



Hearing Officer for Planning Commission

AGENDA

August 12, 2024 02:00 PM

Hearing Officer - Chris Baker, Manhard Consulting, Contract Planner

35 Third Ave, Portola, CA 96122

<https://www.cityofportola.com/>

<https://zoom.us/j/3583067836> or by phone at: 1.669.900.6833; Meeting ID: 358 306 7836 or by phone at: 1.669.900.6833; Meeting ID: 358 306 7836

REASONABLE ACCOMMODATIONS

The City Council welcomes you to its meetings which are regularly held the second and fourth Wednesday of each month at 6:00 p.m. at the City Hall Council Chambers. Your interest and participation is encouraged and welcome.

As a courtesy, the City Council meeting is also accessible to the public via live streaming at: <https://zoom.us/j/3583067836> or by phone at: Phone Number 1.669.900.6833; Meeting ID: 358 306 7836. **Online and telephonic access does not guarantee the public the ability to observe the meeting in the event there is a disruption or connectivity issues that affect broadcasting. Members of the public who want to be assured that they have the ability to observe the meeting and make comment during the meeting, should attend the meeting in-person.**

Any person desiring to address the City Council or any committee, commission or agency under the jurisdiction of the City Council, on any item not on the agenda may do so during public comment period. Public comment during the meeting will be accepted in person only.

Public Comment can be made by clicking on the "comment" section directly from the agenda, next to each agenda item.

Public comment will also be accepted via email sent to the Administrative Clerk, at admin@cityofportola.com which if received at least 24 hours prior to commencement of the meeting will be distributed to the Council and posted to the City's website prior to the meeting.

Meeting facilities are accessible to persons with disabilities. Reasonable efforts will be made to accommodate the participation of the disabled in the City's public meetings. If special accommodation for the disabled is needed, please notify the City at 530.832.6801 at least 48 hours prior to the meeting.

1. Call to Order

2. Conditional Use Permit Application for a Recycling Center/“Recycling, Scrap and Dismantling – Enclosed” use

☒ Discussion ☒ Possible Action  [Comment](#) [View Item](#)

Public Hearing: Review Notice of Determination 24-01 – Consider Conditional Use Permit Application for a Recycling Center/“Recycling, Scrap and Dismantling – Enclosed” Industrial use within the Business Professional/Light Industrial (BP/LI) zone, located at 225 Taylor Avenue (APN 126-096-001)

3. Adjournment

REPORT OF INFORMATION FOR PUBLIC HEARING

TO: Hearing Officer: Chris Baker, Manhard Consulting, Contract Planner

HEARING DATE: August 12, 2024

FROM: City of Portola Planning Department

SUBJECT: **PUBLIC HEARING - REVIEW NOTICE OF DETERMINATION NO. 24-01:
CONSIDER CONDITIONAL USE PERMIT APPLICATION FOR A RECYCLING CENTER/
“RECYCLING, SCRAP AND DISMANTLING, ENCLOSED” INDUSTRIAL USE WITHIN THE
BUSINESS PROFESSIONAL/LIGHT INDUSTRIAL ZONE, LOCATED AT 225 TAYLOR
AVENUE (APN 126-096-001)**

Property Owner:

Jana Rose Daw, Trustee
PO Box 2578, White Salmon, WA 98672

Applicant/Business Owner:

Grizzly Creek Recycling (contact: Desmond L. Waelder)
2220 Morning Dove Lane, Portola, CA 96122

Environmental Review:

The proposed project has been determined to be exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Existing Structures, as the business will be located within a warehouse building onsite and will utilize existing infrastructure to conduct all requested activities, and no physical development is proposed as part of the project.

Background/Existing Conditions

The subject property (225 Taylor Street, APN 126-096-001) is located at the terminus of S. Beckwith Street at Taylor Avenue and is zoned Business Professional/Light Industrial (BP/LI). The Middle Fork of the Feather River is located north of the site. There are vacant industrial buildings and parcels east and west of the site, and there are existing single family residential homes in the Medium Density Residential (MDR) zone to the south. A church is located on the corner of Taylor Avenue and South Pine Street, one block to the east of the site.

The property is known locally as “Daws Recycling” and was most recently operated as a beverage container recycling center/recycling redemption facility. The site has been vacant for approximately 2 years.

Property Location: 225 Taylor Avenue



Approximate Project Location

Assessor's Parcel Map

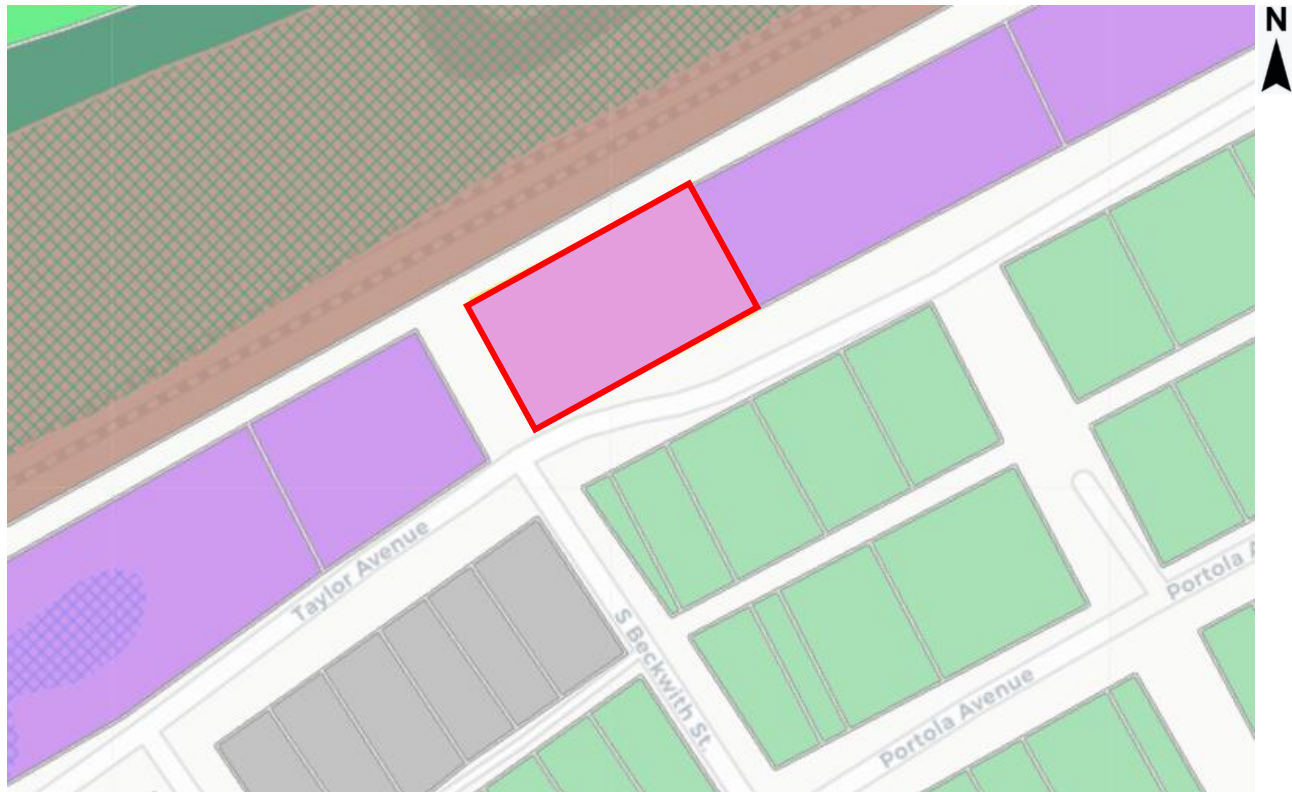


Assessor's Parcel Map
 Approximate Project Location

Surrounding Property Designations

Direction	Zoning	Master Plan	Current Land Use
North	Utilities	Utilities	Middle Fork Feather River
East	Business Professional/Light Industrial	Business Professional/Light Industrial	Vacant building
South	Medium Density Residential	Medium Density Residential	Residential
West	Business Professional/Light Industrial	Business Professional/Light Industrial	Vacant building

Existing Zoning Designation: Business Professional/Light Industrial



Zoning

- Rural Residential (RR)
- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- High Density Residential (HDR)
- Core Commercial (CC)
- Commercial Mixed Use (CMU)
- Service Commercial (SC)
- Business Professional / Light Indust...
- Utilities (U)
- Public / Quasi-Public (P/QP)
- Parks (PR)
- Open Space (OS)

Approximate Project Location

Project Description

The proposed project is a Recycling Center, which is a “Recycling, Scrap and Dismantling, Enclosed” use in the Business Professional/Light Industrial (BP/LI) zone. Portola Municipal Code Section 17.22.020 requires the approval of a Conditional Use Permit (CUP) to allow for the establishment of a “Recycling, Scrap and Dismantling, Enclosed” use in the BP/LI zone.

The applicant intends to operate a recycling center that will include the recycling of beverage containers, including California Redemption Value (CRV) containers, and cardboard. As this site was previously used as a recycling center, all equipment and infrastructure necessary to operate exists onsite, including a loading dock to accommodate trucks, preventable-entry storage bins, and roll up doors on either side of the front entrance.

Property Details

- There is an existing building that is ±4,704 square feet.
- The building was previously used as a recycling/redemption center (same use as is proposed), and has been vacant for approximately 2 years.
- The lot size is ±20,473 square feet (±0.470 acre), which meets the minimum parcel size. The site is in compliance with applicable setbacks and minimum frontage requirements as designated by the BP/LI zoning district (PMC Section 17.22.030).
- The parcel is located in Flood Zone X (outside of the 100-year floodplain).

The Applicant proposes to operate the facility as an owner/operator with operating hours Monday through Friday from 10:00 a.m. to 6:00 p.m. Please note that CalRecycle requires redemption facilities to be open for a minimum of 5 hours to be outside of 9:00 a.m. to 5:00 p.m. The applicant will meet this requirement.

The existing recycling equipment and facilities necessary to conduct the business operations are located on-site, and were used in the previous recycling center operation. There is a can crushing machine located under the existing roof overhang. Other equipment includes an aluminum shred and bale machine inside the existing building and large bins located outside in which to store received material. The building has two roll up doors in the front, one accessible by forklift and one intended for exclusively customer use. A loading dock and truck accessible entry is in the rear of the building. There is ample space for customer parking as well as room for a drop off area accessible from Taylor Avenue.

The Applicant has completed the pre-certification process for establishing a Beverage Container Recycling Operation Certification through the state licensing entity, the California Resources Agency, Department of Conservation, Division of Recycling (CalRecycle). A local agency entitlement (this CUP) is required prior to receiving a state license to operate. From the CalRecycle website, “Only certified recycling centers can pay California Refund Value (CRV) value to the public and be reimbursed for that payment via a processor. Only certified processors can pay CRV value and processing payments to the certified programs and be reimbursed for that payment by the State.” The Applicant is expected to remain in compliance with all applicable requirements of the Beverage Container Recycling Operation Certification in perpetuity (see Condition of Approval 6).

The facility will receive California Redemption Value (CRV) cans, bottles and plastic beverage containers and cardboard from customers. No hazardous materials would be collected at this facility. The recycled cans, bottles, plastic and cardboard would be sorted where they are weighted, counted, etc., to determine redemption value. Customer redeemed recycled materials will then be transferred into the storage containers. Periodically, the redeemed materials would be transferred to an offsite recycling processing facility. The proposed facility would also be required to secure all relevant permitting and certifications from CalRecycle, which is included as Conditions of Approval 6 and 8. The Applicant must also remain in compliance with City of Portola Municipal Code Section 17.67.040, which governs operation and security of the site from scavenging.

Project Impacts

The area around the project is an established neighborhood with a mix of industrial and residential uses. Any impacts are similar to other approved industrial uses and uses in operation. As there was a previous recycling facility located on the site, any impacts are familiar to the neighborhood.

A recycling program has a beneficial impact on the environment and local community, including reduced solid waste collection, disposal cost, and landfill space. A component of the CalRecycle certification process is the state conducting an assessment of the area to ensure both access to and a prevention of an excess of such facilities, such that communities can participate in the reducing impacts to the waste stream, in support of Assembly Bill 939, the California Integrated Waste Management Act. Diverting beverage containers and cardboard for proper recycling will aid in meeting waste reduction goals for the City, region, and state as a whole.

To consider the impact of establishing a recycling center at the site, staff reviewed the following:

- Land Use – The proposed use is compatible with the General Plan land use designation for Business Professional/Light Industrial and meets the intent of the General Plan land use. As the site was previously in use for a similar activity, and allowable under jurisdictional statutes governing the parcel, the findings and requirements for a CUP can be satisfied.
- Noise and Nuisance – Table 9.2 in the Portola General Plan, Noise Element, provides standards for stationary noise. The facility is not expected to exceed acceptable decibels. As previously mentioned, the site would also be required to maintain the facility and provide security measures (PMC Section 17.67.040).
- Off-street parking – The site can support multiple vehicles parking on-site as well as temporary parking in the front for customer drop off.
- Water and sewer connections – There are existing sewer and water connections to the site and building. The connections will be billed as a commercial use.
- Project access – There is paved access to the project site (Taylor Avenue).

Public Hearing

Before considering the approval of the CUP, the City must hold a noticed public hearing. A Notice of Public Hearing was mailed to property owners in a 300 ft. radius of the project site ten days before the public hearing.

Attachments:

Exhibit A: Conditional Use Permit
Exhibit B: Conditions of Approval
Notice of Determination No. 24-01

Findings

To issue Notice of Determination 24-01, the Hearing Officer must find as follows:

1. The proposed use or development is consistent with the City of Portola general plan and any applicable specific plan;

Staff Response: The project does not involve a General Plan amendment, and as indicated by the allowability of the use with the benefit of a CUP, aligns with Section 2.4.3 of the Portola General Plan, which define the subject sites General Plan designation of Business Professional/Light Industrial (BP/LI) as:

The Business Professional/Light Industrial designation is intended to accommodate light industrial, light assembly regional services, public and private commercial recreation, small warehouse and distribution, communications and information services, mail order services, and research and development businesses appropriate to the City's setting.

As mentioned, the site was previously in use for a similar purpose and is well known to the local community as such. The Applicant has identified a deficit in the region for public participation in redemption-based recycling and the location of the facility in an established industrial area is appropriate for such a use.

2. The proposed use or development conforms with all applicable standards and requirements of this title;

Staff Response: The proposed project is in conformance with Portola's Zoning Ordinance with the approval of the CUP, per Section 17.67.020. The recycling facility must remain in compliance with all applicable standards of the Municipal Code, Conditions of Approval and requirements specified in the CalRecycle Certified Recycling Center permit.

3. The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.

Staff Response: The proposed recycling center will not create conditions that are materially detrimental to the public health, safety, and general welfare. The facility will provide waste stream diversion and public redemption opportunities to the community. The recycling facility is required to comply with the specific requirements of the CalRecycle permit as well as tenets of this entitlement.

Recommendation

It recommended that the Hearing Officer review and consider the CUP application, make the above-mentioned findings and approve Notice of Determination 24-01/CUP.

NOTICE OF DETERMINATION 24-01

A DETERMINATION OF THE PORTOLA HEARING OFFICER GRANTING A CONDITIONAL USE PERMIT ALLOWING FOR A “RECYCLING, SCRAP, AND DISMANTLING – ENCLOSED” USE WITHIN THE BUSINESS PROFESSIONAL/LIGHT INDUSTRIAL ZONE AT 225 TAYLOR AVENUE

Applicant: Grizzly Creek Recycling, contact Desmond L. Waelder
EIRC: Categorically Exempt
Address: 225 Taylor Avenue, Portola
APN: 126-096-001

WHEREAS, pursuant to the provisions of Chapter 17.88 of the Portola Municipal Code, the Hearing Officer did on August 12, 2024 conduct a duly-noticed public hearing to consider an application for a Conditional Use Permit to allow for a Recycling Center/“Recycling, Scrap, and Dismantling – Enclosed” use within the Business Professional/Light Industrial (BP/LI) zone at 225 Taylor Avenue (APN 126-096-001).

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), this project has been determined Categorically Exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act Guidelines, and

WHEREAS, at said hearing, a staff report, both written and verbal, was received in evidence, and all persons desiring to speak on the conditional use permit request were heard. At the conclusion of said hearing, after considering all evidence presented, the Hearing Officer made certain findings and reached a decision on the conditional use permit request as hereinafter set forth.

NOW THEREFORE BE IT RESOLVED by the Hearing Officer of the City of Portola the following:

1. That the above recitations are true and correct.
2. That the Hearing Officer makes the following findings of fact:
 - a. The proposed use or development is consistent with the City of Portola General Plan and any applicable Specific Plan;
 - b. The proposed use or development conforms with all applicable standards and requirements of this Title; and
 - c. The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.
3. It is the decision of the Hearing Officer to grant this conditional use permit as depicted in Exhibit A, subject to the conditions set forth in Exhibit B, which said Exhibits are attached hereto and incorporated herein.
4. Exhibit C, a map of the location, is on file in the office of the City Clerk.

APPROVED AND ADOPTED this XX day of August, 2024.

Chris Baker, Hearing Officer

ATTEST:

I, _____, City of Portola _____ (title), DO HEREBY CERTIFY that Notice of Determination No. 24-01 was duly approved and adopted by the Hearing Officer of the City of Portola on _____, _____ following a public hearing held on August 12, 2024.

EXHIBIT A – CONDITIONAL USE PERMIT

A CONDITIONAL USE PERMIT OF THE CITY OF PORTOLA PLANNING DEPARTMENT FOR A “RECYCLING, SCRAP, AND DISMANTLING - ENCLOSED” USE WITHIN THE BUSINESS PROFESSIONAL/LIGHT INDUSTRIAL ZONE AT 225 TAYLOR AVENUE - ASSESSOR’S PARCEL NUMBER 126-096-001

This Conditional Use Permit will allow for a “Recycling, Scrap, and Dismantling – Enclosed” use at 225 Taylor Avenue (APN 126-096-001) within a Business Professional/Light Industrial zone. This Conditional Use Permit is issued with the understanding of the following:

The Portola Municipal Code allows for a Recycling, Scrap, and Dismantling – Enclosed use in the Business Professional/Light Industrial zone with the issuance of a conditional use permit (Section 17. 22. 020).

This Conditional Use Permit shall be renewed automatically on January 1 of each year for so long as:

1. the use of the property otherwise remains in compliance with the Portola Zoning Ordinance, as it may be amended from time to time; and
2. the property owners remain in compliance with all the terms and conditions set forth herein (Exhibit B).

EXHIBIT B – CONDITIONS OF APPROVAL

This Conditional Use Permit is subject to the following conditions:

1. The property will remain subject to all other Portola Municipal Code requirements, as may be amended from time to time.
2. This Conditional Use Permit is subject to ongoing review. If at any time, valid substantiated complaints are received, or if in the opinion of the Planning Commission or the City Council, this Conditional Use Permit should be reviewed, a public hearing shall be held before the Planning Commission or City Council, in the sole discretion of the City, to determine if any conditions should be modified or if the Conditional Use Permit should be revoked.
3. This Conditional Use Permit will expire and may be revoked by the City upon the conversion of the building or parcel to another use which is not a permitted use (i.e. requiring a variance or conditional use permit), pursuant to the Portola Zoning Ordinance, as it may be amended from time to time.
4. The applicant shall provide quarterly reports to the City on materials received and sold to markets in pounds or tons. The reports should be issued to the city within 45 days after a calendar quarter.
5. The applicant shall remain in compliance with the requirements and restrictions of the CalRecycle permit in perpetuity.
6. The applicant shall not engage in activity that would be in conflict with the City of Portola's Franchise Agreement with its waste management provider or is exclusively to be engaged in by the City of Portola's waste management provider pursuant to the City of Portola's Franchise Agreement.
7. The applicant is restricted to accepting beverage containers, including California Redemption Value (CRV) containers, and cardboard as is explicitly allowed for with this permit and shall not engage in accepting of scrap metals or materials outside the limits of both the stated use and the CalRecycle permit.
8. The applicant shall ensure that four (4) off-street parking spaces are available for use, especially during snow events.
9. This permit is issued to the applicant/property owner and is transferable as long as any future property owner agrees to the approved Conditions of Approval in this Conditional Use Permit.
10. At the sole discretion of the City, the failure to comply with, or breach of, any condition hereof may result in the amendment or revocation of this permit or any related permit, or the issuance of a citation, as may be appropriate in the case.
11. Should the applicant fail to comply with any condition hereof, the City may, in its sole discretion, undertake such acts and incur such expense as it may consider necessary to effect compliance, the cost thereof to be reimbursed by the applicant, as may be appropriate in the case.
12. By the acceptance of the granting of this Conditional Use Permit, the applicant acknowledges responsibility and liability for adherence to the Conditions of Approval.