

KIEFER LANDFILL SPECIAL PLANNING AREA ORDINANCE (DRAFT)

SECTION 1

INTENT

It is the intent of the Board of Supervisors in adopting this Special Planning Area (SPA) Ordinance to complement the existing uses at Kiefer Landfill and the surrounding area by allowing uses that will be ecologically, economically, and socially beneficial to the vicinity and region. The Department of Waste Management and Recycling (DWMR), as the landowner, will divide the land so that portions may be developed. Development may be undertaken either by DWMR or by users selected to develop the land in a manner that will accomplish the County's goals in adopting this SPA. Land uses allowed by the Kiefer Landfill SPA include the burying of solid waste, habitat preservation, agriculture, recreation, materials recycling and reuse industries associated with the waste stream, and renewable energy.

By allowing land uses that support the County's waste minimization, environmental and economic goals in this location, this SPA will make the County more sustainable. Landfill space is an exhaustible resource, and this SPA will facilitate the diversion of waste from the landfill through the proximity of sites and activities that allow for alternative uses of Kiefer Landfill's waste stream. These alternatives could include the processing and selling of plant material such as yard waste, the salvaging and sale of useful items and materials, and increased recycling of materials. Allowing manufacturers whose materials diverted from the waste stream to locate themselves near the landfill will reduce air pollution, traffic congestion, and road wear by trucks hauling these materials. In addition, energy can be generated from the sun, methane, a greenhouse gas emitted by the landfill, and other sources derived from the waste stream. The project will provide an essential link in the county-wide trail system. It will help protect a rare micro-habitat that is unique to the area and agriculturally productive land close to a major city. These uses will improve economic sustainability by increasing government revenue, assisting in mitigation banking, and providing a place for new landfill-related industries to thrive.

DEFINITIONS

For the purposes of this ordinance, the following definition found in the Zoning Code of Sacramento is applicable:

Design Review Program: A program in which applications for commercial and industrial development are reviewed by the Design Review Administrator. The Design Review Administrator reviews projects based on whether they are attractive and fit the character of their surroundings. For uses permitted by the Zoning Code, of which this ordinance is a part, the Design Review Administrator's approval is required. For projects conditionally permitted by the Zoning Code, the Design Review Administrator reports on the project to the Planning Commission.

DEVELOPMENT PLAN REVIEW

a. Submission Requirements and Review Procedures. Permitted uses developed on land owned by the County or DWMR are not subject to further review by the Planning Department, except as part of the design review program. Uses conditionally permitted are subject to review by the Planning Commission responsible for the area as described in Title I, Chapter 10, Article 3 of the Sacramento County Zoning Code (Conditional Use Permits). Any decision of the Planning Commission may be appealed to the Board

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of Supervisors. When developed on privately-owned land within the SPA, all uses shown as permitted are conditionally permitted and subject to review by the Planning Commission as described in Title I, Chapter 10, Article 3 of the Sacramento County Zoning Code (Conditional Use Permits), excepting the uses agriculture and nature preserve.

b. Findings Required for Approval. The appropriate authority, in approving an application for development within this SPA, must find that the request complies with the intent and follows criteria of this ordinance and that the design is consistent with the recommendations of the Design Review Administrator.

ZONING DISTRICTS

This chapter defines the districts within the Kiefer Landfill SPA and lists the allowed uses and the standards to which development will be held. If a use is not specified in the Use Table but is similar to or like other permitted uses, the Planning Director may permit or conditionally permit the use as provided for in Section 11 0-30.5 of the Zoning Code to the extent that the proposal meets the intent of this ordinance in the creation of that district. If an unspecified use is not similar to or like other permitted uses, it is not permitted.

Deer Creek District:

The Deer Creek District is intended to provide a space for public recreation facilities and to prohibit commercial, residential and industrial development within the Deer Creek floodplain. Photovoltaic generation of electricity may be allowed by right if it ancillary to the permitted uses envisioned for the site.

Use	Permitted*	Conditionally Permitted	Not Permitted
Nature Preserve- Any land set aside as protected habitat.	X		
Agriculture- Grazing, cultivation, and related uses.	X		
Sanitary Landfill- The operation of a municipal sanitary landfill.			X
Landfill Gas Harvest- The collection of landfill gases.			X
Landfill Gas Storage- The storage and transfer of landfill gases.			X
Landfill Gas Processing- The processing of landfill gas into fuel for vehicles or the generation of electricity using landfill gas.			X

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Use	Permitted*	Conditionally Permitted	Not Permitted
Photovoltaic Electricity Generation- The generation of electricity directly through the reaction of solar radiation with the generating apparatus.		X	
Heliostat/Tower Solar Thermal Power- The concentration of solar heat by mirrors onto a tower to generate electricity or for other purposes.			X
Other Solar Thermal- The concentration of solar heat by mirrors in a manner that does not require a tower.			X
Organic Waste Processing- Decomposing organic wastes into soil amendments, or compost. The packaging of the product of the decomposition.			X
Sale of Recovered Materials- The sale of materials recovered on-site, including compost, salvaged materials from the waste stream, baled recyclables, scrap metal, construction debris, tires, etc.			X
Passive Recreation- Recreation on undeveloped lands: regional trails, nature walks, interpretive signs, occasional benches, etc.	X		
Active Recreation- Recreation on developed lands: picnic areas, playgrounds, dog parks, sports fields, etc.	X		
Sports Field Lighting		X	
Waste Stream Industry- Sorting and processing recyclable materials, manufacturing products from recycled materials or other waste, generation of electricity from other renewable sources.			X
Commercial Uses- Offices and warehousing uses intended to both augment and support industrial uses related to this project.			X
Wireless Communication Facilities		Group III zone**	
Broadcast Antennae		X	

*See Section __-__(a), Development Plan Review

** See Section 301-13.5 of the Zoning Code

Kiefer Landfill SPADevelopment Standards

Minimum Parcel Size: Not Applicable.

Minimum Setback: The minimum buffer between development within this district, including structures, parking areas, play areas, ball fields, etc, in the Deer Creek District and the boundary of the Habitat Preservation District shall be one hundred (100) feet. The minimum buffer between development within this district and the boundaries of all other districts and zones shall be forty (40) feet. Excepted from this standard are multi-use trails, driveways and paths to access parking areas, and other elements of infrastructure necessary to support the development of this district.

Landscaping: Development should preserve as much natural vegetation and as much of the existing landforms as possible. Required setback areas shall be left undeveloped. Landscaped areas shall use xeriscaping or other drought-resistant arid planting techniques to reduce water consumption. Runoff shall be treated on-site.

Architecture: Structures should be designed with the rural nature of the site in mind.

Habitat Preservation District:

This district contains vernal pools, associated habitat and an adequate amount of adjacent land to preserve the value as wildlife habitat. It is intended to be permanently protected in its natural, undeveloped state. Any development or disturbance of the soil within this district shall conform to the regulations governing all reservation easements or similar agreements encumbering the site.

Use	Permitted*	Conditionally Permitted	Not Permitted
Nature Preserve- Any land set aside as protected habitat.	X		
Agriculture- Grazing, cultivation, and related uses.	X		
Sanitary Landfill- The operation of a municipal sanitary landfill.			X
Landfill Gas Harvest- The collection of landfill gases.			X
Landfill Gas Storage- The storage and transfer of landfill gases.			X
Landfill Gas Processing- The processing of landfill gas into fuel for vehicles or the generation of electricity using landfill gas.			X
Photovoltaic Electricity Generation- The generation of electricity directly through the reaction of solar radiation with the generating apparatus.			X
Heliostat/Tower Solar Thermal Power- The concentration of solar heat by mirrors onto a tower to generate electricity or for other purposes.			X

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Use	Permitted*	Conditionally Permitted	Not Permitted
Other Solar Thermal- The concentration of solar heat by mirrors in a manner that does not require a tower.			X
Organic Waste Processing- Decomposing organic wastes into soil amendments, or compost. The packaging of the product of the decomposition.			X
Sale of Recovered Materials- The sale of materials recovered on-site, including compost, salvaged materials from the waste stream, baled recyclables, scrap metal, construction debris, tires, etc.			X
Passive Recreation- Recreation on undeveloped lands: regional trails, nature walks, interpretive signs, occasional benches, etc.		X	
Active Recreation- Recreation on developed lands: picnic areas, playgrounds, dog parks, sports fields, etc.			X
Sports Field Lighting			X
Waste Stream Industry- Sorting and processing recyclable materials, manufacturing products from recycled materials or other waste, generation of electricity from other renewable sources.			X
Commercial Uses- Offices and warehousing uses intended to both augment and support industrial uses related to this project.			X
Wireless Communication Facilities		Group III zone**	
Broadcast Antennae		X	

*See Section __-__(a), Development Plan Review

** See Section 301-13.5 of the Zoning Code

Development Standards

Minimum Parcel Size: Not Applicable

Minimum Setback: One Hundred (100) Feet

Landscaping: The land shall be left in its natural state.

Architecture: Any development shall comply with preservation easements and shall not disturb the ability of vernal pools to support endangered or threatened species, and shall be subject to any and all state and/or federal regulations associated with the property at that time.

Kiefer Landfill SPA**Landfill District:**

Development of structures in the Landfill District is restricted by structural requirements for foundation depth and stability and regulations governing landfills. Development shall conform to those standards. Any buildings allowed on the landfill shall conform to the use standards of this section.

Use	Permitted*	Conditionally Permitted	Not Permitted
Nature Preserve- Any land set aside as protected habitat.	X		
Agriculture- Grazing, cultivation, and related uses.	X		
Sanitary Landfill- The operation of a municipal sanitary landfill.	X		
Landfill Gas Harvest- The collection of landfill gases.	X		
Landfill Gas Storage- The storage and transfer of landfill gases.		X	
Landfill Gas Processing- The processing of landfill gas into fuel for vehicles or the generation of electricity using landfill gas.		X	
Photovoltaic Electricity Generation- The generation of electricity directly through the reaction of solar radiation with the generating apparatus.	X		
Heliostat/Tower Solar Thermal Power- The concentration of solar heat by mirrors onto a tower to generate electricity or for other purposes.			X
Other Solar Thermal- The concentration of solar heat by mirrors in a manner that does not require a tower.		X	
Organic Waste Processing- Decomposing organic wastes into soil amendments, or compost. The packaging of the product of the decomposition.		X	
Sale of Recovered Materials- The sale of materials recovered on-site, including compost, salvaged materials from the waste stream, baled recyclables, scrap metal, construction debris, tires, etc.		X	

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Use	Permitted*	Conditionally Permitted	Not Permitted
Passive Recreation- Recreation on undeveloped lands: regional trails, nature walks, interpretive signs, occasional benches, etc.	X		
Active Recreation- Recreation on developed lands: picnic areas, playgrounds, dog parks, sports fields, etc.	X		
Sports Field Lighting		X	
Waste Stream Industry- Sorting and processing recyclable materials, manufacturing products from recycled materials or other waste, generation of electricity from other renewable sources.		X	
Commercial Uses- Offices and warehousing uses intended to both augment and support industrial uses related to this project.			X
Wireless Communication Facilities		Group III zone**	
Broadcast Antennae		X	

*See Section __-__(a), Development Plan Review

** See Section 301-13.5 of the Zoning Code

Development Standards

Minimum Parcel Size: Not Applicable

Minimum Setback: The minimum buffer between parcel edges and development, including buildings, parking areas, industrial yards, etc, shall be forty (40) feet. The buffer between development and the Deer Creek District and the Habitat Preservation District shall be one hundred (100) feet.

Landscaping: Development should preserve as much of the natural vegetation and landforms as possible. Required setback areas shall be left undeveloped. Landscaped areas shall use xeriscaping or other drought-resistant arid planting techniques to reduce water consumption. Native plants should be used in landscaped areas. Runoff shall be treated on-site using landscape features where possible.

Architecture: Sites and structures shall be designed with the rural nature of the site in mind. Designs will be evaluated in terms of proportion, coherent massing, and the integration of exterior elements into the design.

Structures (including pre-engineered structures) shall be of a cohesive design. Exterior equipment and openings shall be integrated thoughtfully into the design of structures and shall not appear to be arbitrarily added to the exterior of the structure. Points of public access to structures shall be emphasized. Materials shall give the impression of permanence. Building siting and design shall use sustainable and high performance standards such as energy conserving design principles similar to those described in the LEED standard.

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Development shall be particularly responsive to minimizing aural and visual intrusion into the Deer Creek corridor and its users. Buildings should be sited on northward facing slopes or on the north sides of rises in terrain wherever possible, with the intent of shielding them from the view of those in the Jackson Road area. All sites shall include adequate outdoor break areas for employees. Points of public access to sites shall be emphasized. The on-site circulation pattern shall be clear and comprehensible to both motorists and pedestrians, with the landscaping and signage necessary to make paths clear to users.

Waste Stream Industry District:

The industrial portion of the Kiefer Landfill SPA is a non-urban industrial development characterized by large parcels, buildings well set back from property lines, and undeveloped open areas between buildings. It is intended to provide land for industries that use waste as an input or that otherwise benefit from proximity to the landfill waste stream. The nature of some waste stream industries is that of large, intense uses that may have open yards, odors, and loud noises. It is also intended to provide land for generation of electricity from renewable sources.

Use	Permitted*	Conditionally Permitted	Not Permitted
Nature Preserve- Any land set aside as protected habitat.	X		
Agriculture- Grazing, cultivation, and related uses.	X		
Sanitary Landfill- The operation of a municipal sanitary landfill.			X
Landfill Gas Harvest- The collection of landfill gases.	X		
Landfill Gas Storage- The storage and transfer of landfill gases.	X		
Landfill Gas Processing- The processing of landfill gas into fuel for vehicles or the generation of electricity using landfill gas.	X		
Photovoltaic Electricity Generation- The generation of electricity directly through the reaction of solar radiation with the generating apparatus.	X		
Heliostat/Tower Solar Thermal Power- The concentration of solar heat by mirrors onto a tower to generate electricity or for other purposes.		X	
Other Solar Thermal- The concentration of solar heat by mirrors in a manner that does not require a tower.	X		

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Organic Waste Processing- Decomposing organic wastes into soil amendments, or compost. The packaging of the product of the decomposition.		X	
Sale of Recovered Materials- The sale of materials recovered on-site, including compost, salvaged materials from the waste stream, baled recyclables, scrap metal, construction debris, tires, etc.		X	
Passive Recreation- Recreation on undeveloped lands: regional trails, nature walks, interpretive signs, occasional benches, etc.	X		
Active Recreation- Recreation on developed lands: picnic areas, playgrounds, dog parks, sports fields, etc.	X		
Sports Field Lighting		X	
Waste Stream Industry- Sorting and processing recyclable materials, manufacturing products from recycled materials or other waste, generation of electricity from other renewable sources.		X	
Commercial Uses- Offices and warehousing uses intended to both augment and support industrial uses related to this project.		X	
Wireless Communication Facilities		Group III zone**	
Broadcast Antennae		X	

*See Section __-__(a), Development Plan Review

** See Section 301-13.5 of the Zoning Code

Development Standards

Minimum Parcel Size: The minimum parcel size in this district shall be five (5) acres.

Maximum Number of Parcels: The maximum number of parcels created in this district shall be thirty (30).

Minimum Setback: The minimum buffer between parcel edges and development, including buildings, parking areas, industrial yards, etc, shall be forty (40) feet. The buffer between development and the Deer Creek District and the Habitat Preservation District shall be one hundred (100) feet.

Landscaping: Development should preserve as much of the natural vegetation and landforms as possible. Required setback areas shall be left undeveloped. Landscaped areas shall use xeriscaping or other drought-resistant arid planting techniques to reduce water consumption. Plants native to the biome should be used. Runoff shall be treated on-site using landscape features when possible.

Architecture: Sites and structures shall be designed with the rural nature of the site in mind. Designs will be evaluated in terms of proportion, coherent massing, and the integration of exterior elements into the design.

Structures (including pre-engineered structures) shall be of a cohesive design. Exterior equipment and openings shall be integrated thoughtfully into the design of structures and shall not appear to be arbitrarily added to the exterior of the structure. Points of public access to structures shall be

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emphasized. Materials shall give the impression of permanence. Building siting and design shall use sustainable and energy-conserving design principles similar to those described in the LEED standard. Development shall be particularly responsive to minimizing aural and visual intrusion into the Deer Creek corridor and its users.

Buildings should be sited so that the terrain blocks view of them from areas outside the SPA, with the intent of shielding them from the view of those in the Jackson Road area. All sites shall include adequate outdoor break areas for employees. Points of public access to sites shall be emphasized. The onsite circulation pattern shall be clear and comprehensible to both motorists and pedestrians, with the landscaping and signage necessary to make paths clear to users.

FINDINGS.

During the public hearings on this ordinance, the County Planning Commission and Board of Supervisors found that:

a. The area included within the SPA is appropriate for the development of waste stream-related industry because of its proximity to the existing Kiefer Landfill. It is appropriate for wildlife preserves because of the existing rare vernal pool habitat. Development of commercial and office uses on the south side of Grant Line Road is appropriate because these uses will support the industrial uses adjacent to the landfill. Passive recreational uses are appropriate because the General Plan names Deer Creek as a recreation corridor and states that open space areas should be connected by a system of trails. Active recreational uses are appropriate because the area to be designated for these uses is accessible from Jackson Highway and is sized and located ideally for development as a regional recreational facility.

b. Because of the unique nature of the site and the uses proposed, a Special Planning Area Ordinance is the appropriate mechanism to enact the intentions of the Board of Supervisors for this site. The site is unique in that it is the only municipal solid waste landfill and landfill buffer in the county.

c. The SPA will potentially make the Department of Waste Management and Recycling's operations more efficient by allowing uses that are directly related to the disposal and diversion of solid waste near the landfill. Reducing the distance between sorting and recycling facilities and the landfill will save money, time, and reduce fuel consumption, road wear, and air pollution from garbage trucks.

d. This SPA supports the following policies of the General Plan:

AG-19 (protect Deer Creek farmland), in that the SPA places significant portions of land into districts that allow farming and grazing;

CO-58 (reduce solid waste), in that the SPA will provide land specifically for industries that use solid waste as a raw material;

CO-100, CO-101, CO-102, and CO-103 (protect vernal pools), in that the SPA places significant portions of land in a zone that preserves open space for the purpose of protecting the natural state of vernal pools and their surroundings;

OS-11 (connect open space with trails), in that this SPA places land along Deer Creek in a district designed to allow passive and active recreation;

PF-75 (support generation of electricity from renewable sources), in that this SPA permits or conditionally permits the development of solar-electric generation on significant portions of the site; and

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PF-81 (support facilities that generate electricity from waste streams), in that this SPA permits or conditionally permits the expansion and development of waste-to-electricity facilities on significant portions of the site.

e. The development of land within this SPA will generate additional revenue for the County by creating an area for capitalists to profit from ecologically beneficial industrial activity.

SECTION 2

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage hereof, and, before expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published within the County of Sacramento.