



**Monterey County**  
**Planning Commission**  
**Agenda Item No. 1**  
**Registrar File Number: PC 18-020**

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March 28, 2018

**Introduced:** 3/16/2018

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** Planning Item

**PLN170832 - CHEMICAL LIME COMPANY (LHOIST)**

Public hearing to consider a height exception for a new structure approximately 57 feet high as part of an existing quarry in the Heavy Industrial Zoning District.

**Project Location:** 11771 Old Stage Road, Salinas, Greater Salinas Area Plan

**CEQA Action:** Categorically Exempt per Section 15302 (Replacement or Reconstruction) of the CEQA Guidelines.

RECOMMENDATION:

It is recommended that the Planning Commission:

- a. Finding that the project is a technological improvement replacement of existing dewatering process for a mining operation which qualifies as a Class 2 Categorical Exemption per Section 15302 of the CEQA Guidelines; and does not meet any exceptions under Section 15300.2; and
- b. Approving:
  1. Design Approval for
    - a. a new structure containing equipment called a “filter press” to replace the existing dewatering system, and
    - b. an exception from the 35-foot height limit for a filter press structure with a proposed height of approximately 57 feet, in the Heavy Industrial Zoning District pursuant to Monterey County Code Section 21.62.030.C (height exception).

Staff recommends approval subject to the attached Design Approval (Exhibit A) containing two recommended conditions of approval (maintenance of perimeter landscaping and exterior lighting plan when construction permit is applied for).

PROJECT INFORMATION:

**Agent:** Jocelyn Jackson, Lhoist North America

**Property Owner:** Chemical Lime Company

**APN:** 211-023-001-000

**Parcel Size:** 234.65 acres

**Zoning:** Heavy Industrial

**Plan Area:** Greater Salinas Area Plan

**Flagged and Staked:** No

SUMMARY:

Lhoist, commonly referred to as the Natividad Quarry, is an existing quarry located at 11771 Old Stage Road, north east of the City of Salinas. The quarry operation is comprised of several parcels, one of which is this 234.65 acre parcel (APN 211-023-001-000). Mining operations began at this

location circa 1900. In 1983, Monterey County approved a Use Permit/Reclamation Plan (File No. PC-4745, Planning Commission Resolution No. 83-280) to allow the removal of natural materials and to establish reclamation on-site.

Lhoist is proposing to install a new structure containing equipment called a “filter press” to replace the existing dewatering system currently in place which removes water from materials before they leave the mine for distribution. The proposed filter press structure would exceed the allowed zoning height maximum of 35 feet. However, Monterey County Code Section 21.62.030.C allows a height exception within the industrial zone as long as the maximum potential cubical area (air space) is not exceeded. The proposed structure would be up to 57 feet tall with smaller segments to remain within the maximum cubical area (e.g. reduced footprint).

Staff recommends that the Planning Commission approve an exception to height pursuant to Monterey County Code Section 21.62.030.C finding, in part, that the proposed project reduce the mine’s overall environmental impacts.

DISCUSSION:

*Background:*

The Natividad Quarry began operation in approximately the year 1900. Today, the major operational components include the quarry, heavy media separation (HMS), and the lower plant. Within the lower plant, there are four unique processing plants: kilns, east plant, dolomite sizing facility and lime plant. Natividad produces over 40 products which are divided into three categories: dolomitic quicklime, minerals products, and wet sands.

Prior to 1983, the County of Monterey had previously issued Use Permits for the mining operation on the original parcels. In 1983, when previous owner, Kaiser Refractories purchased additional surrounding land, including the subject APN, the Monterey County Planning Commission granted a Use Permit/Reclamation Plan (File No. PC-4745, Planning Commission Resolution No. 83-280) finding the importance of the mine to the County’s economy and the ongoing nature of the operation warranted a “long term use permit”. The Planning Commission also made findings for aesthetic impacts of the existing operation, mainly due to hillside scarring, and required diligent enforcement of reclamation and aesthetic conditions. A specific finding noteworthy of mentioning was Finding No. 3 (of PC Resolution No. 83-280), which explains that the Use Permit/Reclamation Plan conditions were written broadly to allow for operational flexibility with respect to the mining operation. Finding No. 3 states that when operational changes are substantial due to unforeseen events, such as technological improvements, the applicant should initiate requests for modifications of the use permit conditions. In staff’s opinion, after reviewing the 1983 Use Permit, the proposed structure would not merit the amendment of the existing Use Permit/Reclamation Plan. See below for analysis.

*Proposed Project:*

In 2017, Lhoist reached out to RMA staff requesting to replace the existing dewatering system in place at the Natividad Quarry with a filter press system to separate fines from the HMS process. This filter press system is a new technology that allows for nearly all of the water to be removed from mining fines produced as a byproduct of the mining operation. This filter press system requires a height of 57 feet as it works with gravity to achieve optimal results. The current process for managing

these fines is multi-stepped and very resource intensive. This process currently uses significant amounts of water, creates particle emissions, and requires numerous truck hauling trips.

The proposed filter press system is an enclosed process that reduces the duration of the de-watering process significantly, therefore utilizing less water from the aquifer. Additionally, the new technology is more efficient than the current multi-step process, allowing for the reclamation of even more water from the mining fines. The additional water recovered from the process can be utilized in the mining operation, thereby further reducing water consumption on site. The proposed system would also reduce, and may even eliminate, particulate emissions of dust from the process due to the fact that it is a more closed system. Lastly, the filter press will squeeze nearly all water out of the dirt and create compact cakes, reducing the amount of material that is needed to be transported to on-site settling ponds, therefore reducing greenhouse gas emissions associated with mobile equipment activities. As an added benefit, these dry compressed cakes can be used by the dairy industry for cow bedding application. The applicant has stated they plan to offer subsidized prices to the dairy industry if they choose to use the filter cake for their barns.

Furthermore, the proposed filter press system will reduce the number of active settling ponds. This will reduce water evaporation, allowing more water to return into the aquifer. Fewer settling ponds will also improve aesthetics. See Exhibit A containing plans, including an aerial map of existing conditions.

*Regulatory Assessment:*

*Amendment to 1983 Use Permit/Reclamation Plan is Not Required:*

RMA-Planning staff has determined that the proposed filter press system would not require an amendment to the 1983 Use Permit/Reclamation Plan permit (File No. PC-4745, Planning Commission Resolution No. 83-280). In reviewing the Reclamation Plan, the site location for the new filter press is outside the identified Reclamation Area. This proposed location would not affect the conditions of approval of the Use Permit/Reclamation Plan. Staff consulted with staff from the State of California Department of Conservation, Division of Mine Reclamation on the subject proposal. This Division oversees mining operations subject to The Surface Mining and Reclamation Act of 1975 or SMARA. SMARA was enacted by the California Legislature to address the need for a continuing supply of mineral resources and to prevent or minimize the negative impacts of surface mining to the health, property or environment. Because the proposed project is a technology that will replace the existing intensive, environmentally impactful process, and because the proposed structure will not be located in areas of designated reclamation, SMARA review is not required. Furthermore, the 1983 permit conditions were written broadly to allow for operational flexibility with respect to the mining operation, including incorporating technological improvements, such as the proposed filter press system.

*Zoning, Development Standards, Chapter 21.62 Height and Setback Exceptions and General Plan Policies:*

The property is zoned Heavy Industrial which has a 35 foot structural height limit. The proposed filter press system is 57 feet, 4 inches high. Such height would allow the project to achieve optimal results for the HMS process. Title 21 (Zoning Ordinance) contains Chapter 21.62, Height and Setback Exceptions. The purpose of which is to provide those provisions and exceptions to height and setback

regulations. One of these exceptions is MCC Section 21.62.030, which states:

*Any structure in any Commercial or Industrial District may be erected to a greater height than the limit established for the district in which the structure is to be located, provided that the cubical contents of the structure shall not be greater than that possible for a structure erected within the height limit and provided the design, exterior lighting, siting and landscaping plan for the project is approved by the Planning Commission.*

In other words, what this section of code means is that an exception can be granted as long as the total cubic feet of the proposed structure does not exceed the maximum potential cubic feet for the building footprint, and the design is approved by the Planning Commission

The subject project qualifies for this exception for the following reasons:

1. The subject parcel is in a Heavy Industrial Zoning District.
2. The proposed building footprint is 50 feet by 183 feet. If this entire footprint was developed with a 35 foot tall building, the cubical contents (cubic feet) of this structure would be 320,250 cubic feet (50' x 183' x 35'). The proposed project, when all the components are measured conservatively, has a total cubical content of only 189,352 cubic feet (See Attachment E). Therefore, the cubical contents of the proposed structure will not be greater than what would be possible for a structure erected within the height limit.
3. The 2010 Monterey County General Plan, Supplemental Policy GS-2.4 designates Old Stage Road as a scenic road, requiring new development secure a Design Approval. See Design Approval application in Exhibit A. The subject parcel is located on Old Stage Road. This policy also requires appropriate scenic preservation measures to include, but not be limited to, screening with vegetation. Staff has conducted a visual analysis of the proposed project site and determined that the project in the proposed location will not create an adverse visual impact. See Exhibit C for Visual Analysis prepared by Lhoist and confirmed by staff. Due to topography, vegetation and distance, the number of vantage points along Old Stage Road where the project is visible are minimal. The site has rows of perimeter eucalyptus along Old Stage Road and other vegetation, such as pines in the higher elevations of the site that allow for some visual screening and breaking up of the structure's form. A condition of approval has been placed on the project to maintain and replace these trees in perpetuity (Condition No. 2). As evidenced by Exhibit C, the structure does not intrude into any blue sky views, and will be backdropped by large hills. The proposed filter press will be painted to blend with its surroundings. Exterior lighting is proposed at no higher than 35 feet, and will be shielded to only provide light on the site to prevent light pollution in the area. Conditions of approval have been added to require an exterior lighting plan when a construction permit is applied for and for the continued maintenance of perimeter landscaping for screening.

*Other Assessment- Development Review Committee:*

On November 28, 2017, the proposed project was discussed at a Development Review Committee (DRC). The DRC is a pre-application process the County uses to provide early issue identification prior to submittal of a formal application. The meeting included staff from RMA-Planning, RMA-Building Services, RMA-Public Works, RMA-Environmental Services, Environmental Health Bureau and Water Resources Agency. The outcome of the DRC meeting was that the proposed filter press replacement project did not have substantive issues. The following were the comments by department:

- RMA- Building Services: Advised on building code requirements.

- RMA- Environmental Services:
  - At the time of construction permit application, include an Erosion Control Plan, Grading Plan.
  - Prior to commencement of work, schedule land disturbance inspections.
  - During construction, schedule inspections.
  - Prior to final inspection, provide a geotechnical certification.
  
- RMA- Public Works: At the time of construction permit application, include a Construction Management Plan.
  
- Environmental Health Bureau:
  - At the time of construction permit, the applicant shall provide a scalable site plan with all existing wells and septic systems plotted.
  
- Water Resources Agency:
  - The project site is mapped by FEMA as not being subject to flooding from the 1% annual chance flood and no additional FEMA floodplain review is required.
  - The existing drainage patterns and storm water volumes will not be modified as a result of the proposed project; therefore, no additional surface hydrology design planning is required at this time.
  - The proposed development includes a 200 ft. setback from nearby watercourse, Gabilan Creek. This is an acceptable setback.

At the DRC, RMA-Planning informed the applicants that staff needed additional time to review past permits, including the Use Permit/Reclamation Plan (File No. PC-4745, Planning Commission Resolution No. 83-280) in order to assess if the proposal required an amendment to the 1983 Use Permit/Reclamation Plan. Also, staff had to ascertain if the project qualified for a height exception under Monterey County Code Section 21.62.030.C, which would allow the project to exceed the 35 foot height maximum in the Heavy Industrial Zoning District. The proposed project is requesting a 57 foot, 4 inch structure. This would require a visual inspection of the site and certain conditions (lighting and landscaping). After the November 28, 2017 DRC, RMA- Planning staff worked closely with applicant and in January of 2018, staff determined that the project application qualified for height exception request, subject to the approval of the Planning Commission.

#### CEQA

California Environmental Quality Act (CEQA) Guidelines Section 15302 categorically exempts replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The project proposes the replacement of existing dewatering process for a mining operation, therefore, meets the exemption. None of the exceptions under CEQA Guidelines Section 15300.2 apply to this project.

LAND USE ADVISORY COMMITTEE

The project was not referred to a Land Use Advisory Committee (LUAC) for review because no LUAC exists for this area of the County.

FINANCING:

Funding for staff time associated with this project is included in the FY17-18 Adopted Budgets for RMA-Planning.

Prepared by: Nadia Amador, Associate Planner x5102   
Reviewed by: Brandon Swanson, RMA Planning Manager, x5334   
Approved by: John M. Dugan, AICP, RMA Deputy Director of Land Use and Community   
Development

The following attachments are on file with the RMA:

Exhibit A - Design Approval Application:

- A-1. Recommended Conditions of Approval
- A-2. Plans/Photographs

Exhibit B - Vicinity Map

Exhibit C - Visual Analysis prepared by Lhoist and confirmed by staff

Exhibit D - Applicant's letter requesting Planning Commission approval

Exhibit E - Cubical Contents Example

cc: Front Counter Copy; Planning Commission; RMA-Public Works Department;  
RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Brandon Swanson, RMA Services Manager; Nadia Amador, Project Planner; Jocelyn Jackson, Agent; Supervisor's Phillips Office (District 2); The Open Monterey Project; LandWatch; Planning File PLN170832.