



## Zoning Administrator

Legistar File Number: ZA 24-035

September 12, 2024

**Introduced:** 9/5/2024

**Current Status:** Agenda Ready

**Version:** 2

**Matter Type:** Zoning Administrator

### **PLN200247 - DAY KEITH W & MICHELLE E TRS**

Public hearing to consider an after-the-fact permit to partially clear a Code Enforcement violation (20CE00206) and allow an agricultural support facility.

**Project Location:** 30053 Short Rd, Gonzales, CA 93926, Central Salinas Valley Area Plan

**Proposed CEQA Action:** Find the project Categorical Exempt pursuant to Section 15304 of the CEQA Guidelines and that none of the exceptions to the exemption in section 15300.2 can be made.

### RECOMMENDATIONS

It is recommended that the Zoning Administrator adopt a resolution to:

- 1) Find that the project qualifies for a Class 4 Categorical Exemption pursuant to CEQA Guidelines Section 15304 and that none of the exceptions to the exemption in section 15300.2 can be made; and
- 2) Approve an after-the-fact Use Permit to partially clear a Code Enforcement violation (20CE00206) and allow an agricultural support facility.

The attached draft resolution includes findings and evidence for consideration (**Exhibit B**). Staff recommends approval subject to 7 conditions.

### PROJECT INFORMATION

**Agent:** Joel Panzer

**Property Owner:** Day Keith W & Michelle E Trust

**APN:** 216-032-015-000 & 216-032-016-000

**Zoning:** "F/40" (Farmlands)

**Size:** 51.655 acres

**Plan Area:** Central Salinas Valley Area Plan

**Flagged and Staked:** No

### SUMMARY

The project applicant is a trucking and compost operations entity, that owns the Keith Day Company. The 51.665 acre property would function solely as a storage site for finished compost materials received from ReGen in Marina, CA. Finished compost material would be delivered to end users throughout Salinas Valley, who are typically agricultural operators. The after-the-fact Use Permit would clear the code enforcement violation (20CE00206) and allow the use to continue. No structures are proposed.

The subject property is located at 30053 Short Rd, Gonzales, approximately 2.5 miles southwest of Highway 101. The Salinas River borders the property on the south, the City of Gonzales' Waterwaste Lagoon Treatment Plant borders the property on the north, and the remaining land surrounding the property are agricultural fields. The site is zoned Farmland or "F" which allows agricultural support facilities subject to the granting of a Use Permit.

## DISCUSSION

### Code Violation

Keith Day received a Notice of Violation (NOV) from the Central Coast Regional Water Quality Control Board on February 14, 2019. The NOV notified Mr. Day that the compost facility was operating without the required regulator coverage under the General Waste Discharge Requirements for Composting Operations.

On June 16, 2020, Central Coast Regional Water Quality Control Board staff issued an order requiring Keith Day and Keith Day Company, Inc., to submit a technical report outlining how the Gonzales Compost Facility will comply with Water Quality Control Plan for Central Coast Basin section 4.6.4.1, which prohibits the discharge of solid waste to a floodplain.

On July 16, 2020, Weber, Hayes & Associates (WHA) provided a technical report response to the floodplain issue. The report states that the current facility status is storage of only finished compost product and active composting does not occur. The report also suggests the possibility of building a perimeter berm to an elevation higher than the 100-year flood elevation, to remove the facility from the 100-year floodplain. There was a third scenario provided by WHA to only operate during dry months which was not supported by the Water Board.

On October 22, 2020, Central Coast Regional Water Quality Control Board staff sent a response to the technical report prepared by WHA. The letter stated that the General Waste Discharge Requirements for Composting Operations do not apply to the application or use of the final compost product. The compost operation facility is only being used for the storage of finished products before it sold and transported to customers. The Central Coast Regional Water Quality Control Board concluded that the General Order covers active compost facilities and is no intended to regulate the use or storage of finished compost product. Therefore, the General Order is not applicable, provided that only finished compost is store onsite. The facility may, however, be required to enroll in the Industrial General Permit (IGP) for regulation of stormwater.

Following a site inspection conducted on June 5, 2020, an administrative citation was issued on June 20, 2020, to the owner due to the importation of significant amounts of composting materials to be processed onsite without proper entitlements and encroachment into the shoulder of the river channel by expanding an existing unimproved access road without a grading permit.

An after-the-fact grading permit (22CP01349) for the levee was approved and finalized on June 10, 2024, partially clearing the code enforcement violation. The proposed project corrects the remaining violation. Once implemented, the project would bring the subject property into compliance with all rules and regulations pertaining to the property and would remove the existing violations.

Pursuant to the requirements of the County of Monterey Zoning Ordinance Section 21.84.140 (Fees of Retroactive Permit Application), an application for an after-the-fact permit of any use for which a permit is required, and where the use has been constructed or otherwise established prior to the application for the permit, is in violation of the ordinance and shall require a fee of twice the amount normally charged for the application. Pursuant to the regulation, the double-fee was applied to this application. Zoning violation abatement costs, have been paid.

Operation

The Keith Day Company is a trucking and compost operation business. The compost storage site is situated on a 51.665 acre property and offers finished compost material delivery to agricultural operators throughout the Salinas Valley. Approximately 50,00 cubic yards of material would be stored and transported through the site yearly with an average of approximately 173 truckloads a month and 14 - 20 trips a day. The facility would be a fully open-air storage site with no permanent structures proposed for the operation.

The storage site is not open to the public and would operate year-round. Hours of operation include 6:00 AM to 5:00 PM during peak season (June - November) and 7:00 AM to 4:00 PM during the slow season (December - May). The operation includes 2 to 3 employees who are not stationed full-time and would come and go as deliveries and shipments for compost material are scheduled. Loaders and water trucks will be used to maintain and load compost materials on-site.

CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15304 which categorically exempts minor alteration to land. The after-the-fact project is for an open-air storage facility for finished compost material and does not involve additional structures. The site was previously disturbed and no significant changes to the land are proposed for this use. Therefore, the proposed project is consistent with the parameters of this Class 4 exemption. There are no exceptions pursuant to Section 15300.2. No evidence of significant adverse environmental effects was identified during staff review of the development application.

OTHER AGENCY INVOLVEMENT

The following agencies have reviewed the project, have comments, and/or have recommended conditions:

- HCD-Engineering Services
- Environmental Health Bureau
- HCD-Environmental Services
- Gonzales Rural Fire Protection District

LUAC:

The subject property is located within the Central Salinas Area Plan. Currently, there is no Land Use Advisory Committee (LUAC) for the area. Therefore, the project was not sent to a LUAC for review.

AGRICULTURAL ADVISORY COMMITTEE:

The project was referred to the Agriculture Advisory Committee (AAC) for review on January 25, 2024 (see **Exhibit D**). The members unanimously recommended approval by a vote of 9 - 0, with 3 members absent, to support the project without further recommendations nor conditions.

Prepared by: Christina Vu, Assistant Planner, x5139

Reviewed and Approved by: Anna Ginette Quenga, AICP, Principal Planner

The following attachments are on file with HCD:

Attachments

Exhibit A - Project Data Sheet

Exhibit B - Draft Resolution, including:

- Conditions of Approval
- Site Plan
- Operational Plan

Exhibit C - AAC Minutes

Exhibit D - Vicinity Map

cc: Front Counter Copy; Zoning Administrator; Gonzales Rural Fire Protection District; HCD-Environmental Services; HCD-Engineering Services; Environmental Health Bureau; Christina Vu, Planner; Anna Ginette Quenga, AICP, Principal Planner; Keith Day & Michelle Day, Property Owners; Joel Panzer, Agent; The Open Monterey Project; LandWatch (Executive Director); Laborers International Union of North America (Lozeau Drury LLP); Planning File PLN200247