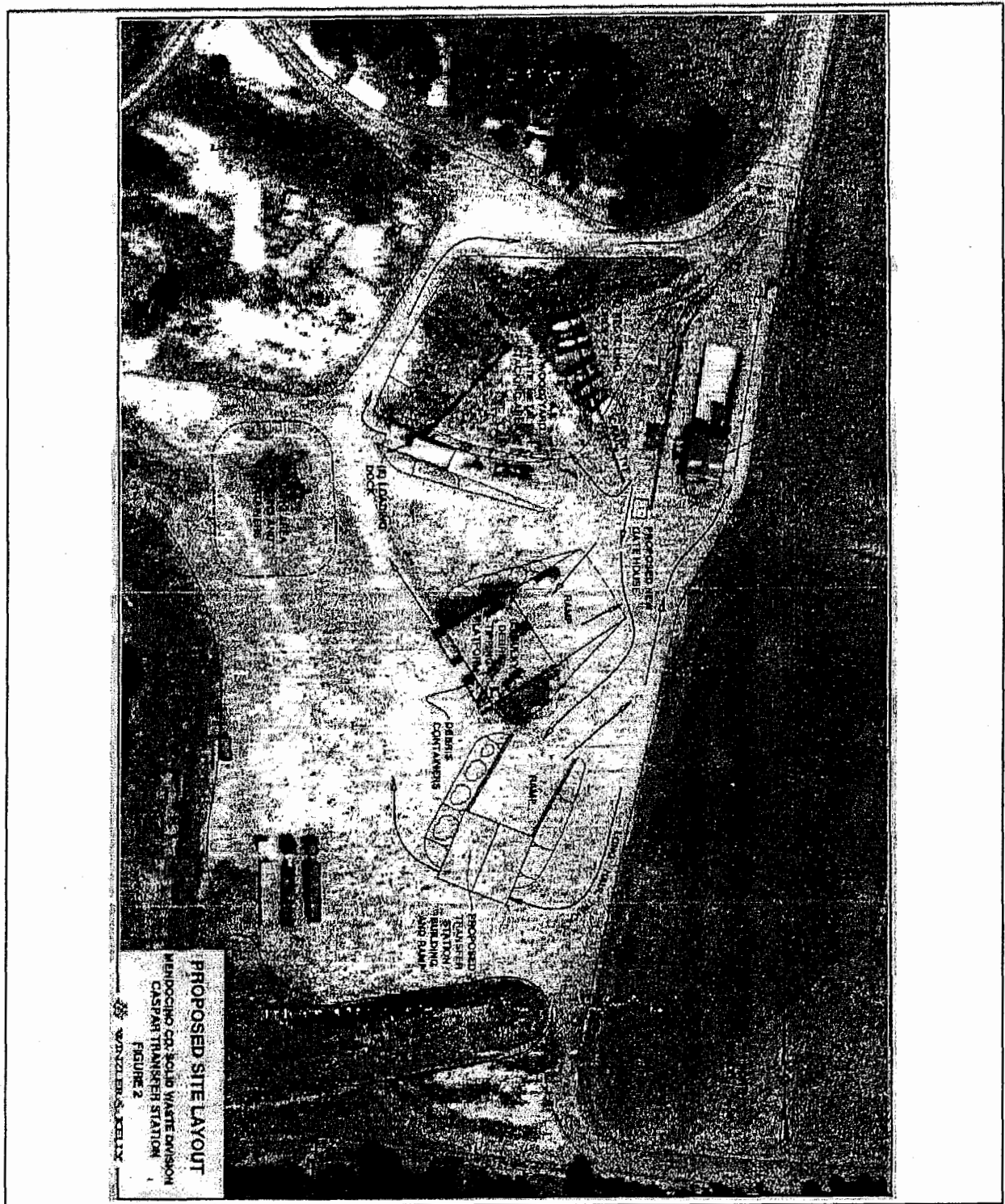
**ATTACHMENTS:**

Exhibit A:	Location Map
Exhibit B:	Site Layout Map
Exhibit C:	Waste Transfer Building Floor Plan and Sections
Exhibit D:	Waste Transfer Building Elevations
Exhibit E:	Gatehouse Plan and Elevations
Exhibit F:	Environmental Checklist and Explanatory Notes

**SUMMARY OF COMMENTS:**

Planning - Ukiah	CDU 37-92 & CDUR 37-92(99)
Department of Transportation	No comment.
Environmental Health - FB	Comments to come from DEH in Ukiah.
Environmental Health - Ukiah	LEA supports the covered tipping area. Is additional noise mitigation needed? Expanded hours may result in traffic when kids are returning home from school.
Building Inspection - FB	No comment.
Emergency Services	No response.
Assessor	No response.
Caltrans	No response.
Department of Health Services	No response.
Native Plant Society	No response.
CDF	The project is exempt from CDF requirements.
Department of Fish & Game	No response.
Coastal Commission	No response.
RWQCB	No response.
Department of Parks & Recreation	No response.
CA Waste Management Board	No response.
Mendocino Fire District	No response.
City of Fort Bragg	The City of Fort Bragg supports the project.
Mendocino County Solid Waste Div.	No comment.
County Water Agency	No response.
Air Quality Management District	No comment.

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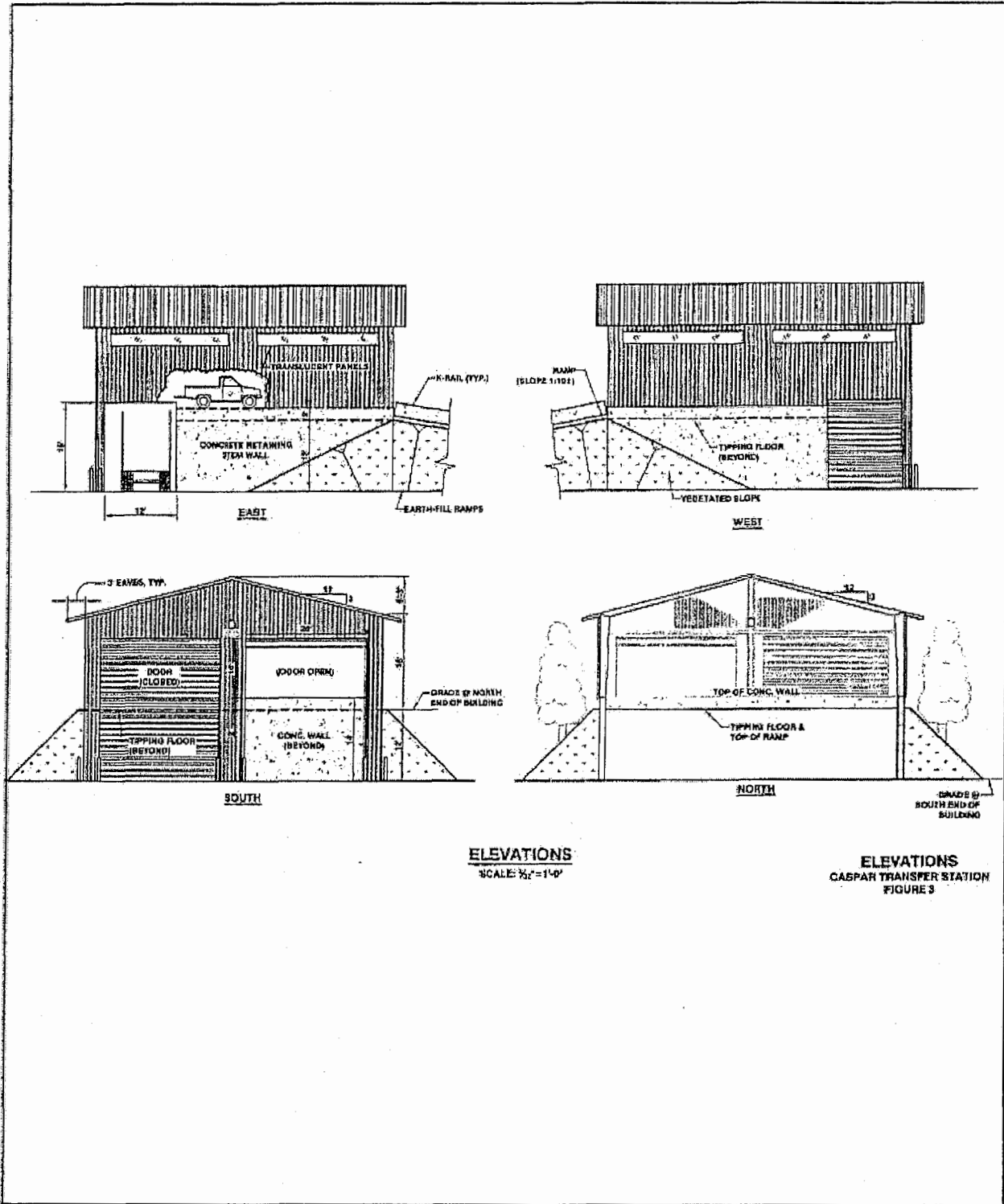
SITE LAYOUT MAP  
EXHIBIT B

OWNER: COUNTY OF MENDOCINO AND CITY OF FORT BRAGG  
 APPLICANT: MENDOCINO COUNTY SOLID WASTE DIVISION  
 AGENT: CAYLER, Paul  
 CASE #: CDUM 37-1992 / 2005  
 APN: 118-500-11

13941

Not To Scale





ELEVATIONS  
 SCALE: 1/2" = 1'-0"

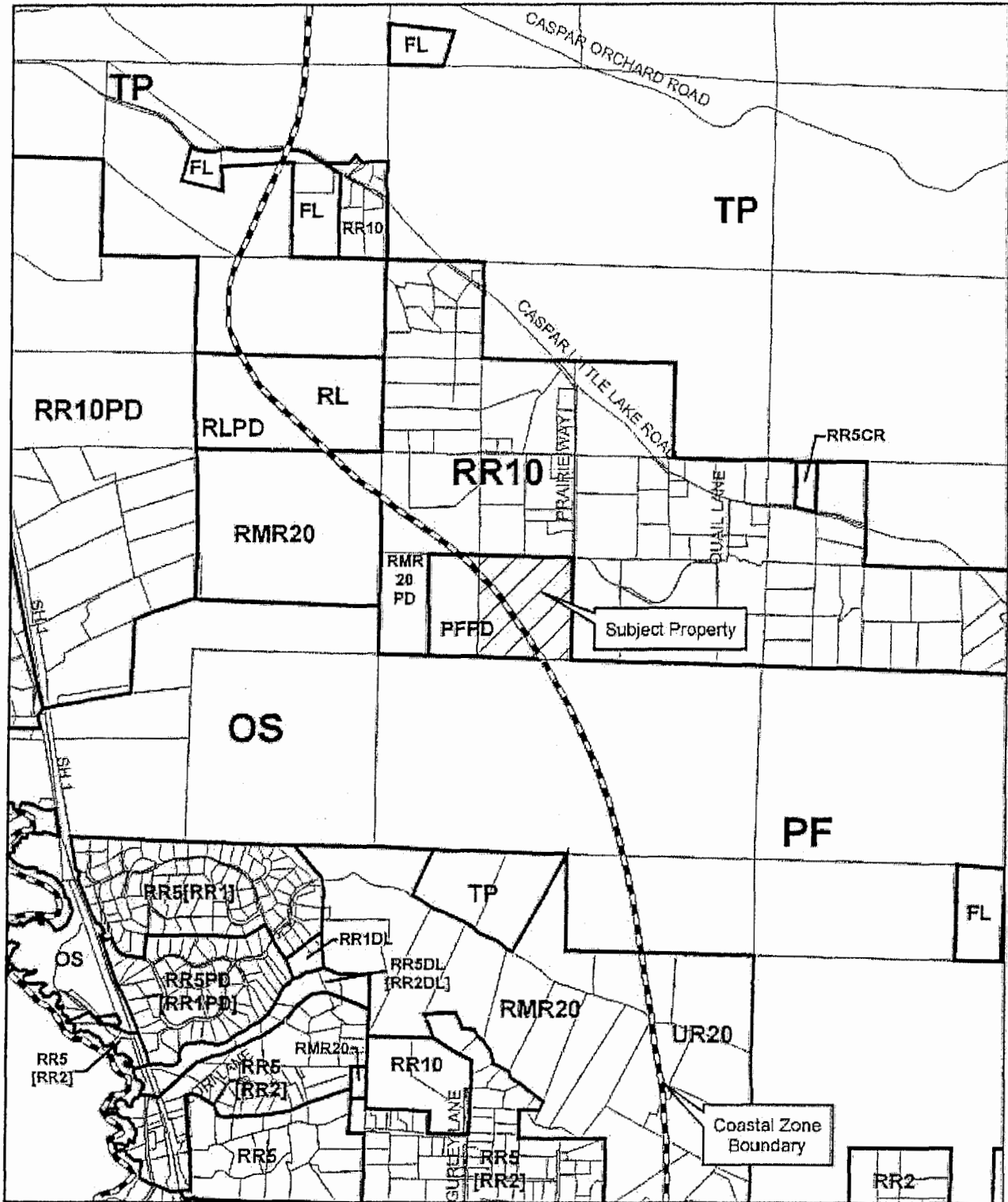
ELEVATIONS  
 CASPAR TRANSFER STATION  
 FIGURE 3

TRANSFER BUILDING ELEVATIONS  
 EXHIBIT D

OWNER: COUNTY OF MENDOCINO AND CITY OF FORT BRAGG  
 APPLICANT: MENDOCINO COUNTY SOLID WASTE DIVISION  
 AGENT: CAYLER, Paul  
 CASE #: CDUM 37-1992 / 2005  
 APN: 118-500-11

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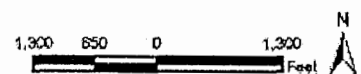
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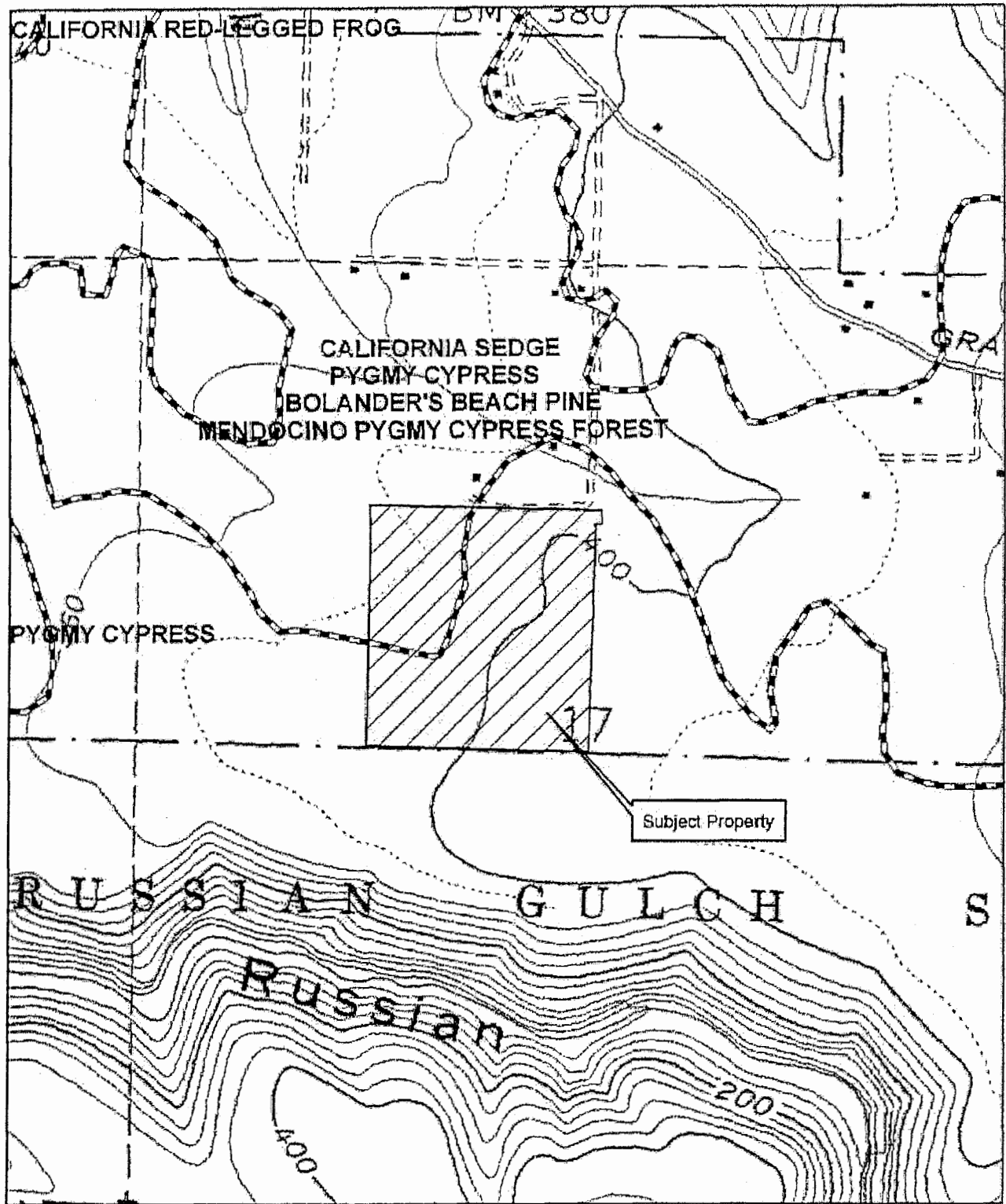


ZONING DISPLAY MAP

OWNER: COUNTY OF MENDOCINO AND CITY OF FORT BRAGG  
APPLICANT: MENDOCINO COUNTY SOLID WASTE DIVISION  
AGENT: CAYLER, Paul  
CASE #: CDUM 37-1992 / 2005  
APN: 118-500-11

15041





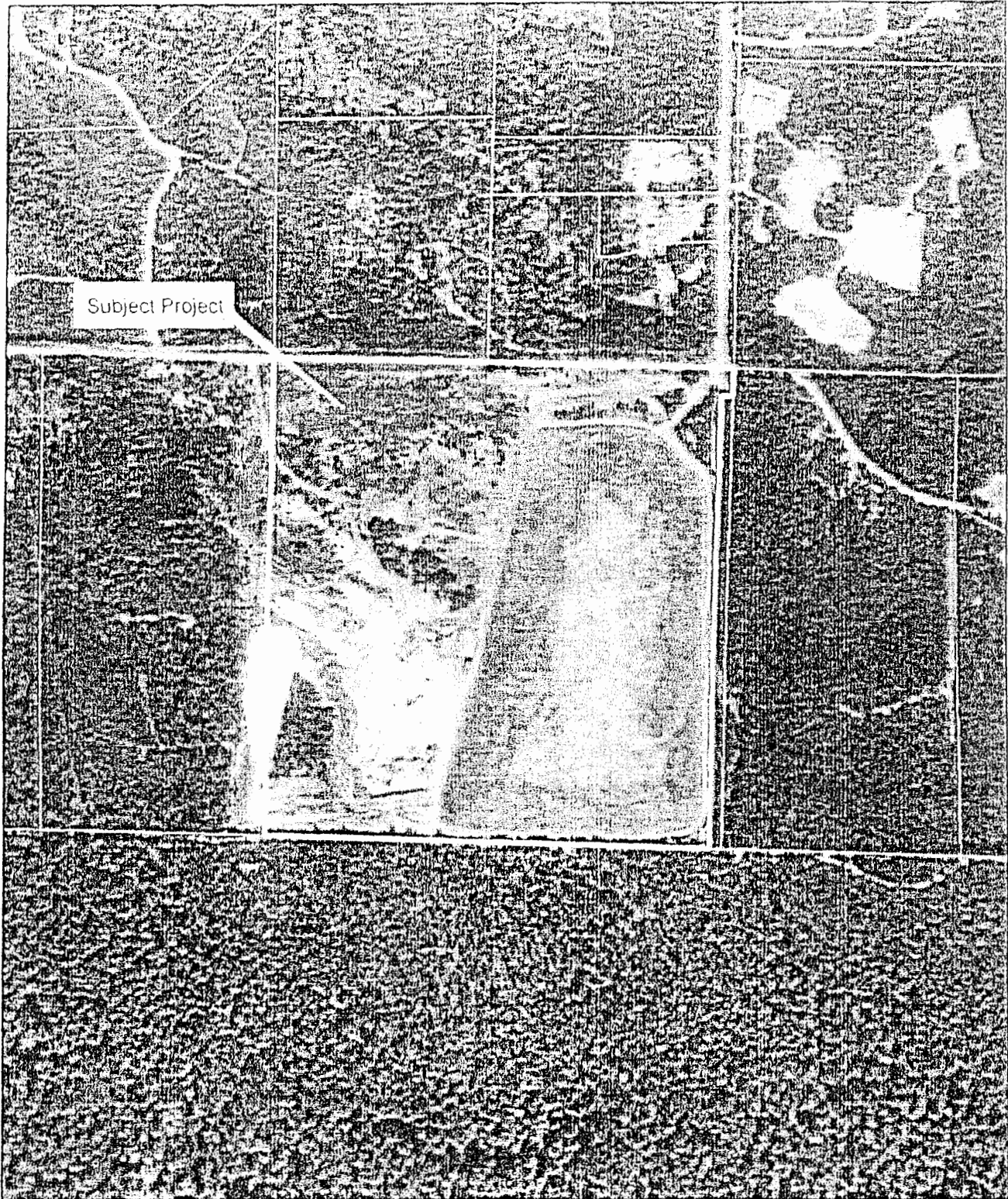
CALIFORNIA NATURAL DIVERSITY  
DATABASE RAREFIND (January 2008)

OWNER: COUNTY OF MENDOCINO AND CITY OF FORT BRAGG  
APPLICANT: MENDOCINO COUNTY SOLID WAST DIVISION  
AGENT: CAYLER, Paul  
CASE #: CDUM 37-1992 / 2005  
APN: 118-500-11

16941







Subject Project

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ORTHOPHOTO - 1993

OWNER COUNTY OF MENDOCINO AND CITY OF FORT BRAGG  
APPLICANT MENDOCINO COUNTY SOLID WASTE DIVISION  
AGENT CAYLER, Paul  
CASE # CDUM 37-1992 / 2005  
118 500 11

27 137.5 0 276

N



CASE NO: CDUR 37-1992(05)

**EXHIBIT F**

**V. ENVIRONMENTAL CHECKLIST AND EXPLANATORY NOTES**

This checklist is essentially the checklist portion of Appendix G of the State CEQA Guidelines, as amended on July 22, 2003. This checklist is modified somewhat for clarity. Explanations of the findings noted in each of the seventeen issue categories (I through XVII) follow each tabular issue section. Where appropriate and where noted, an explanation addresses more than one specific issue question.

The environmental factors checked below would be potentially affected by this project. The significance level is indicated using the following notation: NI=No Impact, LS=Less than Significant; LSM=Less than Significant with Mitigation; PS=Potentially Significant. This notation varies from Appendix G for clarity and information.

LS	Aesthetics	NI	Agriculture Resources	LSM	Air Quality
NI	Biological Resources	NI	Cultural Resources	LS	Geology and Soils
LS	Hazards and Hazardous Materials	LS	Hydrology and Water Quality	NI	Land Use and Planning
NI	Mineral Resources	LSM	Noise	NI	Population and Housing
LS	Public Services	NI	Recreation	LSM	Transportation
NI	Utilities and Service Systems	LSM	Mandatory Findings of Significance		

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III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute to an existing or projected air quality violation, including in relation to asbestos in construction materials or earth?		X (exhaust, dust)		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
f) Otherwise degrade the atmospheric environment?			X	
g) Substantially alter air movement, moisture, temperature or other aspects of climate?				X

III.a-g) Construction activities will result in minor, temporary emissions of diesel and gasoline engine combustion products and possibly earthen dust from construction and construction vehicle access. The Prairie Way access road is chip sealed to reduce dust. The transfer station construction area is graded but not surfaced. A permit for construction must be obtained from the Mendocino County Air Quality Management District, and a separate mitigation is provided below. The project is largely construction of 2 small buildings, so the impacts are inherently limited to very minor levels, and are not a cumulatively considerable increase in any air pollutant. Thus, these ordinary construction emissions (exhaust and dust) will be less than significant (III.f), and there will be no violations or attainment plan conflicts (III.a,b,c). No atmospheric effects other than noted above are expected. As a precaution against the inadvertent release of dust into the air, the following mitigation is recommended.

IMPACT III-1: Potential inadvertent release of dust to the air during construction.

MITIGATION III-1: During construction, on days when it is not raining and visible dust is being generated by traffic or construction, unpaved access roads, operations and processing areas will be watered at 4-hour intervals or as needed to control dust.

IV. BIOLOGICAL RESOURCES - Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations; or by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service?				X

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V.c) No unique paleontological resource or unique geological feature is known or expected to exist in the project impact area.

IMPACT V-1: Potential accidental disturbance of unknown cultural resources.

MITIGATION V-1: The project involves essentially no subsurface disturbance. However, should concentrations of archaeological materials be encountered during construction, all ground-disturbing work will be halted in that area. Work near the archaeological finds will not be resumed until a qualified archaeologist has evaluated the materials and offered recommendations for further action. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes or tools, projectile points, mortars and pestles, groundstone artifacts, deposits of shell, dietary bone, locally darkened midden (dark friable soil containing shell and bone dietary debris), heat-affected rock or human burials. Historic resources include; stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits, found often in old wells and privies.

VI. GEOLOGY AND SOILS - Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

VI.a) The region is subject to strong earthquakes, as is much of California. The transfer station is will be designed in accordance with the latest edition of the Uniform Building Code. There are no known faults under the site, and the San Andreas Fault is within four miles of the site.

VI.b) The project involves essentially no soil disturbance.

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VII. h) The transfer station is north of the wildland of Russian Gulch State Park to the south. The transfer station site itself is not considered to be a wildfire hazard area, and there is no extraordinary or unusual fire risk at the site. The fire risk will be similar to the existing situation. No specific mitigation is necessary to preclude a significant impact.

VIII. HYDROLOGY AND WATER QUALITY - Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Violate any applicable water quality standards or waste discharge requirements?				X
b) Deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				X
c) Alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in erosion or siltation on- or off-site?				X
d) Alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				X
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?				X
f) Place housing within a 100-year floodplain, as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
g) Place within a 100-year floodplain structures that would impede or redirect flood flows?				X
h) Expose people or structures to a significant risk of loss, injury, or death involving: 1) flooding, including flooding as a result of the failure of a levee or dam or 2) inundation by seiche, tsunami, or mudflow?				X
i) Otherwise degrade water quality?				X
j) Change the amount of surface water in a water body?				X
k) Change currents or the course or direction of water movements?				X

VIII.a-k) With respect to hydrology and water quality, the transfer station building construction will not result in changes relative to the existing condition with the transfer station in its current state. Activities relating to the project will comply with all water quality standards and requirements. This project will not result in the increased use of water, and it does not draw from groundwater. The project site is very small, and there will essentially no soil disturbance or change in drainage pattern or volume. Other than rain runoff, the site has no discharges. The project will not occur in the 100-year floodplain, and there are no streams or creeks in the vicinity that would be altered or impacted.

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expose people residing or working in the project area to excessive noise levels?				
f) Be within the vicinity of a private airstrip, and consequently expose people residing or working in the project area to excessive noise levels?				X

XI.a-c) There will be a temporary increase in sound and vibration levels during the construction period. A relatively light array of construction-related equipment will be used, such as a small crane or lift, delivery trucks, and pickup trucks. The increase in noise levels and ground vibration will be relatively minor to insignificant. The project has the potential to expose people offsite to objectionable sound if loud construction or operational activities occurred during sensitive hours in the surrounding residential neighborhood. Mitigation XI-1 is recommended to prevent a significant impact in that regard.

IMPACT XI-1: Potential exposure to construction noise during sensitive hours.

MITIGATION XI-1: Construction, including the operation of individual pieces of construction equipment will be limited to the hours between 8:00 a.m. to 6:00 p.m. on weekdays, 8:00 a.m. to 5:00 p.m. on Saturday and no work on Sundays and holidays.

XI.d) No new noise generating operations are proposed. The waste transfer activities that are now occurring outside on the open-air platform will be moved inside the new building. Tipping of waste inside the building will decrease the potential for the noise from that operation to reach adjacent properties.

The potential for vehicular noise to be carried to adjacent properties from the new approach ramp and building will be minimized by Mitigation XI-2.

IMPACT XI-2: Potential vehicular noise from new ramp and building.

MITIGATION XI-2: The K-rails at the edge of the ramp and planting of trees on the fill slopes on either side of the ramp and building will reduce the potential for noise to travel to adjacent properties.

XI.e,f) The project is not located near a public airport or private airstrip.

XII. POPULATION AND HOUSING - Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

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XV. TRANSPORTATION - Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
h) Adversely affect rail, waterborne, or airborne transportation?				X

XV.a,d,e) A traffic study was conducted for the Caspar Waste Transfer Station in 1993 with 20 year projections (TJKM Transportation Consultants, 1993. Traffic Impact Study for the Caspar Waste Transfer Station in the County of Mendocino). Mendocino County traffic counts for March 1993 indicated that there are insignificant differences in daily traffic counts on County Road 409 on transfer station open days compared to closed (765/736). Increase in level of service for the access road was not considered necessary except for improving entrance site flow. The cueing lane at the facility allows all vehicular traffic using the transfer station to cue on-site and off of Prairie Way. The vehicular counts and waste volumes have steadily increased since the landfill closure. This is a function of population growth and will not be affected by the project.

Extending the hours of operation by 2 hours in the afternoon on Monday through Wednesday and 2 hours in the morning on Saturday and Sunday will spread the traffic out over a longer period of time and should decrease traffic loads on Prairie Way and Road 409. Loading out the refuse in larger, long-haul trucks will decrease the number of large trucks on Road 409 and on Prairie Way.

The new hours of operation will overlap with school children being dropped off by the bus on Road 409 and on Prairie Way. The person in charge of school buses for the area (Cynthia LaFazio, Transportation Supervisor for the Mendocino Unified School District, 937-2877) was consulted regarding the schedule and typical operation. 1<sup>st</sup>- 3<sup>rd</sup> graders are dropped at Doyle Lane and 409 where they are picked up by parents Monday, Tuesday, and Thursday at 2:45. 4<sup>th</sup> grade through high school children are dropped at various locations along 409 and at 409 and Prairie Way where the driver gets out to cross the kids M-T-Th at 4:10. 1<sup>st</sup>- high school children are dropped at Road 409 and Prairie Way where the driver gets out to cross the kids Wednesday and Friday at 3:15. She said the 1<sup>st</sup> through 3<sup>rd</sup> graders are not let off the bus until a parent is

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construction debris generated during construction. The project has no appreciable bearing on storm water, or wastewater treatment. The project proposed is to improve the existing solid waste facility and disposal needs.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, as defined in Section 15130.)			X	
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X		

XVII.a,b) The project's impacts will not add appreciably to any existing or foreseeable future significant cumulative impact, such as species endangerment, wetland loss, or air quality degradation. Incremental impacts, if any, will be negligible and undetectable. This project will be neither growth inducing nor growth inhibitive. This project is not contingent on or otherwise related to the development of an additional water source or any other project.

XVII.c) Mitigation measures are recommended to prevent significant effects in the categories of air quality, noise, and transportation. Although no impact is expected to cultural resources a mitigation measure is recommended as a precautionary reminder of requirements in case of an encounter of undiscovered cultural resources. The analysis in this Initial Study shows that with the recommended mitigations, the project will have no substantial adverse effects on the environment or on people.

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**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

RAYMOND HALL, DIRECTOR  
 Telephone 707-463-4281  
 FAX 707-463-5709  
 pbs@co.mendocino.ca.us  
 www.co.mendocino.ca.us/planning

February 17, 2006

Fort Bragg Planning & Building Services  
 Environmental Health – Ukiah  
 Department of Transportation Assessor  
 County Water Agency  
 Air Quality Management District  
 Department of Forestry

Department of Health Services  
 Coastal Commission  
 Caltrans  
 Department of Fish & Game  
 Department of Parks & Recreation  
 RWQCB  
 Native Plant Society

Emergency Services  
 Mendocino Fire District  
 City of Fort Bragg  
 Mendocino County Solid Waste Division  
 CA Waste Management Board

RECEIVED  
 FEB 22 2006

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT NEGATIVE DECLARATION FOR PUBLIC REVIEW

CALIFORNIA  
 COASTAL COMMISSION

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission at its regular meeting on Thursday, March 16, 2006, at 9:00 a.m., to be held in the Board of Supervisors Chambers, 501 Low Gap Road, Ukiah, California, will conduct a public hearing on the following project and the Draft Negative Declaration at the time listed or as soon thereafter as the item may be heard.

**CASE#:** CDUM# 37-92/2005

**DATE FILED:** May 17, 1999 – Modified September 9, 2005

**OWNER:** MENDOCINO COUNTY AND CITY OF FORT BRAGG, Paul Cayler - Director

**APPLICANT:** MENDOCINO COUNTY SOLID WASTE DIVISION

**REQUEST:** Modify the Coastal Development Use Permit for the Caspar Solid Waste Transfer Station to allow the addition of new facilities, consisting of a new 50 foot square by 35 foot tall waste transfer building with a 50 foot by 60 foot by 12 foot high vehicle ramp, and a new 8 foot by 16 foot by 10 foot tall gate house. Enlarge the existing metals yard and construct a loading ramp. Add landscaping and expand hours of operation to the public.

**LOCATION:** In the Coastal Zone, approximately two miles southeast of Caspar, at the end of Prairie Way (CR# 561-A), approximately 0.50 mile south of its intersection with Caspar-Little Lake Road (CR# 409); located at 14000 Prairie Way; Assessor's Parcel Numbers 118-500-10 and 118-500-11.

**PROJECT COORDINATOR:** Charles Hudson

**ENVIRONMENTAL DETERMINATION:** The Department of Planning and Building Services has prepared a Draft Negative Declaration for the above project (no significant environmental impacts are anticipated which cannot be adequately mitigated). A copy of the Draft Negative Declaration is attached for your review.

**RESPONSE DUE DATE:** March 15, 2006. If no response is received by this date, we will assume no recommendation or comments are forthcoming and that you are in agreement with the contents of the Draft Negative Declaration.

It should be noted that the decision making body may consider and approve modifications to the requested project(s). Your comments regarding the above project(s) are invited. Written comments should be submitted to the Department of Planning and Building Services, at 501 Low Gap Road, Room 1440, Ukiah, California. Oral comments may be presented to the Planning Commission during the public hearing(s).

The Planning Commission's action shall constitute final action by the County unless appealed to the Board of Supervisors. If appealed, the Board of Supervisors action shall be final except that an approved project may be appealed to the Coastal Commission in writing within 10 working days following Coastal Commission receipt of a Notice of Final Action on this project. To file an appeal of the Planning Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee within 10 calendar days of the Planning Commission's decision. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing(s). All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 463-4281, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

RAYMOND HALL, Secretary to the Planning Commission

25941



STAFF REPORT FOR  
COASTAL DEVELOPMENT USE PERMIT MODIFICATION

#CDUM 37-92/2005  
March 16, 2006  
Page PC-1

**OWNERS:** COUNTY OF MENDOCINO CITY OF FORT BRAGG  
559 LOW GAP ROAD 416 NORTH FRANKLIN STREET  
UKIAH, CA 95482 FORT BRAGG, CA 95437

**APPLICANT:** MENDOCINO COUNTY  
SOLID WASTE DIVISION  
PAUL CAYLER, Director  
559 LOW GAP ROAD  
UKIAH, CA 95482

**REQUEST:** Modify the Coastal Development Use Permit for the Caspar Solid Waste Transfer Station to allow the addition of new facilities, consisting of a new 50 foot square by 35 foot tall waste transfer building with a 50 foot by 60 foot by 12 foot high vehicle ramp, and a new 8 foot by 16 foot by 10 foot tall gate house. Enlarge the existing metals yard and construct a loading ramp. Add landscaping and expand hours of operation to the public.

**LOCATION:** In the Coastal Zone, approximately two miles southeast of Caspar, at the end of Prairie Way (CR# 561-A), approximately 0.50 mile south of its intersection with Caspar-Little Lake Road (CR# 409); located at 14000 Prairie Way; Assessor's Parcel Numbers 118-500-10 and 118-500-11.

**TOTAL ACREAGE:** The transfer station occupies approximately 4 acres of the 61.9±-acre ownership.

**GENERAL PLAN:** PF (Coastal Zone) & PS SW (Inland)

**ZONING:** PF:PD (Coastal Zone) & PF (Inland)

**ADJACENT ZONING:** North & East: RR:L-10  
South: OS (Coastal Zone) & PF (inland)  
West: RMR:PD

**EXISTING USES:** Solid waste transfer station and closed sanitary landfill

**SURROUNDING LAND USES:** North: Residential  
East: Residential  
South: State Park  
West: Residential

**SURROUNDING LOT SIZES:** North: 6± to 10± acres  
East: 21± acres  
South: 1162± acres  
West: 22± acres

**SUPERVISORY DISTRICT:** 4

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until there is a sufficient quantity to haul away. The site includes storage areas for wood waste, yard waste, metals and tires. Items with remaining useful life are set aside for resale. The transfer station does not accept hazardous wastes, but does have a secure storage container for any such materials that may be improperly left at the facility. Bulk waste materials are dumped from a ramp directly into large debris bins which are picked up by trucks and hauled away. Remaining waste, consisting primarily of household garbage, is compacted into waste pods, which also are picked up by trucks for transport to disposal sites. A minimal amount of processing occurs at the site. Yard waste and wood waste is chipped and metal waste is crushed and bailed prior to being hauled away.

Other facilities on the site include the roofed pit in which the trash compactors are located, an attendant's shed, leachate storage tanks, a sedimentation pond, various storage containers, and an earthen berm to provide a visual and acoustic barrier between the transfer station and the State Park. Four exterior light fixtures with motion detectors are used for security lighting. Portable toilets are maintained at the facility by a commercial supplier.

The proposed modifications to the coastal development use permit require initial approval by the County, followed by approval by the Coastal Commission.

**PROJECT DESCRIPTION:** The applicant wishes to add a new waste transfer building to the site that would allow solid waste arriving at the site to be unloaded directly into open-topped semi-trailers for transport to a disposal site. A new gatehouse, expansion of the existing metals storage yard, construction of a loading ramp, new landscaping, and changes to the permitted hours the site may be open to the public, are also proposed.

The application provides the following description of the existing facility and the proposed modifications:

Existing Facility: The existing Caspar Solid Waste Transfer Station facility (APN 118-500-11) consists of a waste transfer site, a garbage compactor (pods), a gatehouse, a recycling drop-off facility, a leachate collection system and a closed landfill. The transfer station facility includes setbacks from existing native pygmy forest and mitigation pygmy forest. The County of Mendocino also owns the adjacent parcel (APN 118-500-10) that consists of native coastal forests.

The existing disposal operations at the site include:

A covered garbage compactor pod tipping area located near the entrance gatehouse;

The site is open to the public between the hours of 9:00 a.m. and 2:00 p.m., Monday through Wednesday and 11:00 a.m. to 4:00 p.m. Saturday and Sunday;

An elevated, drive-up tipping platform that allows customers to dump their waste into the 50-cubic yard capacity, open-topped debris boxes;

A green waste and wood waste tipping area where the materials are dumped on the ground then loaded into debris boxes;

Recyclable materials are deposited in bins near the gatehouse or in the metals yard.

Special wastes are diverted from the waste stream and disposed or recycled separately.

Project Purpose: The purpose of the proposed project is to construct a covered solid waste transfer station building, enlarge the existing recycling area (metals yard) and locate a new gatehouse. At present, the solid waste transfer station utilizes an uncovered, elevated platform from which self-haul customers unload their waste into open, 50 cubic yard dumpsters. The proposed covered facility, to be constructed to a height of 35 feet (or less), is designed to provide the customers a sheltered, elevated platform from which they will dispose their waste into the open-topped long-haul, high-capacity truck. This arrangement will also protect the waste stream from unnecessary wind and rain impacts. This transfer station improvement project is proposed in response to County Solid Waste Division desire to provide better public facilities, ease of site maintenance, and a more economically efficient operation.

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Following is a summary of the potential environmental impacts identified in the Initial Study, and the recommended mitigation measures proposed for the mitigation of potential impacts. (The checklist prepared by Winzler & Kelly follows the format provided in Appendix G of the State Guidelines for Implementation of the California Environmental Quality Act, which is organized somewhat differently from the checklist found in the County's Environmental Review Guidelines, and usually used as the format for the environmental review section of a staff report.)

**I. Aesthetics:** Portions of the transfer station site are visible from the northern edge of Russian Gulch State Park, and the top of the new building may be visible from portions of a trail in the park, however the existing berm and vegetation will limit visibility. Construction activities may be visible during construction, however the impacts will be temporary. Lighting will use cut-off optics to minimize light spill offsite.

**II. Agriculture Resources:** No potential impacts were identified.

**III. Air Quality:** Potential impacts to air quality are diesel and gasoline engine exhaust, and dust raised by construction activities. Mitigation will be provided through compliance with Air Quality Management District requirements, and in addition, water will be applied to the site when dusty conditions exist.

**IV. Biological Resources:** No potential impacts were identified. The building site is within the area currently used by transfer station activities.

**V. Cultural Resources:** No potential impacts were identified, due to previous grading and use of the site. Mitigation, in the event of any discovery of cultural resources, would be provided by halting work and obtaining evaluation by a qualified archaeologist.

**VI. Geology and Soils:** Being within four miles of the San Andreas Fault, the site is subject to earthquakes. Mitigation will be provided through compliance with Uniform Building Code design requirements.

**VII. Hazards and Hazardous Materials:** A minor impact could result from a spill of ordinary equipment fuels and fluids during construction. Should any spill occur, cleanup would comply with County and State regulations. There is no extraordinary or unusual fire risk at the site.

**VIII. Hydrology and Water Quality:** No potential impacts were identified.

**IX. Land Use and Planning:** No potential impacts were identified.

**X. Mineral and Energy Resources:** No potential impacts were identified.

**XI. Noise:** Noise typical of building construction will occur during the construction period. A mitigation measure is proposed limiting construction hours to 8:00 AM to 6:00 PM on weekdays, and to 8:00 AM to 5:00 PM on Saturday, with no work on Sundays or holidays. Noise from vehicles operating on the ramp and tipping platform will be mitigated by concrete K-rails along the edges of the ramp, by the building enclosing the platform, and by trees to be planted on the ramp fill slopes.

**XII. Population and Housing:** No potential impacts were identified.

**XIV. Recreation:** No potential impacts were identified.

**XV. Transportation:** The extended hours will overlap with school bus traffic on Road 409 and Prairie Way. A representative of the school in charge of bus transportation did not consider the change in hours to be a potential safety impact for the buses or the children. A mitigation measure is proposed to require that any potential conflict within the public right-of-way between construction traffic and emergency vehicles be minimized through implementation of a traffic control plan.

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Minimum front and rear setbacks within a PF zone are ten feet. Minimum side yard setbacks are six feet. The proposed new structures are in excess of 200 feet from the nearest property line.

The maximum building height limit in a PF zone is 35 feet. Building elevation drawings show the height of the new waste transfer to be 34 feet 3 inches in height, and the proposed gatehouse to be 10 feet.

**Public Access:** The project site is located east of Highway 1 and public access to the shoreline will not be affected by the project.

The transfer station site is adjacent to Russian Gulch State Park. The proposed additions to the transfer station will not affect access to the park. No comment was received from the Department of Parks and Recreation.

**Hazards:** The Coastal Plan lists six major hazards that can be of critical concern in the Coastal Zone: seismic activity, tsunamis, landslides, shoreline and bluff erosion, flooding, and fire. Chapter 3.4 of the Coastal Plan contains several policies that require that development projects be designed and carried out to minimize the risk from potential hazards.

The project is not located in an earthquake fault zone, in a tsunami hazard area, on steep or unstable ground, on a bluff, or in a flood plain. The California Department of Forestry has determined that the project is exempt from CDF requirements. No comment was received from the Mendocino Fire District. The proposed structures will be designed in accordance with applicable Uniform Building Code seismic requirements.

The primary potential air quality impacts from the new transfer station building are odors from waste materials and dust from traffic. The Mendocino County Air Quality Management District had no comment on the project. When CDU 37-92 was being considered for renewal in 1999, the AQMD found that the facility was being operated in compliance with District regulations and determined the facility to be exempt from District permitting requirements. Mitigation III-1 recommended in the Initial Study addresses the prevention of dust during construction.

Conditions for the protection of human health are in effect for the operation of the transfer station and will extend to the operation of the new waste transfer building as well. Operation of the new building will be subject to the regulations of the California Integrated Waste Management Board, and will be inspected monthly by the Division of Environmental Health acting as the Local Enforcement Agency. No human health hazards are anticipated.

Potential noise impacts due to the project include temporary noise during construction of the buildings, and operational noise associated with the use of the facility after completion. Noise during construction will be typical of sounds generated by construction equipment and activities. Mitigation XI-1 is recommended in the Initial Study, limiting construction activities to the hours between 8:00 AM and 6:00 PM on weekdays, and between 8:00 AM and 5:00 PM on Saturdays, with no work to occur on Sundays or holidays. Operational noise associated with the new facility is expected to be less than that produced by the existing facility because the transfer of waste from delivery vehicles to the long-haul waste trailers will occur within the transfer station building. Additionally, Mitigation XI-2 is recommended in the Initial Study specifying that concrete K-rails at the edge of the vehicle ramp leading into the transfer station building, and trees to be planted on the fill slopes of the ramp will serve to reduce noise from vehicles moving into and out of the building. Aside from construction noise, no new noise will be generated. The proposed new building will not increase the amount of waste being delivered to the site.

**Grading, Erosion and Runoff:** Chapter 20.492 of the Coastal Zoning Code requires that all applications for coastal development permits be reviewed to determine the extent of project related impacts anticipated to result from grading, erosion, and runoff.

No grading of the site is proposed in conjunction with the proposed improvements. The ramp leading up to the tipping floor in the new transfer building will require approximately 1,400 cubic yards of fill, to consist of 900 cubic yards of concrete rubble, and 500 cubic yards of material imported from a commercial provider. The driving surface of the ramp will be paved, and vegetation will be planted on the fill slopes on either side of the ramp. The project will not result in any potential for erosion.

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**Groundwater Resources:** Coastal Plan Policy 3.8-1 requires that water availability and sewage disposal be considered in conjunction with applications for development.

The site is located within an area designated as a Marginal Water Resources area (MWR) as shown in the 1982 Coastal Groundwater Study prepared by the Department of Water Resources, however the project will have no impact on groundwater. No well or septic system is proposed. Bottled water and portable toilets are currently used at the transfer station, and will continue to be provided. The project does not include any waste disposal on the site, and the provision of an enclosed waste transfer building will prevent contact between rainwater and waste materials, eliminating a potential source of contaminated runoff.

**Transportation/Circulation:** Coastal Plan Policy 3.8-1 requires that Highway 1 capacity be considered in conjunction with applications for development.

The primary effect of the new waste transfer building will be to increase the efficiency of the operation by allowing waste to be deposited directly into large-capacity truck trailers within an enclosed structure sheltered from wind and rain. Use of the large-capacity trailers will cause a slight reduction in the number of truck trips needed to transport waste from the Caspar Transfer Station to waste disposal sites. The amount of traffic delivering waste to the site is a function of the population of the service area, and will not be affected by the new facilities. Therefore, the new facilities will not result in any increase in traffic. The Coastal Zone portion of the parcel was zoned to accommodate its use as a waste disposal facility when the Local Coastal Plan was initially developed, and incremental traffic increases due to buildout and population growth were considered when the LCP land use designations were assigned to the site. Since the transfer station was originally approved, Caltrans has constructed left turn pocket lanes on Highway 1 at the intersection with Caspar-Little Lake Road, improving the level of service at the intersection.

The proposed change in hours that the transfer station will be open to the public will result in the facility being open two hours later Monday through Wednesday, and two hours earlier on Saturday and Sunday. The added hours can be expected to have the effect of spreading out the traffic using the transfer station, thereby slightly reducing the number of vehicles using the road in any given hour during the time that the transfer station is open. This will result in a slight reduction in the number of trips per hour, but not any change in the number of trips per day.

Added hours on weekday afternoons will overlap school bus drop-off schedules, with a potential increase in traffic while school children are present. The Initial Study states that the change in schedule was discussed with the Transportation Supervisor of the Mendocino Unified School District, and that she did not consider that the extended hours would be a potential safety impact for the bus or the children.

A traffic count done in July, 2005, by the County Department of Transportation shows that the number of vehicles on County Road 409 (Caspar-Little Lake Road) averaged between 52 and 99 vehicles per hour on weekdays during hours that the transfer station was open. During the same hours on weekdays when the transfer station was not open, counts averaged between 37 and 47 vehicles per hour. While the count indicates that the traffic approximately doubles while the transfer station is open, the numbers of vehicles are relatively low, averaging fewer than one vehicle per minute when the station is closed, and fewer than two vehicles per minute when the station is open. The July traffic count reflects vehicle counts for the current schedule that the transfer station is open to the public. If the hours are extended, it is likely that the peak numbers of trips per hour would be slightly reduced.

Based on the above, the proposed change in hours that the transfer station will be open to the public will not have any significant impact on traffic, or on safety for school children.

**Zoning Requirements:** The project complies with the zoning requirements for the Public and Semipublic Facilities District set forth in Chapter 20.404, and with the Planned Unit Development Combining District set forth in Chapter 20.428 of the Coastal Zoning Code, and with all other zoning requirements of Division II of Title 20 of the Mendocino County Code.

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2. This permit shall become effective after all applicable appeal periods have expired, or appeal processes have been exhausted, and after any fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Department of Planning and Building Services. Failure of the applicant to make use of this permit within 2 years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit.

To remain valid, progress towards completion of the project must be continuous. The applicant has sole responsibility for renewing this application before the expiration date. The County will not provide a notice prior to the expiration date.

3. The use and occupancy of the premises shall be established and maintained in conformance with the provisions of Division II of Title 20 of the Mendocino County Code.
4. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the Planning Commission.
5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. The applicant shall secure all required building permits for the proposed project as required by the Building Inspection Division of the Department of Planning and Building Services.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - a. The permit was obtained or extended by fraud.
  - b. One or more of the conditions upon which the permit was granted have been violated.
  - c. The use for which the permit was granted is conducted so as to be detrimental to the public health, welfare or safety, or to be a nuisance.
  - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any revocation shall proceed as specified in Title 20 of the Mendocino County Code.

8. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
9. If any archaeological sites or artifacts are discovered during site excavation or construction activities, the applicant shall cease and desist from all further excavation and disturbances within one hundred feet of the discovery, and make notification of the discovery to the Director of the Department of Planning and Building Services. The Director will coordinate further actions for the protection of the archaeological resources in accordance with Section 22.12.090 of the Mendocino County Code.

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STAFF REPORT FOR CDUM 37-92/2005  
COASTAL DEVELOPMENT USE PERMIT MODIFICATION

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Appeal Period: Ten calendar days for the Mendocino County Board of Supervisors, followed by ten working days for the California Coastal Commission following the Commission's receipt of the Notice of Final Action from the County.

Appeal Fee: \$1,237.50 (For an appeal to the Mendocino County Board of Supervisors.)

\*\* Indicates conditions relating to Environmental Considerations - deletion of these conditions may effect the issuance of a Negative Declaration.

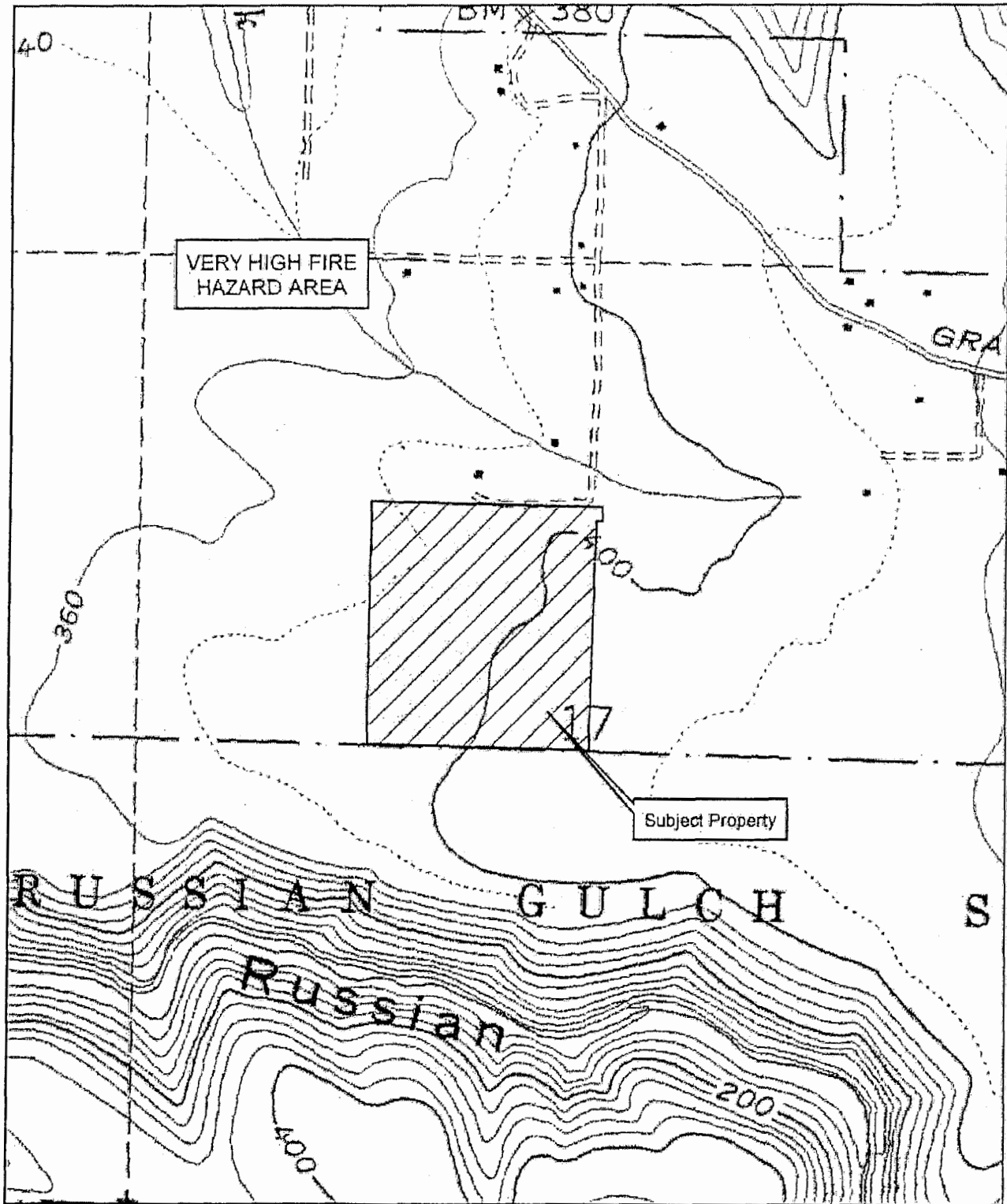
<b>ATTACHMENTS:</b>	Exhibit A:	Location Map
	Exhibit B:	Site Layout Map
	Exhibit C:	Waste Transfer Building Floor Plan and Sections
	Exhibit D:	Waste Transfer Building Elevations
	Exhibit E:	Gatehouse Plan and Elevations
	Exhibit F:	Environmental Checklist and Explanatory Notes

**SUMMARY OF COMMENTS:**

Planning - Ukiah	CDU 37-92 & CDUR 37-92(99)
Department of Transportation	No comment.
Environmental Health – FB	Comments to come from DEH in Ukiah.
Environmental Health - Ukiah	LEA supports the covered tipping area. Is additional noise mitigation needed? Expanded hours may result in traffic when kids are returning home from school.
Building Inspection - FB	No comment.
Emergency Services	No response.
Assessor	No response.
Caltrans	No response.
Department of Health Services	No response.
Native Plant Society	No response.
CDF	The project is exempt from CDF requirements.
Department of Fish & Game	No response.
Coastal Commission	No response.
RWQCB	No response.
Department of Parks & Recreation	No response.
CA Waste Management Board	No response.
Mendocino Fire District	No response.
City of Fort Bragg	The City of Fort Bragg supports the project.
Mendocino County Solid Waste Div.	No comment.
County Water Agency	No response.
Air Quality Management District	No comment.

32941



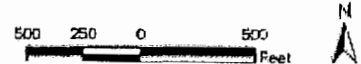


**FIRE HAZARD SEVERITY ZONES**

MENDOCINO FIRE PROTECTION DISTRICT

33441

OWNER: COUNTY OF MENDOCINO AND CITY OF FORT BRAGG  
APPLICANT: MENDOCINO COUNTY SOLID WAST DIVISION  
AGENT: CAYLER, Paul  
CASE #: CDUM 37-1992 / 2005  
APN: 118-500-11







ORTHOPHOTO - 1993

OWNER: COUNTY OF MENDOCINO AND CITY OF FORT BRAGG  
APPLICANT: MENDOCINO COUNTY SOLID WAST DIVISION  
AGENT: CAYLER, Paul  
CASE #: CDUM 37-1992 / 2005  
ADU: 440,500 sq ft

340941

275 137.5 0 275



CASE NO: **CDUR 37-1992(05)**

**EXHIBIT F**

**V. ENVIRONMENTAL CHECKLIST AND EXPLANATORY NOTES**

This checklist is essentially the checklist portion of Appendix G of the State CEQA Guidelines, as amended on July 22, 2003. This checklist is modified somewhat for clarity. Explanations of the findings noted in each of the seventeen issue categories (I through XVII) follow each tabular issue section. Where appropriate and where noted, an explanation addresses more than one specific issue question.

The environmental factors checked below would be potentially affected by this project. The significance level is indicated using the following notation: NI=No Impact, LS=Less than Significant; LSM=Less than Significant with Mitigation; PS=Potentially Significant. This notation varies from Appendix G for clarity and information.

LS	Aesthetics	NI	Agriculture Resources	LSM	Air Quality
NI	Biological Resources	NI	Cultural Resources	LS	Geology and Soils
LS	Hazards and Hazardous Materials	LS	Hydrology and Water Quality	NI	Land Use and Planning
NI	Mineral Resources	LSM	Noise	NI	Population and Housing
LS	Public Services	NI	Recreation	LSM	Transportation
NI	Utilities and Service Systems	LSM	Mandatory Findings of Significance		

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III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute to an existing or projected air quality violation, including in relation to asbestos in construction materials or earth?		X (exhaust, dust)		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X
f) Otherwise degrade the atmospheric environment?			X	
g) Substantially alter air movement, moisture, temperature or other aspects of climate?				X

III.a-g) Construction activities will result in minor, temporary emissions of diesel and gasoline engine combustion products and possibly earthen dust from construction and construction vehicle access. The Prairie Way access road is chip sealed to reduce dust. The transfer station construction area is graded but not surfaced. A permit for construction must be obtained from the Mendocino County Air Quality Management District, and a separate mitigation is provided below. The project is largely construction of 2 small buildings, so the impacts are inherently limited to very minor levels, and are not a cumulatively considerable increase in any air pollutant. Thus, these ordinary construction emissions (exhaust and dust) will be less than significant (III.f), and there will be no violations or attainment plan conflicts (III.a,b,c). No atmospheric effects other than noted above are expected. As a precaution against the inadvertent release of dust into the air, the following mitigation is recommended.

IMPACT III-1: Potential inadvertent release of dust to the air during construction.

MITIGATION III-1: During construction, on days when it is not raining and visible dust is being generated by traffic or construction, unpaved access roads, operations and processing areas will be watered at 4-hour intervals or as needed to control dust.

IV. BIOLOGICAL RESOURCES - Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Have an adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations; or by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service?				X

36441

V.c) No unique paleontological resource or unique geological feature is known or expected to exist in the project impact area.

IMPACT V-1: Potential accidental disturbance of unknown cultural resources.

MITIGATION V-1: The project involves essentially no subsurface disturbance. However, should concentrations of archaeological materials be encountered during construction, all ground-disturbing work will be halted in that area. Work near the archaeological finds will not be resumed until a qualified archaeologist has evaluated the materials and offered recommendations for further action. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes or tools, projectile points, mortars and pestles, groundstone artifacts, deposits of shell, dietary bone, locally darkened midden (dark friable soil containing shell and bone dietary debris), heat-affected rock or human burials. Historic resources include; stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits, found often in old wells and privies.

VI. GEOLOGY AND SOILS - Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

VI.a) The region is subject to strong earthquakes, as is much of California. The transfer station is will be designed in accordance with the latest edition of the Uniform Building Code. There are no known faults under the site, and the San Andreas Fault is within four miles of the site.

VI.b) The project involves essentially no soil disturbance.

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VII. h) The transfer station is north of the wildland of Russian Gulch State Park to the south. The transfer station site itself is not considered to be a wildfire hazard area, and there is no extraordinary or unusual fire risk at the site. The fire risk will be similar to the existing situation. No specific mitigation is necessary to preclude a significant impact.

VIII. HYDROLOGY AND WATER QUALITY - Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Violate any applicable water quality standards or waste discharge requirements?				X
b) Deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				X
c) Alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in erosion or siltation on- or off-site?				X
d) Alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				X
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff?				X
f) Place housing within a 100-year floodplain, as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
g) Place within a 100-year floodplain structures that would impede or redirect flood flows?				X
h) Expose people or structures to a significant risk of loss, injury, or death involving: 1) flooding, including flooding as a result of the failure of a levee or dam or 2) inundation by seiche, tsunami, or mudflow?				X
i) Otherwise degrade water quality?				X
j) Change the amount of surface water in a water body?				X
k) Change currents or the course or direction of water movements?				X

VIII.a-k) With respect to hydrology and water quality, the transfer station building construction will not result in changes relative to the existing condition with the transfer station in its current state. Activities relating to the project will comply with all water quality standards and requirements. This project will not result in the increased use of water, and it does not draw from groundwater. The project site is very small, and there will essentially no soil disturbance or change in drainage pattern or volume. Other than rain runoff, the site has no discharges. The project will not occur in the 100-year floodplain, and there are no streams or creeks in the vicinity that would be altered or impacted.

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expose people residing or working in the project area to excessive noise levels?				
f) Be within the vicinity of a private airstrip, and consequently expose people residing or working in the project area to excessive noise levels?				X

XI.a-c) There will be a temporary increase in sound and vibration levels during the construction period. A relatively light array of construction-related equipment will be used, such as a small crane or lift, delivery trucks, and pickup trucks. The increase in noise levels and ground vibration will be relatively minor to insignificant. The project has the potential to expose people offsite to objectionable sound if loud construction or operational activities occurred during sensitive hours in the surrounding residential neighborhood. Mitigation XI-1 is recommended to prevent a significant impact in that regard.

IMPACT XI-1: Potential exposure to construction noise during sensitive hours.

MITIGATION XI-1: Construction, including the operation of individual pieces of construction equipment will be limited to the hours between 8:00 a.m. to 6:00 p.m. on weekdays, 8:00 a.m. to 5:00 p.m. on Saturday and no work on Sundays and holidays.

XI.d) No new noise generating operations are proposed. The waste transfer activities that are now occurring outside on the open-air platform will be moved inside the new building. Tipping of waste inside the building will decrease the potential for the noise from that operation to reach adjacent properties.

The potential for vehicular noise to be carried to adjacent properties from the new approach ramp and building will be minimized by Mitigation XI-2.

IMPACT XI-2: Potential vehicular noise from new ramp and building.

MITIGATION XI-2: The K-rails at the edge of the ramp and planting of trees on the fill slopes on either side of the ramp and building will reduce the potential for noise to travel to adjacent properties.

XI.e,f) The project is not located near a public airport or private airstrip.

XII. POPULATION AND HOUSING - Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

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XV. TRANSPORTATION - Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
h) Adversely affect rail, waterborne, or airborne transportation?				X

XV.a,d,e) A traffic study was conducted for the Caspar Waste Transfer Station in 1993 with 20 year projections (TJKM Transportation Consultants, 1993. Traffic Impact Study for the Caspar Waste Transfer Station in the County of Mendocino). Mendocino County traffic counts for March 1993 indicated that there are insignificant differences in daily traffic counts on County Road 409 on transfer station open days compared to closed (765/736). Increase in level of service for the access road was not considered necessary except for improving entrance site flow. The cueing lane at the facility allows all vehicular traffic using the transfer station to cue on-site and off of Prairie Way. The vehicular counts and waste volumes have steadily increased since the landfill closure. This is a function of population growth and will not be affected by the project.

Extending the hours of operation by 2 hours in the afternoon on Monday through Wednesday and 2 hours in the morning on Saturday and Sunday will spread the traffic out over a longer period of time and should decrease traffic loads on Prairie Way and Road 409. Loading out the refuse in larger, long-haul trucks will decrease the number of large trucks on Road 409 and on Prairie Way.

The new hours of operation will overlap with school children being dropped off by the bus on Road 409 and on Prairie Way. The person in charge of school buses for the area (Cynthia LaFazio, Transportation Supervisor for the Mendocino Unified School District, 937-2877) was consulted regarding the schedule and typical operation. 1<sup>st</sup>- 3<sup>rd</sup> graders are dropped at Doyle Lane and 409 where they are picked up by parents Monday, Tuesday, and Thursday at 2:45. 4<sup>th</sup> grade through high school children are dropped at various locations along 409 and at 409 and Prairie Way where the driver gets out to cross the kids M-T-Th at 4:10. 1<sup>st</sup>- high school children are dropped at Road 409 and Prairie Way where the driver gets out to cross the kids Wednesday and Friday at 3:15. She said the 1<sup>st</sup> through 3<sup>rd</sup> graders are not let off the bus until a parent is

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construction debris generated during construction. The project has no appreciable bearing on storm water, or wastewater treatment. The project proposed is to improve the existing solid waste facility and disposal needs.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, as defined in Section 15130.)			X	
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?		X		

XVII.a,b) The project's impacts will not add appreciably to any existing or foreseeable future significant cumulative impact, such as species endangerment, wetland loss, or air quality degradation. Incremental impacts, if any, will be negligible and undetectable. This project will be neither growth inducing nor growth inhibitive. This project is not contingent on or otherwise related to the development of an additional water source or any other project.

XVII.c) Mitigation measures are recommended to prevent significant effects in the categories of air quality, noise, and transportation. Although no impact is expected to cultural resources a mitigation measure is recommended as a precautionary reminder of requirements in case of an encounter of undiscovered cultural resources. The analysis in this Initial Study shows that with the recommended mitigations, the project will have no substantial adverse effects on the environment or on people.

41941



CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET, SUITE 200  
EUREKA, CA 95601  
VOICE (707) 445-7833 FAX (707) 445-7877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: RICK CHILDS, FOR ROAD 409 RESIDENTS ASSOCIATION  
Mailing Address: 14450 PRAIRIE WAY  
City: MENDOCINO, CA Zip Code: 95460 Phone: 707-964-1722

SECTION II. Decision Being Appealed

- Name of local/port government:  
MENDOCINO COUNTY
- Brief description of development being appealed:  
ERECTION OF PERMANENT BUILDING AND EXTENSION OF OPERATING HOURS
- Development's location (street address, assessor's parcel no., cross street, etc.):  
CASPAR TRANSFER SITE  
14000 PRAIRIE WAY  
A.P.# 118-500-10 & 118-500-11
- Description of decision being appealed (check one.):  
 Approval, no special conditions  
 Approval with special conditions:  
 Denial

RECEIVED  
SEP 05 2006  
CALIFORNIA  
COASTAL COMMISSION

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-1-MEN-06-039

DATE FILED: 9/5/06

DISTRICT: North Coast

EXHIBIT NO. 5

APPLICATION NO.

A-1-MEN-06-039

MENDOCINO COUNTY SOLID WASTE DIVISION

APPEAL (1 of 13)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: AUG 15, 2006

7. Local government's file number (if any): CDUM # 37-92/2005

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

MENDOCINO COUNTY - DEPT OF SOLID WASTE  
501 LOW GAP RD.  
UKIAH, CA 95482

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

2913

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SEE ATTACHED LETTER TO CCC.

3 of 13

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

*Rick Childs*

\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date:     Sep 5, 2006    

Note: If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby  
authorize

\_\_\_\_\_ to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

4213

14450 Prairie Way  
Mendocino, CA 95460  
September 5, 2006

California Coastal Commission  
710 E Street, Ste. 200  
Eureka, CA 95501

Re: Appeal of Mendocino County Approval of Permanent Building and  
Extended Hours at Caspar Transfer Site, CDUM# 37-92/2005

Dear California Coastal Commission,

On behalf of the Road 409 Residents Association, I am writing to appeal  
Mendocino County's approval of the Permanent Building and Extended Hours  
at Caspar Transfer Site (CDUM# 37-92/2005)

We hope the Commission will reject this project for the following reasons:

1) Making De Facto Permanent Operations at the Transfer Site:

When the Caspar Landfill was closed in 1992, and the need for a transfer  
site became apparent, the County, the Coastal Commission, and the Road  
409 Association agreed to a *temporary* five-year transfer site operation,  
issued in 1994. It was the full intent (by resolution of the Board of  
Supervisors) to use the 5 years to locate a permanent transfer site operation  
in a better location. Because of budgetary constraints, nothing was done; in  
1999, the County – with no notification to the Road 409 community –  
requested and received a 20-year extension of this permit (with no opposition,  
of course – because no one knew of it).....expiring now in 2019.

The County up till now has only constructed "temporary" structures for  
waste operations. CDUM# 37-92/2005 now proposes a *permanent* building –  
creating, therefore, indefinite operations – at Caspar. The \$400,000 building  
will (according to the project engineer) have a 50-year lifespan, if maintained  
properly.

The County says this building is necessary to accommodate new  
"possum-belly trucks" which it says are more economical than the current  
"pod system" trucks. The Road 409 Association has no problem per se with  
more efficient truck operations. Our complaint is that the County could have  
simply modified the current facilities, creating a temporary operation (at a  
fraction of the \$400,000 cost) with a short-term, 5-10, year lifespan to  
accommodate these trucks, while the forthcoming Siting Study –see #2 below  
- looked for a better long-term solution; instead it deliberately, stubbornly  
asked for only the 50-year structure. Building this new building will create a  
de facto permanent transfer site operation on Road 409 – contrary to the  
promises of the County in 1994, and the original approval of the Coastal  
Commission (which required further notifications and approvals for any

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extension beyond 1994)....with long-term impacts that affect Coastal Commission issues, detailed later on.

2) Prejudicing of the County's Important "Siting Study"

The 1994 Coastal Commission permit allowing the 5-year Transfer Site operations expressly forbid commercial (curb-side pickup) garbage trucks from using the Caspar Transfer Site. The impact on the neighborhood, the environment, Hwy 1 traffic, and a host of other factors of commercial operations was deemed significant enough that, should that be desired, an EIR would be required.

In the past year, the City of Ft Bragg and Mendocino County have initiated a "Siting Study" to investigate where a long-term Coastal 'commercial' garbage site-facility should be located. The Siting Study alludes to the likelihood that both the commercial and self-haul operations should be on the same site - as they are done in Humboldt and many other counties. In fact, the proposed placement of this \$400,000 self-haul structure at Caspar was altered so it might accommodate a future additional Commercial facility adjacent to it.

There are too many logical benefits of having one single facility to handle both self-haul and commercial operations....major cost efficiencies and fewer political and environmental problems We fully and emphatically believe that committing the self-haul operations to Caspar now can't help but cast a *dominant* prejudicial influence on the Siting Study, and, with the camel's nose under the tent, eventually force all operations to Caspar: since it makes such good sense to put both together (along with recycle operations)....and one-half has already been decided (and \$400,000 in capital spent) .... the other component will logically and likely follow (even if the Siting Study indicates another location would have been better). Had the County done this process logically and sequentially, it would have conducted the Siting Study *first*, looked at possible locations (for both combined and/or separate locations) without any cart-before-the-horse decisions influencing the Siting Study's ability to make a wise, independent decision on something this important and which will affect the Coast for decades to come.

We ask that the Coastal Commission investigate this issue - the long-term implications of all garbage operations for the Mendocino Coast - and not allow the County to make the mistake of a myopic, politically-driven, decision that will cut short the important information and work the Siting Study can accomplish (and which has now been authorized and funded, with recommendations due in 18 months).

3) Traffic:

The above two points are provided because they establish the "big-picture" base by which we ask for the Commission's rejection of CDUM# 37-92/2005. We also have these specific concerns and points that we present to support our request for the Commission's denial.

A) The County only mentioned, but did not address or analyze, this project's impact on Highway 1 and its obvious cumulative impact in its staff report. In 1999, when the County sneakily, and without notification to anyone, obtained a 20-year operation extension, the Caspar Transfer Site was generating 18,000 self-haul visits, or 36,000 round-trips, annually. In 2004, this had grown to 66,000 round-trip drives.....all using Highway 1, and 70%, approximately, coming from Ft Bragg, the primary waste source generator. Most occur on weekends when Highway 1 is busiest. These individual self-haul trips are continuing to grow at a 10% rate, annually!

If Caspar becomes the permanent self-haul transfer site (which the approval of this 50-year building will de facto accomplish), the expected 10% annual, compounded, growth rate will produce 112,000 annual trips in 2010; and 308,000 trips in 2020 (!). In 50 years....well, that's beyond our scope for calculating.

To "lock in" a decision now – before the Siting Study is done– when better sites, in and adjacent to Ft Bragg, closer to the waste stream source, and not requiring Highway 1 Ft Bragg-to-Caspar usage are being investigated is irresponsible, wrong, and just plain stupid.

B) The new possum-belly trucks are 65 feet long (the current pod system tuck/trailer is only 51 feet long). The Highway 1/Road 409 intersection has a very short left-turn lane (illegal, someone mentioned) of only 75 feet, due to the proximity of the Caspar Creek bridge. {Caspar's Fern Creek intersection to the north has a 240 foot left-turn lane.} A major accident-inducing problem will occur when the 65' trucks occupy the 75' left-turn lane – no room for any 20 foot cars or pickups. Worse would be if a car or two is in the left-turn lane when the possum-belly truck approaches....no room for him!.....forcing his trailer to be left back in the main lane. With increasing Hwy 1 traffic, and longer and longer wait times for traffic to clear before safe left-turns can occur, serious life-and-death traffic issues are being created.

C) CDUM# 37-92/2005 adds eight more operational hours, along with the permanent building, even though the two issues are totally unrelated. Nonetheless, the new approved extended hours allows operations up to 3:00 pm on weekdays when schoolchildren are being dropped off and walking down the sidewalk-less Prairie Way. The Mendocino School District requested a 2:00 closure of the Transfer Site be considered to protect the children (see attached letter), which the County ignored. We ask the Coastal Commission to consider our children's safety, even though the County didn't.

4) State Park Impact:

Although a berm was erected to screen the Russian Gulch trail and park, it was only partial – there is a large gap to accommodate a roadway that allows unobstructed viewing of the Transfer Site and its operations from the North Boundary Trail in the Park. We believe that the large, 35 foot high, structure, so close to the berm, will create a major negative visibility impact, above the berm, for hikers and bikers using the trail.

7013

5) Pygmy Soils Impact:

Even though the natural pygmy soils in the Transfer Site area have been seriously damaged, it is our understanding that the original 1994 permit identified this as a problem, and that the eventual intent was to restore this area to its natural, pristine condition. This, of course, can never happen if further use and degradation will occur – for the clearly permanent future. Parts of the site are Environmentally Sensitive Habit Area (ESHA). While the proposed construction will be 100 feet from the ESHA, the increasing and permanent expected use at the site will obviously compromise recovery of this sensitive area.

6) Other Factors:

We wish to alert the Commission to these other factors to help you in your assessment:

A) No EIR was ever conducted for the Transfer Site in 1992-94. A project of this magnitude should have automatically required an EIR. Nonetheless, an EIR should certainly now be required, because the County's intent is clearly designed to a) make Road 409 the permanent, rather than temporary, self-haul site; and b) block and sabotage the Siting Study from locating a better, single, site that could be combined with the Coast's "commercial" garbage operation to handle all the Coast's garbage.

B) The 1994 approval included a requirement that "the applicant submit annual reports demonstrating compliance with each permit condition (Condition 6)." Has this been done for the past twelve years?

C) We are attaching the letter sent to the Board of Supervisors outlining all the reasons for rejection of this project (along with the School District's concern for the children). Copies of the 90-signature petition and the 43 letters from local residents opposing this project will be mailed for your consideration in the next few days.

In conclusion, we believe Mendocino County is making a horrible, short-sighted mistake by rushing development of this project – with a "damn the torpedoes" mentality, oblivious to the long-term consequences upon the neighborhood, the schoolchildren, Highway 1, the State Park, and, most importantly, the overall, long-range Coast garbage management plan. We ask you to either reject this proposal outright – or put it "on hold" until the Siting Study can do its full, complete investigation of *all* factors that will lead to a wiser, long-term garbage policy and solution for the Coast.

Sincerely,



Rick Childs  
For the Road 409 Residents Association

8413



14450 Prairie Way  
Mendocino, CA 95460  
June 19, 2006

Dear Board of Supervisors,

I am writing, representing the Road 409/Prairie Way Community Association, to outline the principal reasons we are appealing the Planning Commission's approval to erect a new permanent building and extend the operating hours at the Caspar Transfer Site.

We believe the Planning Commission worked diligently to understand the many elements of this proposal.....yet unfortunately arrived at the wrong decisions because:

- a) some of our presentation points to them missed the central issues;
- b) the Planning Commission does not need to take into account financial considerations, County budget responsibilities, and taxpayer cost-benefit analyses as the BOS does;
- c) new information regarding child-safety issues and the Coast Transfer Operations Siting Study options has since become available.

We will be offering to you a discussion of why the Solid Waste Department's proposal to erect a \$400,000 permanent building (for self-haul garbage operations) and add ten additional operating hours per week is:

- contrary to the County's original intention and plan to close this Transfer Site;
- harmful to the area's neighbors and dangerous to our schoolchildren;
- detrimental to the long-term interests of the County in finding a permanent, cost-effective transfer site operation on the Coast; and
- an unnecessary, costly waste of tax-payer money.

Here are some of the primary points we will be offering to you next Tuesday.

- 1) The tail is wagging the dog. As you know, the County has initiated a "Siting Study" to determine the best Coast Transfer Site location that will likely handle *all* Coast garbage operations. Alas, this Caspar site self-haul upgrade idea, developed *two years before* the more primary Site Study was initiated, has reached you first. It is unwise and potentially economically disastrous to build this new self-haul structure, only to have the "Siting Study" determine a much better Coast garbage operation location 1-2 years from now....requiring this \$400,000 building be 'demolished,' when the self-haul operations are moved to the new all-inclusive transfer site location.

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- 2) It prejudices future major decisions. A second parameter of (1) above is that with the County's \$400,000 sunk capital in this Caspar building, future objective assessments of where the one-location Coast garbage operation should be located will be compromised. The thinking, "Well, Location X is clearly better, but we've already spent \$400,000 at Caspar....hate to waste that money.....let's just finish the other part of the garbage (curbside pickup) operations in Caspar too."
- 3) There are much better sites for a one-location garbage transfer site. Likely possibilities are 2-3 miles out Highway 20; the old GP bark-dump; possibly even the in-town GP millsite. These are more central to the population base, do *not* have a residential communities that would be impacted, and are 'right on the way' for garbage to be collected and sent over Hwy 20 to the Potrero landfill.
- Another strong contender is Waste Management's Pudding Creek facility, alongside the Skunk Line. The railroad's management has expressed a strong interest in transporting the garbage; this would be an intriguing choice, enabling significant savings from the much cheaper rail (versus truck) garbage hauling.
- 4) During the past 12 years, the County has not been a good neighbor. Acknowledging the error of a transfer site in a residential area, in 1994 the County agreed that the Caspar Transfer Site would only be temporary.... asking for and being granted a temporary, 5-year only, use permit. The County did little to locate a better, permanent location, and in 1999, clandestinely (i.e. with no notice to the 409 Community) was given a 20 year extension. The agreement stipulated the Transfer Site would be open only four days/week (total of 20 hours). Two years ago, the County added a 5<sup>th</sup> day of operation, with 25 hours of operation, again with *no Road 409 notification or input*. The County has ongoingly shown little concern, fairness, or respect for the Road 409 Community.....and the many burdens we bear having this Transfer Site in our backyard.
- 5) There is no need for additional hours. There is little business 21 of the 25 hours the Site is open. The only busy times, Saturdays and Sundays, from 11:00 to 1:00, when 3-6 car back-ups sometimes occur, could *easily* be alleviated by having two gate personnel (rather than one) collecting fees.
- 6) Adding additional hours of operation is a complete waste of precious taxpayer dollars. Adding the 10 proposed extra hours/week (a 40% increase, and just two years after 5 additional hours were added) that Solid Waste is asking for would cost the County \$37,000/year. Despite the report's

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misleading statement that new revenue would cover \$35,000 of this cost, this is totally erroneous. No additional revenue would come from these added hours, as the County operates a self-haul garbage monopoly. The same number of self-haul garbage trips would just be spread over wider hours. We suspect the underlying purpose behind these added hours is merely to create a larger county department with more full-time personnel.

- 7) Adding new hours would cause most current workers to quit. All of the part-time employees (retired gentlemen, enjoying half-time work) have said they would quit, if the proposed new hours, which require full-time employees, were implemented. They like their part-time work.
- 8) Weekday hour extensions puts our schoolchildren at severe risk. In 1994, the County agreed to close the Transfer Site at 2:00 pm on weekdays to avoid the problem of schoolchildren being let off the bus and having to deal with the speeding self-haul trucks heading to the Transfer Site. *Nothing has changed.* We still want and need our rural, residential road safe for our schoolchildren. (See letter from Mendocino School District superintendent.)
- 9) Proposed savings from new truck operations are questionable; haven't been vetted. Solid Waste's report indicates that \$43,000 in savings would occur if the proposed new building and garbage hauling operations were approved. We have found other major mathematical and financial errors in this report. We believe there are likely others. No one has vetted this report...to confirm this \$43,000 savings. This will be more fully discussed June 27.
- 10) The 409 Community has fully "paid our dues." For the past 35 years, we have had to live with all the problems of: contaminated wells, costly debilitating litigation, loud daily Waste Management truck traffic (which, until recently, started at 5:00 am), roadside litter, the constant noise and disruptions to our lives of the hundreds of self-haul garbage runs speeding by our homes 5 days a week, loss of property values. Please! It is past time to move this somewhere else, as the County intended in 1993, to a place that ideally won't cause other residential neighborhoods this plight. They exist!
- 11) The new trucks don't belong in residential neighborhoods. The new 100 cubic yard garbage trucks that would use this new building are Huge!...meant only for long-haul highway commercial operations. These monster-sized trailer trucks are much too large for any residential neighborhood and/or road.
- 12) Our property values will clearly suffer. Property values have already been hurt by the failure of the County to close the Transfer Site, as was intended

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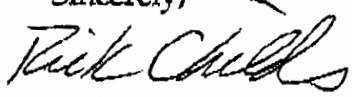
in 1994. They will suffer steeper declines if this project is approved, for it will establish Road 409 as the Coast's permanent garbage site. And they can only but plummet further when the world if the Coast's commercial garbage operations are subsequently added...that becoming a greater likelihood because of this decision's influence on the Siting Study.

13) The need for additional hours to stop roadside dumping is specious. At the Planning Commission meeting, Mike Sweeney said backwoods dumping would decrease with more hours. While a few backwoods dumpers *might* take their garbage to the Transfer Site because of longer hours, we believe the available hours can accommodate everyone. We believe virtually all illegal backwoods dumping is done by people, with little conscience, trying to save a buck, and who are quite unlikely to change their behavior because of a marginally longer opening time.

14) We distrust the integrity and motives of Solid Waste. In some ways Solid Waste has been open and constructive with us; in others, however, it has been deceptive, haughty, and even threatening. Besides the lack of notification about a 20-yr extension in 1999, and the 5<sup>th</sup> day of added operations in 2004, this current proposal for additional hours was deceptively announced. In the 81-word project description that some (not all) of us received, the building's size is painstakingly detailed out, but the more important proposal to increase operation hours by 40% was stealthily put forward as: "Add landscaping and expand hours of operation to the public" (secondary to 4 bushes planted by the ramp??!) Only our investigations revealed that this meant two more hours each day!

Even more disturbing has been conversations in which Solid Waste personnel threatened 7-day operations if this proposal were rejected, opening additional hours in other times (that were somehow, unfortunately, approved, in former times), using the Caspar Site for loud recycling operations, etc. These will be discussed as well on June 27.

Thank you for reading this and being open to our concerns, and for approaching this with fair, analytic wisdom. Many in our community have written letters offering a variety of personal concerns. I hope you will have time to look through these as well. I look forward to meeting with you next Tuesday, discussing these issues with you in further detail, and answering any questions you might have.

Sincerely,  
  
Rick Childs

12413

**Mendocino Unified School District**  
*Interim Superintendent, John M. Nordquist*  
44141 Little Lake Road • P.O. Box 1154 • Mendocino, CA 95460  
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May 4<sup>th</sup>, 2005

To whom it may concern:

It has come to our attention that the County is considering expanding the hours at the Caspar transfer site. The District has been asked to present some information just for the record.

Our busses drop off students at various locations on Road 409. Parents may or may not be there to meet their children. There are also a variety of drop-off times on this road.

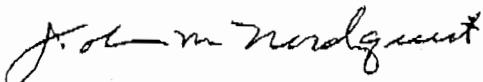
	<u>Early bus (1-3 grades)</u>	<u>Late Bus (4-12 grades)</u>
Monday, Tuesday, Thursday	2:35 pm	3:55 pm
Wednesday and Friday	<u>One bus (all grades)</u> 3:00 pm	

The Mendocino School bus schedule can change on a yearly basis. For example last year, the single bus (early schedule) occurred on Tuesdays/Fridays; this year it has been moved to Wednesday/Fridays. The school day also has variations throughout the year due to "short" or "minimum" days in which children are dismissed early. As you look at long-term planning related to traffic and safety requirements, we can confirm that buses may drop off children anytime after 2:00 pm.

In addition, it would appear that there could be a potential danger to our school children on Prairie Way. The bus drops students off at the corner of Rd 409/Prairie Way. Over the years, this number has varied anywhere from one to 8 children walking down Prairie Way to their homes (approx. 1/3 mile). Since there are no sidewalks/shoulders, students essentially walk out on the street.

We ask that the County consider this information and be sure to minimize the potential of any accidents, as it proceeds with future plans for the Transfer Site operations.

Sincerely,



John M. Nordquist

13413

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