

**COUNTY OF SACRAMENTO
CALIFORNIA
CPAC SUMMARY MEMO**

Control No.: PLNP2016-00024
Type: UPP, SPP, DRS

TO: RIO LINDA ELVERTA COMMUNITY PLANNING ADVISORY COUNCIL

FROM: DEPARTMENT OF COMMUNITY DEVELOPMENT

SUBJECT: ABC CONCRETE USE PERMIT

CONTACT: *Leanne Mueller, Associate Planner, 874-6155, muellerl@saccounty.net*

PROJECT DESCRIPTION

ASSESSOR'S PARCEL NO.: 202-0090-037 & 040.

LOCATION: The property is located on West Delano Street immediately adjacent to the intersection with El Rio Street in the Rio Linda Elverta community.
(Supervisor District 4: Roberta MacGlashan)

APPLICANT:
Barth Daly LLP
431 I Street, Suite 201
Sacramento, CA 95814
Attention: Thomas Barth

OWNER:
Kevin Holtzmeister
601 W. Delano Street
Elverta, CA 95826

REQUEST:

1. A **Use Permit** for heavy equipment storage, parking and materials storage for ABC Ready Mix and CVC Construction on portions of 29.68 acres in the Interim-Agricultural Reserve (IR) zoning district.
2. A **Special Development Permit** to deviate from the Zoning Code development standards for parking, screening, and landscaping.
3. **Design Review** to comply with the Sacramento County Development Standards. (SZC 6.3.2.A.2)

This project was continued from the May 25, 2016 CPAC meeting to allow staff more time to receive comments from other County Department and outside Agencies. Below is a list of agencies that comments on the project and a summary of those comments.

Sacramento Air Quality Management District
Comments have been provided requiring:

- dust suppression
- No track-out of mud or dirt onto roads
- Limitation of vehicle speeds on unpaved roads

Sacramento County Department of Transportation

Comments have been provided requiring:

- The applicant will be required to grant the County an Irrevocable Offer of Dedication for right-of-way on El Rio Avenue.
- Construct the access road within the EL Rio right-of-way to the northerly property line of the parcel being utilized by CVC Construction.
- Provide geometry layout showing that El Rio shall only be used for trucking and access purposes. The addition of a separation lane at the end of West Delano Street to El Rio Avenue will be used for emergency access only.
- Update/Revise the existing private road maintenance agreement to allow CVC Construction or other personnel accessing the IR parcel to use EL Rio Avenue.

Sacramento County Department of Water Resources

Comments have been provided requiring:

- Submittal of grading and improvement plans for review.
- Provide a drainage analysis.

The applicant is anticipated to submit these documents on 9/23. Further conditions may be generated by DWR upon review of these documents.

Sacramento Metropolitan Fire District

Comments have been provided requiring:

- Permits shall be required for outside storage of combustibles in excess of 2,500 cubic feet. Also provides requirements for location and stacking height of combustible materials.
- Addressing for this site with specific requirements.
- Gates will be accordance with Sacramento County Emergency Access Gates and Barrier Standards.

Site Improvement Section (SIPS)

Comments have been provided requiring:

- Securing of a grading permit for existing and proposed disturbance on the property.

The applicant is anticipated to submit these documents on 9/23.. Further conditions may be generated by SIPS upon review of these documents

Environmental Management Department

Comments have been provided:

- EMD indicates ABC Concrete is a regulated facility for Hazardous Materials, Hazardous Waste Generation, Above Ground Petroleum Storage Tank, Waste Tire Generation, Stormwater.
- EMD needs to perform abandoned well surveys and the location of any wells and septic tanks needs to be shown on a revised site plan.
- The applicant will be required to provide restroom facilities for employees. These can be non-permanent facilities with a contract for maintenance.

Sacramento Area Sewer District

SASD indicates the existing building is not connected to public sewer.

Regional Sanitation

No comments.

SMUD

No comments

Central Valley Water Board

Staff at the Water Board indicates that the existing Storm Water Pollution Prevention Plan will need to be amended to include the new disturbed areas.

Comments from these Departments and Agencies will be incorporated into any Conditions of Approval generated for this project.

Planning and Environmental Review staff also had several meetings with neighbors and the project applicant to discuss this project and understand the potential impacts. Staff has forwarded the concerns from the neighbors to other Departments and Agencies and will continue to work to address these concerns between the CPAC and Planning Commission Hearings.

Response to August 22, 2016 letter provided by community members

Road comments

DOT has provided revised comments for this project. DOT is requesting an Irrevocable Offer of Dedication for an 84 foot right-of-way on El Rio Avenue, however, at this time they are not requiring El Rio Avenue to become a County accepted and maintained roadway. The applicant will be required to make any necessary improvements to El Rio Avenue from Elkhorn Blvd. to the north property line of the parcel being utilized by CVC Construction. Additionally, rather than stopping through traffic from El Rio Avenue accessing West Delano with a gate, DOT is requesting the applicant provide and construct geometry showing that El Rio Avenue will only be used for trucking and access purposes with a separate lane accessing West Delano for emergency access only.

Department of Water Resources

DWR staff indicates the violations documented in the letter from 2002 no longer exist. Those violations were corrected by site improvements made by ABC Concrete over the past decade.

October 2013 letter from Planning and Environmental Review

This letter was written regarding a previous application, PLNP2013-0135, that proposed a rezone of the subject properties. The Sacramento County Zoning Code was updated in 2015 and the rezone was no longer necessary. The current application, PLNP2016-00024, is intended to correct the uses occurring on the subject properties without the benefit of permits. Many of the documents requested in 2013 were submitted with the current application and are available to view on Project Viewer.

Responses to Questions

- 1) If the project is approved, it is anticipated there will be hours of operation placed on the CVC Construction operation. Staff anticipates working with the applicant to determine reasonable hours of operation.
- 2) One of the purposes of this permit is to permit CVC Construction to operate at the site. The application indicates that CVC Construction has 30 to 50 employees that come to the site and three to four (3-4) employees who remain at the site. EMD will require restroom facilities as part of this permit. EMD indicates the properties are served by well and septic system.
- 3) If the project is approved, it is Sacramento County's intent to utilize this process to obtain compliance from the property owner. All potential conditions of approval will be required to be completed within certain timeframes. DWR indicates the violations that were noted in 2002 have been corrected.

Sacramento County
Department of Planning
827 7th Street, Room 230
Sacramento California 95814

Attention: Leighann Moffitt, Leann Mueller, Current Director of Community Development

August 22, 2016

Re: ABC Concrete Use Permit Control No: PLNP2016-00024

Dear Leighann,

As you are aware, the issue with a "road maintenance agreement" for El Rio Road and ABC Concrete has been simmering for many years and remains unresolved. Until 1977, all access to the site was via Delano. As a result of Delano residents complaints about the truck noise and traffic, the County Board of Supervisors recommended that the trucks use a road that was on County maps but had been turned into pasture. The County *reclaimed* El Rio Ave and advised that it would be a privately maintained County Road. The road was put in without any standards, conditions or county requirements. It was simply dirt. Over the last 40 years the cement trucks have dribbled out the "leavings" as they come into the yard which has resulted in a "sort-of" road surface until the neighbors and ABC entered into a "Road Maintenance Agreement" and the road was "chip sealed". But it was only chip sealed to the north entrance of ABC and the south portion of El Rio remained dirt with the attendant dust and potholes.

Recently **ABC Concrete** applied for a **USE PERMIT** for heavy equipment storage, parking and materials storage for ABC Ready Mix and CVC Construction on portions of 29.68 acres in the Interim-Agricultural Reserve (IR) zoning district. They are also seeking a **Special Development Permit** to deviate from the Zoning Code development standards for parking, screening, and landscaping.

The resolution to the long-standing "road maintenance agreement" dispute has never been resolved satisfactorily and this application will exacerbate the issue with not only an increase in noise and traffic on a "dirt" road that was never required to meet county standards for the safety and security of the residents.

Currently there is no gate between the end of Delano and El Rio. Traffic, including delivery trucks, mail and other local vehicles, can and do drive from Delano to El Rio and out onto Elverta Rd. and from Elverta Rd. down El Rio and out on Delano. This is true as of August 22, 2016.

A solution of closing the road between the west end of Delano and the south end of El Rio and placing two separate "turnarounds" on each side of the locked gate to meet Fire District requirements is duplicative, and a waste of money for all concerned. It's beyond silly when a simple solution exists. Duplicate turnarounds will not provide any safety for the residents on El Rio. The only logical solution is to upgrade the west end of Delano and the entire length of El Rio to county standards and make them county maintained public roads. We are requesting that this be part of the **USE PERMIT** conditions.

When a transit-trailer truck tips over (from dropping a tire off the road that is far too narrow and a turn radius that is far too small for trucks of this size) the entire entrance and exit from El Rio is blocked until the truck can be removed. There isn't even a foot path exit available. Should an emergency occur and El Rio is blocked there is no way for help to reach the residents. This has happened and will happen again unless the road is widened and the turn from Elverta Rd. is sufficiently wide to allow for

the larger transit-trailer trucks to make the turn.

The only solution is for the county to implement an immediate plan to authorize the construction, paving and ditching of El Rio and the west end of Delano to county standards. This is being used as a public road. The county acquired a right-of-way in approximately 1977 to upgrade El Rio to a County Rd. This is the only sensible and permanent solution. There should never have been a private road allowed there if the county was unwilling to require that it meet county standards. There is ample precedence in Sacramento County for requiring a private road to meet county standards and El Rio should never have been an exception.

Once this solution to the "road" issue is resolved the other issues become much simpler. The request for the permit for heavy equipment storage should be viewed as being restricted to the current 7.5 acres that are zoned M2 and not allowed to impinge on the remaining IR acreage. The Permit Request should also be viewed in recognition that there are multiple zoning violations that have never been mitigated on the IR acreage including uncovered piles of aggregate, abandoned vehicles, fill materials and polluted stormwater run-off into vernal pools and natural wetlands.

There are letters on file from as far back as November 26, 2002 from the Department of Water Resources stating that a "Notice of Non-Compliance is issued to the owner(s) of Air Blown Concrete."

The letter further states in item #1 : "Enormous amounts of gunite tailings and construction waste materials that have been stockpiled on-site without coverage and are exposed to wind and stormwater erosion as well as posing a potential risk to ground water. Vernal pools and natural wetland areas may have been filled with these materials."

Item # 2 states: "There are many junked vehicles in addition to vehicle parts and debris strewn about including batteries and other hazards. Many of these items are rusty, oily or have flaking paint and should not be exposed to stormwater or be in contact with bare soil."

Item # 4 states: "Loose, dusty and possibly caustic sediments predominate throughout the site. These sediments are subject to tracking as well as wind and stormwater erosion."

Item # 5 states: "Batch plant and equipment/vehicle washout areas lack any sort of containment and pollutants are allowed to overflow and/or run off from these areas. Clean-up of these areas currently entails pushing accumulated wastes into nearby piles."

Page 2 of this letter states: "The above findings are a violation of Sacramento County's Stormwater Ordinance, section 15.12.130"

This statement is followed by a list of "Required Actions" which includes removing the stockpiled materials and "All materials... in the future will have to be strictly managed in compliance with disposal, recycling or containment procedures." A deadline of May 31, 2003 was determined for compliance.

In January 2003 a letter from California Regional Water Quality Control Board titled "Notice of Violation" was sent by certified mail to Shelly Mackey at Air Blown Concrete. The letter states that "During the site inspection, we observed major violations of the General Permit including the lack of a Storm Water Pollution Prevention Plan (SWPPP)." Later in the same paragraph the letter states: "Discharge of pollutants to waters of the State is a violation of the General Permit as specified under Discharge Prohibition A.1, which states in part: "materials other than storm water that discharge either directly or indirectly to water of the United States are prohibited." Photographic evidence of Regional Board staff's observations is attached for your review." The Corrective Actions are listed 1 through 9. Action number 6 states: "Remove or stabilize all waste materials stockpiled on the site as soon as possible."

A letter dated October 11, 2013 from Department of Community Development Lori A. Moss Director,

requests a large number of documents, studies and requirements from ABC Ready Mix and requests numerous clarifications including site plans, grading specifications, truck haul routes, maximum tonnage, traffic study, list of permits obtained, and indicates that an aerial review shows the presence of wetlands on the properties. There is much more in this letter but it is significant that the last paragraph states:

"In order to find your application complete it will be necessary for you to submit some of the requested additional information. Some of the items above can be submitted while the project is being processed. Given the active Code Enforcement Violation on the site we trust that you will promptly take necessary steps to bring your property into compliance. You can demonstrate your due diligence by submitting the Items 1-4 within 30 days of receipt of this letter. We are happy to discuss timing for submittal of the remaining items and the next steps to move your project forward and to obtain compliance for on-going operations at the project site."

In addition to requesting that all prior violations and notice of violations be shown to be corrected, we request that the following questions be answered by the CPAC recommendation.

1) What will be the 'normal' hours of operation in order to minimize the piercing back-up beeping noise, jack-hammer racket and truck traffic noise all night? Noise from crusher operation and grinding of the materials is constant when they are working on a load and should be confined to 4:00 a.m. to 10:00 p.m.

2) There should be a definite determination of how many businesses are operating at the site and how many are permitted. Does CVC have a permit to operate at that site? How many total employees are at the site? Are there sufficient bathroom facilities for the number of employees and are they hooked up to septic or sewer? City water or well?

3) When will the long standing piles of waste be removed? When will the stormwater runoff violations be corrected? When will the gunite piles be covered to mitigate blowing dust as noted in 2002?

There doesn't appear to be any documents, maps or site plans available for public inspection at the CPAC meetings. How can the public get access to the documents?

We would very much appreciate having this letter discussed during the staff report at the August 24 Rio Linda Elverta CPAC meeting so that these numerous issues can be addressed. The history of violations is very long and it isn't possible to condense this all into a 2 minute slot allowed for a public speaker.

Thank you for any help you can give us.

Very truly yours,

Charlea R Moore

Randall Aeschliman

Jack and Gena Powell

cc: Supervisor Roberta MacGlashan, District 4
Supervisor Phil Serna, District 1
Michael J. Penrose, Director County DoT
Director County Community Development
RLE CPAC members