# Staff Report

Meeting Date: December 6, 2022

To: Siskiyou County Board of Supervisors

From: Hailey Lang, Planning Director

Subject: Proposed Zone Change (Z-21-02) to rezone APN 013-120-230 from AG-1 to M-M and to rezone APN 013-120-330 from AG-1 to M-H and CEQA Determination (associated with Use Permit UP 21-06).

## Background

The Custom Crushing Industries Recycling Facility (Goodwin) project site is zoned AG-1, Prime Agricultural; however, neighboring properties to the west and south are zoned and operated for industrial purposes. The proposed zoning change would result in APN 013-120-320, currently zoned AG-1, being rezoned to M-M, Light Industrial. This parcel is currently developed on the western side as a gravel parking area with portable buildings, equipment storage, an access driveway, and a culvert to protect the ephemeral drainage. The proposed project includes an expansion site of approximately two acres for vehicle and equipment parking. A haul truck scale (75 feet by 10 feet) will be installed for company haul trucks. The proposed zoning change would also result in APN 013-120-330, currently zoned AG-1, being rezoned to M-H, Heavy Industrial. This parcel is currently undeveloped with the exception of an access driveway with a culvert. The proposed project would include installing a concrete and asphalt recycling plant of approximately a 300-foot by 300- foot pad on the southeastern portion of the parcel (APN 013-120-330). The proposed zoning is consistent with surrounding land uses.

The project site is located approximately 2.3 miles east of the City of Yreka along East Oberlin Road. Access to both sites would be from East Oberlin Road, and a secondary entrance with an approved encroachment permit is at the northeastern end of the north parcel from South Phillipe Lane. An encroachment permit was obtained in 2019 from the Siskiyou County Road Department. The southern parcel, APN 013-120-330, is 61 acres in size and the northern parcel, APN 013-120-320, is approximately 16.5 acres in size. The property owner proposes to develop and operate a construction waste recycling facility and expand an existing gravel parking lot.

## Discussion

The concrete and asphalt recycling facility would be located on the southeastern portion of APN 13-120-330 (south parcel). The main entrance to the plant (south parcel) is off of East Oberlin Road, approximately 190 feet west of South Phillipe Lane. The maximum size of the recycling plant would be approximately 3 acres. The parking lot expansion of approximately 2 acres would take place on the western portion of APN 13-120-320 (north parcel). This expansion would include installment of a truck scale (75 feet by 10 feet) for company use. This parcel is currently developed on the western side as a gravel parking area with portable buildings and equipment storage. The main entrance to the expansion area is from the existing development on the northern side of East Oberlin Road. A secondary entrance lies to the west of South Phillipe Lane on the eastern side of the property. The entrance from South Phillipe Lane is accessed by a driveway with a culvert protecting the ephemeral drainage.

Hours of operation will be 7:00 a.m. to 5:00 p.m., with eight (8) hours of operation expected per day. The operations at this site will vary based on time of year and type of construction projects within the area producing construction waste. The facility will function Monday through Friday with no night, weekend, or holiday operations. Construction waste will be recycled into aggregate bases. The proposed project will generate a maximum of 40 truck and ten employee trips per day when in operation. By providing a local recycling facility, the project will likely result in reduced emissions from transportation of construction waste. Facility operations will require one to five employees onsite at any given time.

Inbound materials will arrive by truck with up to 40 loads (totaling 1,000 tons) anticipated per day. Construction waste will include used concrete, concrete asphalt, and asphalt which will be recycled into aggregate bases. Materials will be mixed, crushed, and screened onsite at APN 13-120-330. No additives, amendments, or bulking agents will be added to the materials during processing. Unloading, processing, storage, and loading will take place onsite in the plant area. The initial recycled base may be utilized to build up the recycling pad for a 300-foot by 300-foot dimension to a maximum of 3 acres in size if necessary to withstand a substantial amount of material being processed or stockpiled when the plant is operating. The recycled aggregate base will then be sold as base rock for residential driveways, and other similar uses.

Processing equipment onsite will include dump trucks, trailers, forklifts, loaders, crushing, screening and mixing equipment, and other similar diesel-powered heavy machinery. Diesel-powered generators may be used onsite if necessary. The equipment will be stored on the northern parcel in the expansion area, while operating equipment will be moved to the southern parcel as needed. Equipment will be maintained in good working order to reduce air quality impacts and noise generation. Fuel will be obtained from mobile carriers when in the field onsite. Haul trucks will fuel in town at a service station or card-lock facility. Projected work at the site will be solely based on the presence of large or a group of smaller projects in the local area. There will not be regular activity at the site because trucks will haul in spoils of projects on an as-needed basis. The first recycling period will begin after receiving a sufficient amount of material such as 10,000 tons, which is able to be recycled in approximately two weeks. Equipment will be on site, when necessary, not on a consistent basis; most machines will be moved off-site when not in use.

## Environmental Review

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for this project. The IS/MND was posted to the State Clearinghouse on September 7, 2022 for the minimum 30-day public comment period.

Cultural Resources and Biological Resources were found to be *Potentially Significant* but were reduced to *Less Than Significant* after incorporation of the associated mitigation measures.

Under Biological Resources, does the project:

1. Have a substantial 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 Wildlife, U.S. Fish and Wildlife Service, or NOAA Fisheries?

This was reduced to *Less than Significant with Mitigation Incorporated* with the following mitigation measures:

**Mitigation Measure BIO-1 (Wetland Buffer):**

1. Any ground-disturbing activities would be restricted to areas outside of a buffer zone around any water courses onsite. Typically, ephemeral drainages require a 50-foot setback.

**Mitigation Measure BIO-2 (Nesting Birds):**

1. Vegetation removal and other ground-disturbance activities associated with construction shall occur between September 1 and January 31, when birds are not nesting; or
2. If vegetation removal or ground disturbance activities occur during the nesting season, a pre-construction nesting bird survey shall be conducted by a qualified biologist to identify active nests in and adjacent to the Project area.

Surveys shall begin prior to sunrise and continue until vegetation and nests have been

sufficiently observed. The survey shall consider acoustic impacts and line-of sight disturbances occurring as a result of the Project to determine a sufficient survey radius to maximize observations of nesting birds. A nesting bird survey report should be prepared and at a minimum, the report should include a description of the area surveyed, date and time of the survey, ambient conditions, bird species observed, a description of any active nests observed, any evidence of breeding behaviors (e.g., courtship, carrying nest materials or food, etc.), and a description of any outstanding conditions that may have impacted the survey results (e.g., weather conditions, excess noise, the presence of predators, etc.).

If an active nest is located during the preconstruction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department and U.S. Fish and Wildlife Service to comply with FGC sections 3503 and 3503.5 and the Migratory Bird Treaty Act. Compliance measures may include, but are not limited to, exclusion buffers, sound-attenuation measures, seasonal work closures based on the known biology and life history of the species identified in the survey, as well as ongoing monitoring by biologists.

**Mitigation Measure BIO-2 (Rare Plant Survey):**

1. If ground disturbance is proposed within the annual grassland community onsite, a protocol-level pre-construction survey will be completed for the following botanical species:
* Peck’s lomatium (*Lomatium peckianum*)
* Woolly balsamroot (*Balsamorhiza lanata*)
* Shasta orthocarpus (*Orthocarpus pachystachyus*)
* Alkali hymenoxys (*Hymenoxys lemmonii*)

Under Cultural Resources, does the project:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
3. Disturb any human remains, including those interred outside of dedicated cemeteries?

These areas were reduced to *Less than Significant with Mitigation Incorporated* with the following mitigation measures:

**Mitigation Measure CR-1 (Cultural Resources):**

There is potential to disturb or destroy any known or unknown cultural resource through ground disturbing activities associated with construction and operation.

The following measures are generally included on all project plans in the County and shall be adhered to throughout project site work.

1. If any cultural resources i.e., human bone or burnt animal bone, midden soils, projectile points, humanly modified lithics, historic artifacts, etc.) are encountered during any phase of construction, all earth-disturbing work shall stop within 100 feet of the find. The Siskiyou County Planning Department shall be notified, and a qualified archaeologist shall make an assessment of the discovery and recommend/implement mitigation measures as necessary. Siskiyou County shall consider mitigation recommendations presented by a qualified archaeologist that meets the Secretary of the Interior's Professional Qualification Standards in prehistoric or historical archaeology for any unanticipated discoveries. The County and the project applicant shall consult and agree upon implementation of a measure or measures that the County and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of cultural resources.
2. If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery and the Siskiyou County Planning Department and the County Coroner shall be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.
3. In the event that project plans change to include areas not included in the original project plan, additional reconnaissance shall be required prior to any earth disturbing activities to identify any potential cultural or paleontological resources or human remains. If any cultural resources are identified, Siskiyou County shall consider mitigation recommendations presented by a qualified archaeologist that meets the Secretary of the Interior's Professional Qualification Standards in prehistoric or historical archaeology for any unanticipated discoveries. The County and the project applicant shall consult and agree upon implementation of a measure or measures that the County and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of cultural resources.

A copy of the IS/MND can be found in Attachment B.

## Recommended Action

As detailed in the attached Resolution, the Siskiyou County Board of Supervisors Approve the Goodwin Zone Change (Z-21-02) and Use Permit (UP-21-06), Make All Required Findings Under the California Environmental Quality Act (CEQA), Including Adopting a Mitigated Negative Declaration (MND) and Adopting a Mitigation Monitoring Report Program (MMRP).

## Recommended Motions

I move to take the following actions:

* 1. Introduce, waive, and adopt the second reading of an ordinance to rezone APN 013-120-230 from AG-1 to M-M and to rezone APN 013-120-330 from AG-1 to M-H.
	2. Adopt a resolution approving the Goodwin Use Permit 21-06 and associated Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program.

## Attachments

1. Draft Ordinance and Map
2. Initial Study/Mitigated Negative Declaration (IS/MND)
3. Mitigation Monitoring Report
4. Signed Resolution PC 2022-027
5. Mitigation Monitoring Report
6. Draft BOS Resolution