MINUTES OF THE
SOLANO COUNTY ZONING ADMINISTRATOR

Meeting of October 18, 2012

The regular meeting of the Solano County Zoning Administrator was called to order at 10:00 a.m. in the Department of Resource Management, Fairfield, California.

STAFF PRESENT: Michael Yankovich, Program Manager
Jim Leland, Principal Planner
Eric Wilberg, Planning Technician
Kristine Letterman, Zoning Administrator Clerk

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ADMINISTRATIVE APPROVALS

There were no items scheduled.

PUBLIC HEARINGS

1. **PUBLIC HEARING** to consider Minor Use Permit Application No. MU-12-07 of **Dave and Shashi Sharma** for the storage of trucks, trailers, automobiles and equipment, auto repair shop, SMOG station, hobby shop, and small car sales lot for surrounding neighborhoods. The property is located at 400 Benicia Road, .1 mile west of the City of Vallejo in an "R-TC-MU" Residential Traditional Community Mixed Use Zoning District, APN: 0059-113-330. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Jim Leland) **Staff Recommendation:** Approval

   Jim Leland gave a brief presentation of staff's written report. After the presentation Mike Yankovich opened the public hearing.

   Mr. Trumble, an adjacent property owner, stated that the subject property looks like a junkyard and he felt the proposed uses are too intensive for the area.

   Mr. Yankovich mentioned that this area was one that was studied during the 2008 General Plan update. Prior to the update the area was zoned residential. It could be seen that there were a mixture of commercial and residential uses taking place, and so part of the update was to make the area a mixed use zoning. Mr. Yankovich noted that this property has been involved with county code enforcement in the past and the idea behind the mixed use designation was to provide an incentive for area properties to be cleaned up.

   Mr. Trumble stated that his property sits adjacent to the site and so he would be greatly impacted by the operation. He said the use on the property is presently a recycling facility and junkyard. He stated that the project description does not fit with the intent of

the general plan. He said the proposal is in direct violation of the zoning requirements for traditional residential mixed use.

Mr. Leland stated that this project is not defined as a junkyard because there is no auto dismantling occurring on the site. He explained that frequently staff has to make an interpretation if a use is similar to that of an allowed use. Automobile in the county code has always been interpreted to mean auto and truck, so staff deemed the parking of trucks to be sufficiently similar to that of a business that is repairing and servicing trucks. The only added step from that use is trucks are being parked there when they are not being driven. Mr. Leland stated that staff is not authorizing or recommending dismantling or wrecking or allowing inoperable vehicles.

Mr. Trumble stated that the 2008 code provides a definition for an automobile parking lot and he believed the intent is not meant for a set business, but for motorists who may come and go throughout the day. He stated that an automobile repair garage is a good idea and there is an existing building on the site where a car can be stored. He believed that the intent of the zoning requirement is to keep everything stored indoors so as not to impact the residential areas. Mr. Trumble provided photos of the site. He said the debris changes on a daily basis and is piled on the ground completely in violation of residential zoning.

Jim Leland stated that staff has asked the applicant to have the tenant clean up the materials that are being stored outside, and either store it inside or eliminate it. The applicant has assured staff that he is working with the tenant on doing that.

Mr. Trumble commented that there is one small little building in the middle of the lot and he did not believe that all the debris would fit inside. He said that he could not follow how staff could make the findings to allow the salvage yard and parking lot in a residential zone. He said that it appeared to him that it is in direct violation of the zoning code.

Jim Leland noted that there is a similar use out in Suisun Valley called John's Hauling, which exists in a district very similar to the mixed use district. The county planning commission found that that type of operation is consistent with neighborhood commercial, which is an allowed use in this district. Neighborhood commercial allows indoor and outdoor storage with a use permit. He said that some aspects of this business are similar to the John's Hauling project which the commission deemed to be neighborhood commercial. Mr. Leland stated that because the zoning code does not list every conceivable mix of use that an applicant might propose, staff often has to make an interpretation and in this case the recommendation is that they are allowed uses.

Mike Yankovich stated that the proposal is not for a junkyard.

Mr. Trumble stated that in the code junkyard is defined as the use of more than 200 square feet of a parcel for the storage of junk, salvageable material including junk metals or other scrap material, and for the storage, dismantling, or wrecking of automobiles. He said the proposal is for the storage of automobiles, trucks, trailers and equipment.

A neighbor who lives directly next door to the project stated that they have never had any problems with the operation. She stated that she did not believe it to be a junkyard. She said the operator of the site continually moves the materials on and off the site and it is not stored for long periods of time.

Mr. Sharma reiterated that the business on the site is not a junkyard. He said that he will do whatever is required to comply with county standards. He noted that the lease on the property will be expiring soon and so those uses will not remain on the site indefinitely. He commented that he himself may consider using the property for something such as a smog or auto shop or used car lot.

Mr. Trumble stated that this area is not zoned neighborhood commercial. He said it is traditional residential mixed use which is the lowest impact above residential, and anything more than what is allowed would be an impact. He said that a commercial service district would not be allowed because it would be more of an impact on the residential area. Mr. Trumble stated that trying to move out of the envelope of the retail uses allowed goes across boundaries and would be approving something that is not appropriate for that zoning. He said the indiscriminate parking and storage of vehicles should not be allowed. He said a salvage yard and the storage of junk and debris or any kind of dismantling should not be allowed. Mr. Trumble stated that the piles of junk change on a daily basis and is an intensive use. He did not believe this to be an interpretation of the code because he felt it is easy to understand why the code was rewritten, and why traditional residential mixed uses had a limited use so as not impact residents.

Jim Leland stated that neighborhood commercial is allowed in the residential traditional community mixed use zoning district. He said that it is listed as an allowed use under the Retail Use section of the code.

Jim Leland reiterated that the applicant's request is for truck storage and not for a salvage operation. The applicant has agreed to have the tenant clean up the property. Mr. Leland suggested imposing an initial compliance review in 3 to 6 months to check for compliance.

Mr. Trumble stated that he believed the use is inappropriate and that the intention of the zoning code change was to protect those traditional areas.

Mr. Sharma concurred with staff's recommendation for approval and accepted the added condition for compliance review.

Since there were no further speakers Mr. Yankovich closed the public hearing and approved the minor use permit application subject to the recommended conditions of approval including the additional condition for compliance review.

Mr. Yankovich stated any person who believes he or she has been adversely affected by the decision of the Zoning Administrator may file an appeal of the decision to the Planning Commission within ten days

2. **PUBLIC HEARING** to consider Minor Use Permit Application No. MU-12-12 of **enXco Development (Delta Met Tower 14b)** for the installation of a temporary 263 foot tall meteorological tower and associated equipment for property located at Flannery and Goosehaven Roads, 6.4 miles west of the City of Rio Vista in an "A-160" Exclusive Agricultural Zoning District, APN: 0048-010-290. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Eric Wilberg) **Staff Recommendation:** Approval

   After a brief presentation of staff's written report, Mike Yankovich opened the public hearing. The applicant concurred with staff's recommendation for approval. Since there were no speakers either for or against this matter, Mr. Yankovich closed the public hearing and approved the minor use permit subject to the recommended conditions of approval.

   Any person who believes he or she has been adversely affected by the decision of the Zoning Administrator may file an appeal of the decision to the Planning Commission within ten days

3. Since there was no further business, the meeting was **adjourned**.