Department of Conservation and Development

Airport Land Use Commission

Thursday, December 16, 2021 – 7:00 P.M.

STAFF REPORT

Agenda Item # 5.a.

Project Title:	Oliveira Composting Facility
ALUC File #:	County File #LP21-2042
Lead Agency:	Contra Costa County
Applicant/Owner:	Brian Oliveira/Carlos Oliveira
Site Address/Location:	124 and 136 Bethany Lane, Byron, CA Assessor's Parcel Number: 001-041-057/058
Staff Recommendation(s):	APPROVE with condition(s)
List of Exhibits:	Exhibit A: Proposed Project Plans/Project Description Exhibit B: ALUC Comment Letter (11/23/21)
Staff Contact:	Jamar Stamps, AICP, (925) 655-2917

I. PROJECT SUMMARY

The applicant requests Airport Land Use Commission ("ALUC") review and determination of consistency with the *Contra Costa Airport Land Use Compatibility Plan* ("Plan") for a proposed (currently operating) green material composting business ("Oliveira Enterprises, Inc." or "Proposed Project").

According to the Proposed Project description, the facility is not open to the public and does not accept unscheduled deliveries. The facility accepts source-separated green material from customers that it hauls from as well as some commercial accounts that deliver contracted green material. Oliveira's unique processing method involves allowing cattle to feed on the green waste prior to processing it into compost. Once the cattle are done, the remaining material is processed using a standard windrow composting method[1]. The resulting compost is sold to local horticultural and agricultural uses.

[1] Windrow Composting: This type of composting involves forming organic waste into rows of long piles called "windrows" and aerating them periodically by either manually or mechanically turning the piles. The ideal pile height is between four and eight feet with a width of 14 to 16 feet. *(www.epa.gov)*

The Proposed Project site is on approximately 30-acres of a 40.61-acre site (two parcels of 20.25-acres (001-041-057) and 20.36-acres (001-041-058)) and is located at 124 & 136 Bethany Lane, off Bruns Road, just south of Byron Highway in unincorporated Byron in Contra Costa County ("County"). Proposed project plans are provided in Exhibit A.

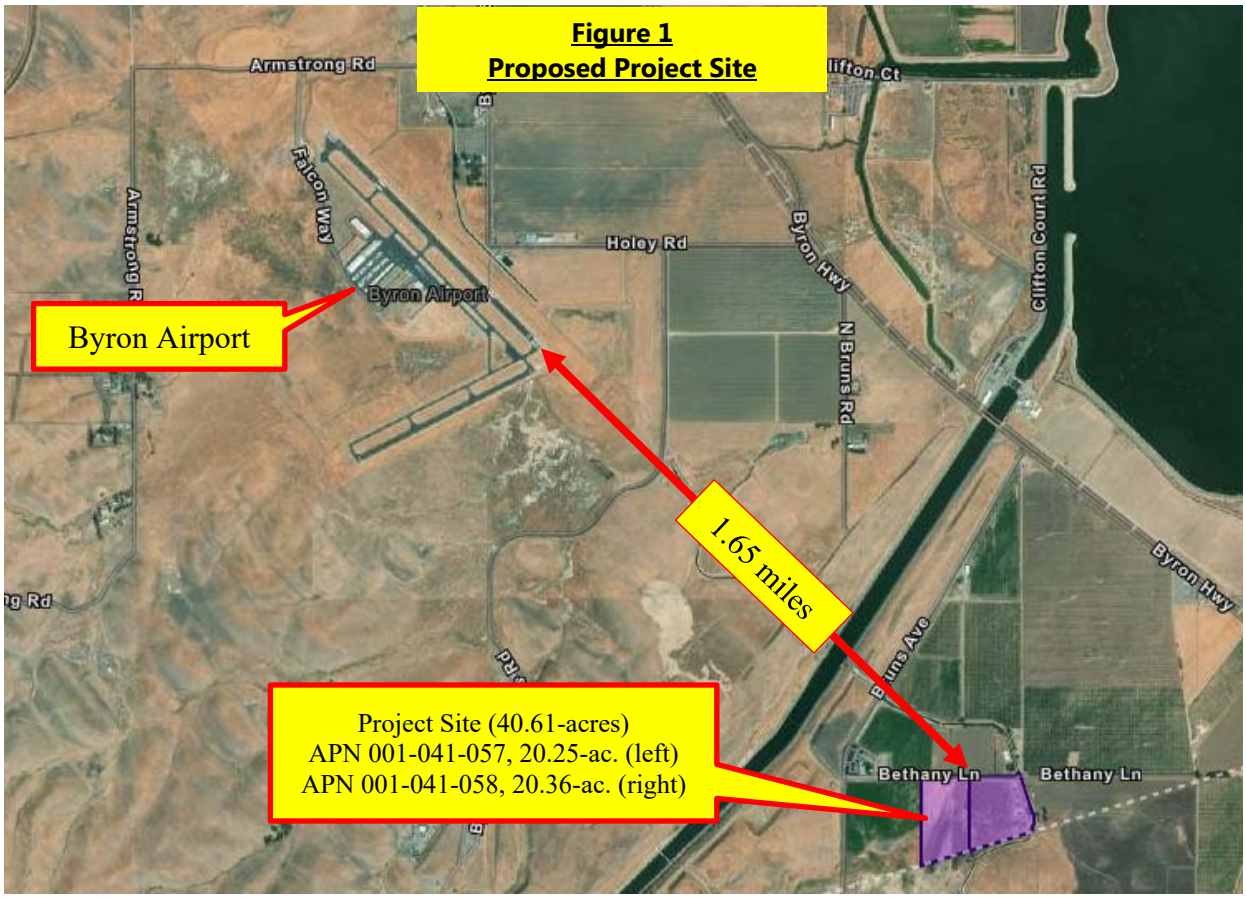
II. RECOMMENDATION

APPROVE the proposed project per the following condition:

A. Glare or distracting lights, which could be mistaken for airport lights, could pose a flight hazard and shall be shielded downward to ensure they do not aim above the horizon.

III. BACKGROUND

October 28, 2021, ALUC staff received a referral for the Proposed Project from the Contra Costa County Department of Conservation and Development. The referral contained the project application and set of proposed plans dated October 4, 2021. ALUC staff sent written comments to the project planner (Exhibit B) dated November 23, 2021, indicating the Proposed Project does not contain characteristics likely to result in inconsistencies with Byron Airport compatibility criteria and finds the project consistent with the Plan. However, vector control has been a specific concern of the ALUC for similar projects in the past and are evaluated on a case-by-case basis. The Proposed Project site is shown in Figure 1:



IV. AIRPORT LAND USE COMPATIBILITY PLAN ANALYSIS

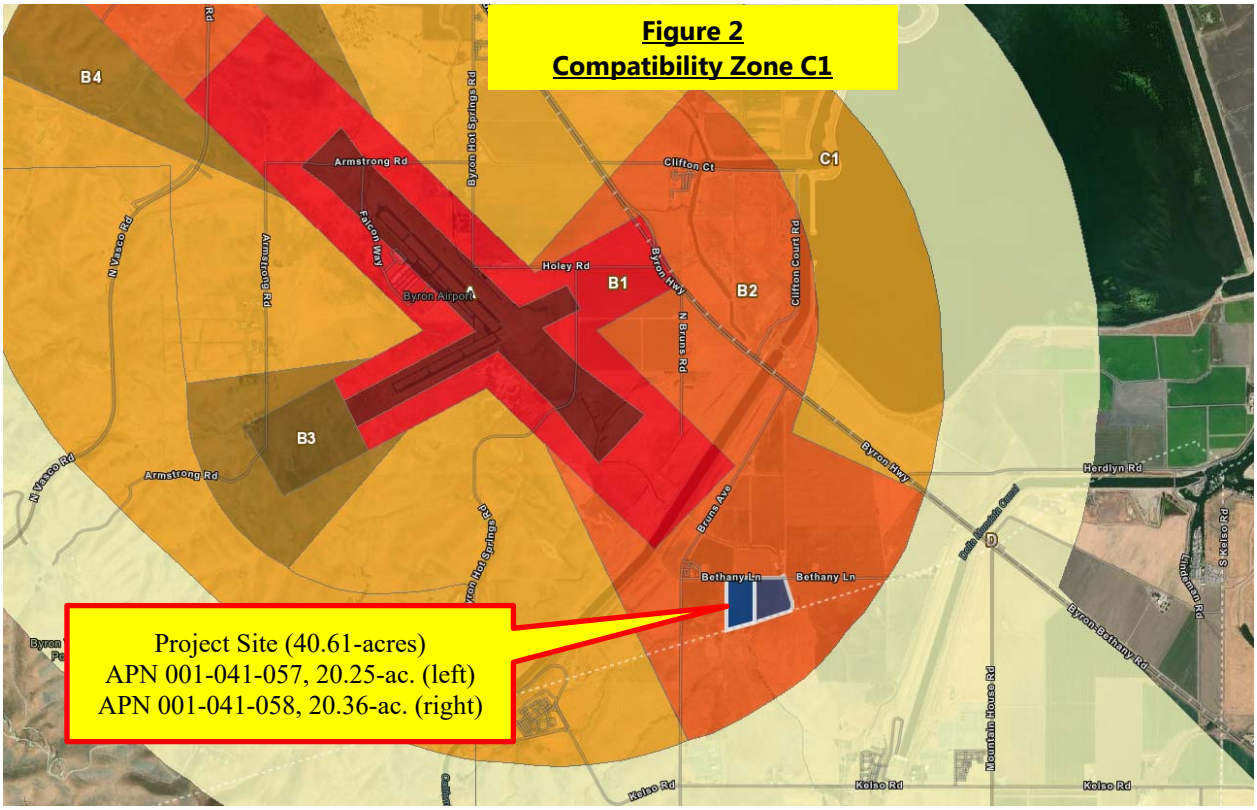
Byron Airport is northwest of the Proposed Project site, approximately 1.65-miles from the end of Runway 30, near the southern aqueduct of Clifton Court Forebay. The Proposed Project site is currently operating (opened 1999) as a green material composting business and land uses in the area are primarily agricultural. The site is accessed via Bruns Road from Byron Highway.

The Proposed Project is generally consistent with the ALUCP and does not contain characteristics likely to result in inconsistencies with the Plan's compatibility criteria. Plan policies that affect the Proposed Project are provided as follows:

A. Airport Influence Area ("AIA"): The project site is within the Airport Influence Area ("AIA") of the Byron Airport.

B. Noise Compatibility Criteria: The project site is not within any of the Byron Airport noise contours.

C. Safety Compatibility Criteria: The project site is within Byron Airport's Compatibility Zone B2 ("CZ-B2"), as defined in Figure 4B of the Plan and shown in Figure 2 below.



Compatibility criteria for CZ-B2 includes the following:

6.5 Compatibility Zone 'B2' Criteria

6.4.2. Nonresidential Development

(a) Except as indicated in Byron Airport Policy 6.9.1, nonresidential uses within Compatibility Zone B2 shall be limited to:

(1) An average intensity of no more than 50 people per gross acre on the site at any time.

(2) A maximum intensity on any single acre (measured as a square) of no more than 100 people at any time.

(3) In no case shall a proposed development be designed to

accommodate more than the average number of people per acre indicated in Paragraph (1) above times the gross acreage of the project site. A project site may include multiple parcels.

(b) Fast-food establishments, large shopping centers (500,000 or more square feet), theaters, motels, and similar uses typically do not comply with these intensity criteria, but are acceptable if the usage is limited through building design, use permit, and/or other mechanisms.

6.4.3. Uses Specifically Prohibited — The following uses are prohibited regardless of their usage intensity:

(a) Children's schools and day care centers.

(b) Hospitals and nursing homes.

(c) Aboveground bulk storage of hazardous materials with the exception of:

(1) On-airport storage of aviation fuel and other aviation-related flammable materials.

(2) Up to 2,000 gallons of nonaviation flammable materials.

(d) Highly noise-sensitive uses (for example, outdoor theaters).

6.4.4. Height Limitations — Unless a specific exemption is granted (see Countywide Policy 4.3.2.), the height of objects within Compatibility Zone B2 shall be limited in accordance with the Byron Airport Airspace Protection Surfaces drawing (Figure 4A).

(a) Generally, there is no concern with regard to any object up to 70 feet tall unless it is located on high ground or it is a solitary object (e.g., an antenna) more than 35 feet taller than other nearby objects.

(b) ALUC review is required for any proposed object taller than 70 feet.

6.4.5. Other Development Conditions — Proposed development within

Compatibility Zone B2 shall meet the following additional conditions:

(a) Open land characteristics as described in Byron Airport Policy 6.9.4 shall be provided on at least 20% of the land within Compatibility Zone B2.

(b) A deed notice shall be required as a condition for approval of any development in this zone. See Countywide Policy 4.4.3.(b)

Based on the size of the Proposed Project site (40.61-acres) and the facility not being open to the public, it is highly unlikely the operation would exceed density limits. The Proposed Project description indicates *the facility would have approximately 78 trucks per day accessing the site delivering feedstock···truck trips are estimated at 30 trucks per day removing finished products and 30 vehicles per day for employees and deliveries*. This likely projects to approximately fifteen (15) to twenty-five (25) employees (including deliveries) during any given operating hour (6:00 a.m.-4:00 p.m.). Therefore, the Proposed Project would not conflict with the Byron Airport safety policies. The Proposed Project also complies with Plan Section 6.5.5.(a) – Open Land Criteria.

D. Airspace Protection Criteria: Figure 4A of the Plan indicates the project site is within Byron Airport's Airspace Protection Surface *Approach Surface 50:1.* Based on the Proposed Project description, and the project site's distance (1.65-miles) from Byron Airport's closest runway (Runway 12/30), Byron Airport's protected airspace would not be impacted due to proposed object heights. Glare or distracting lights (which could be mistaken for airport lights) could pose a flight hazard and should always be avoided. There are no specific Federal Aviation Administration or ALUC standards for this type of hazard as they are evaluated on a case-by-case basis. In any case, the Proposed Project should shield outdoor lights (permanent or temporary/construction related) downward to ensure they do not aim above the horizon.

E. Overflight: The Proposed Project site is located near Byron Airport flight paths or under traffic patterns where the presence of frequent aircraft overflights could potentially be annoying to people on the ground. Even in locations not subject to high cumulative noise levels, annoyance from the presence of frequent aircraft overflights and perceived safety could be factors for concern but vary depending on the individual and therefore tend to be subjective. Given the characteristics of the Proposed Project, overflight should not be a compatibly concern.

V. DISCUSSION

Based on reviewing the information provided, ALUC staff has determined that the Proposed Project does not contain characteristics likely to result in inconsistencies with Byron ALUCP compatibility criteria and finds the project consistent with the Plan. There are no proposed densities, building occupancies or structure heights that would conflict with ALUCP safety and airspace protection policies. However, vector control has been a specific concern of the ALUC for similar projects in the past and are evaluated on a case-by-case basis.

According to the Proposed Project description, the facility is being permitted for a maximum (peak daily flow) of 2,500 cubic yards per day of incoming feedstocks. The average delivery is approximately 32 cubic yards. In practice daily incoming flows will be lower than this, but this volume will allow for seasonal fluctuations. The capacity of the site (in total material on-site at any one time) is estimated at 182,000 cubic yards. At the maximum, peak flow of 2,500 cubic yards per day, the facility would have approximately 78 trucks per day accessing the site delivering feedstock. This amount of organic material could be attractive for vector or wildlife.

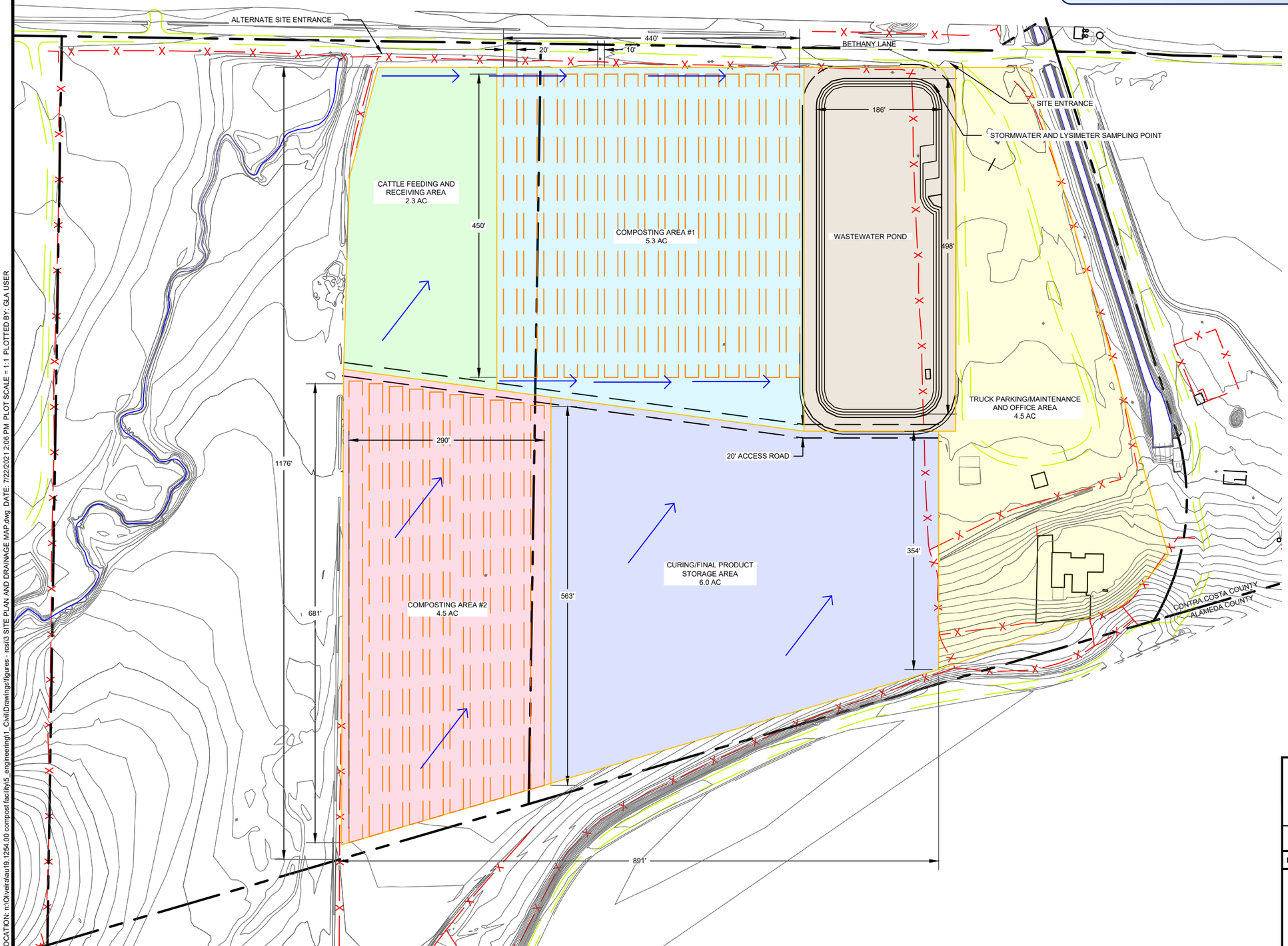
The Proposed Project description indicates vectors, such as birds, rodents, and insects, have not posed significant problems to date at the facility. However, standing water from the water truck (dust control) could become a fly or mosquito attractant. Any standing water will be absorbed using processed green material as an absorbent. Water in the stormwater retention pond will be monitored for fly and mosquito activity. If the pond attracts vectors, Oliveira will contract with a pest control company.

Areas around the Proposed Project site and between Byron Airport are generally agricultural and potentially contain wildlife attractants, including the Clifton Court Forebay, thus making the Proposed Project's attractiveness to vector and wildlife far less acute. With the Proposed Project site's vector monitoring and distance (1.65-miles) from the nearest Byron Airport runway, wildlife interference with aircraft in flight should not be a concern.

VI. CONCLUSION

The Proposed Project does not contain characteristics that result in or have the potential to result in inconsistencies with ALUCP compatibility criteria. Therefore, ALUC staff recommends the Commission find the Proposed Project consistent with the Plan and approve the Project.

RECEIVED on 10/04/2021 CDLP21-02042
By Contra Costa County
Department of Conservation and Development



150' 0' 75' 150' 300'

LEGEND

- EXISTING 5' CONTOUR(1)
- EXISTING 1' CONTOUR(1)
- PROPOSED 5' CONTOUR
- PROPOSED 1' CONTOUR
- PARCEL BOUNDARY
- EXISTING PAVED ROAD
- EXISTING UNPAVED ROAD
- EXISTING FENCE
- EXISTING WATER
- PROPOSED PAVED ROAD
- PROCESS AREA BOUNDARY
- PROPOSED WINDROW(2)
- CATTLE FEEDING AND RECEIVING AREA
- COMPOSTING AREA #1(2)
- COMPOSTING AREA #2(2)
- CURING/FINAL PRODUCT STORAGE AREA
- TRUCK PARKING/MAINTENANCE/OFFICE AREA
- WASTEWATER POND AREA
- DRAINAGE DIRECTION

NOTES

1. EXISTING TOPOGRAPHY BASED ON AERIAL SURVEY PERFORMED BY KISTER, SAVIO & REI, INC. ON MARCH 3, 2020. EXISTING TOPOGRAPHY WAS MODIFIED BY GLA USING AVERAGE SLOPES ACROSS THE SITE IN AN ATTEMPT TO DISPLAY BASE GRADES BENEATH THE EXISTING WINDROWS AND STOCKPILES.
2. COMPOSTING AREA CAN BE CONFIGURED FOR WINDROWS OR AERATED STATIC PILES.

OLIVEIRA ENTERPRISES INC. COMPOST FACILITY

REPORT OF COMPOSTING SITE INFORMATION

BYRON, CALIFORNIA

SITE PLAN AND DRAINAGE MAP

FIGURE NO. 3

PROJECT NO. AU19.1254.00

DATE OF ISSUE:	07/16/2021	DRAWN BY:	RDD	APPROVED BY:	NC

Geo-Logic Associates
143E Spring Hill Dr, Grass Valley, California 95945
geo-logic.com | 530.272.2448