

**MINUTES OF THE
SOLANO COUNTY ZONING ADMINISTRATOR**

Meeting of August 15, 2013

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
Karen Avery, Senior Planner
Eric Wilberg, Planning Technician
Kristine Letterman, Zoning Administrator Clerk

ADMINISTRATIVE APPROVALS

1. Extension No. 4 to Use Permit No. U-88-22 of **Ethan Locks** for the continued use of agricultural employee housing located at 6672 Binghampton Road, 6.7 miles south of the City of Dixon in an "A-80" Exclusive Agricultural Zoning District, APN's: 0143-130-170, 180, 190. (Project Planner: Karen Avery)
Approved

2. Extension No. 4 to Use Permit No. U-90-33 of **Deborah Knapp** for the continued operation of a public stable located at 7776 Nunes Road, .25 miles south of the City of Dixon in an "A-40" Exclusive Agricultural Zoning District, APN: 0109-020-050. (Project Planner: Karen Avery)
Approved

3. Administrative Permit Application No. AD-13-06 of **Capitol Oil Corporation** for a natural gas well located at 6708 State Highway 113, 7.5 miles east of the City of Vacaville in an "A-80" Exclusive Agricultural Zoning District, APN: 0143-050-020. (Project Planner: Eric Wilberg)
Approved

PUBLIC HEARINGS

4. **PUBLIC HEARING** to consider a compliance review for Minor Use Permit 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:** Find business not operating in compliance with minor use permit.

Jim Leland gave a brief overview of the written staff report. On November 15, 2012, the Solano County Planning Commission considered an appeal by Mr. Earl Trumbull of the Zoning Administrator's approval of Minor Use Permit No. MU-12-07. The Planning Commission denied the appeal and approved, with additional conditions, the minor use permit. The commission added a condition that would place an 18 month term on the storage of trucks, trailers, equipment and automobiles, with the possibility of three one year extensions for that use.

On November 26, 2012, Mr. Earl Trumbull filed an appeal of the Planning Commission's approval with the Board of Supervisors. On February 19, 2013, the Board of Supervisors considered Mr. Trumbull's appeal. The Board denied the appeal and approved the minor use permit with conditions of approval, including a condition that the permit was subject to an initial compliance review to occur within six months of permit approval, or by August 18, 2013.

Mr. Leland stated that staff's conclusion is that all of the physical improvements that were required by the Board have been made by the property owner. The improvements included additional landscaping, new landscaping near Mr. Trumbull's property, and removal of the old chain link fence. He noted that a new permanent rod iron fence was installed. The operating conditions, however, in staff's judgment have not been met, primarily the screening from public view of the activities of the recycling business. Mr. Leland noted that staff has made numerous trips out to the site and generally speaking that condition has never met. Staff is recommending that the zoning administrator find that the current business as being conducted has not complied with the screening requirement. Mr. Leland explained that if the zoning administrator in fact rules that way, what would happen next is the applicant can either voluntarily revise the plans to remove that use, or this can go before the Planning Commission for a revocation hearing.

The property owner, Dave Sharma, stated that he has done everything that has been required and that the operator of the business is trying to do everything he can to keep the property clean.

Mr. Yankovich opened the public hearing.

The business operator stated that at the beginning of the process they were asked to do a fence modification which they complied with by placing white pickets in the fencing. He noted that he received positive feedback from the neighborhood with regard to the white fencing. The business operator stated that every time they comply with the conditions there is a new set of rules established. He said that after they put in new fencing as required, he was told by staff to place pods up against the fence to block the view, but when staff came out to the site they were not happy with the placement of the pods.

Earl Trumbull, a neighboring property owner, stated that in his opinion nothing has changed on the property and it looks messier than ever. He said that debris is still being dumped on the ground and stacked up and the requirement was to have the materials in an enclosure. Mr. Trumbull mentioned that there is a private residence right across the

street from the subject property in the same zoning district which has issues with storage of equipment on the property and they are currently going through formal proceedings with the county's code enforcement division.

Martha Crockett, a neighboring property owner, stated that there are containers of hazardous material stored on the property and are out in the open. She provided photos of the site which included those specific containers, indicating that they are stored near high piled tires and pallets and are a fire hazard. She stated that there is no room for the trailers that are attached to the trucks to drive in and unhitch so the operator unhitches them on the road which blocks the roadway. Ms. Crockett stated that part of the overall plan of this mixed use zoning was to recognize residential and mixed use communities, and to preserve and enhance the character. She stated that this project does not in any way enhance the neighborhood.

The business operator offered photos of other properties in the area that are in disarray. He stated that the neighborhood is not pristine and they are trying to make it better. He mentioned that they donate much of their materials to charities in the area.

Since there were no further speakers, Mr. Yankovich closed the public hearing and found the project not in compliance with the minor use permit; and to begin proceedings for a revocation hearing before the Planning Commission that would result in the removal of the truck storage/recycling use from the permitted uses under the minor use permit.

5. **PUBLIC HEARING** to consider Sign Permit Application No. SGN-13-01 of **Signs by Heck (Forge Genetics Signage)** for two freestanding signs totaling 42 square feet located at 7661 Becker Road, 1.5 miles south of the City of Davis in an "A-40" Exclusive Agricultural Zoning District, APN: 0110-110-170. This consideration has been determined not to have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act (Project Planner: Eric Wilberg) **Staff Recommendation:** Approval

Eric Wilberg briefly reviewed staff's written report. The project involves the installation of two free standing signs, totaling 42 square feet of signage. Both signs will depict the name, address, and logo of Forge Genetics. A 4 ½ foot tall, 3' by 6' (sign area) cedar sandblasted sign will be mounted on two 4x4 posts. This sign will be installed near the entrance to the main office building. A 6 foot tall, 3' by 8' (sign area) double sided aluminum panel (fabricated material of plastic sandwiched between aluminum) will be mounted on two 4x4 posts. This sign will be installed near the facility entrance, setback 23 feet from Becker Road.

Mr. Yankovich opened the public hearing.

Kelly Ridgeway and Tim Peevyhouse spoke in opposition to the project as proposed. Ms. Ridgeway read into the record a letter signed by themselves and several neighboring property owners. The concerns expressed in the letter were that the

proposed sign incorrectly labels the gravel road as being specific for the Forage Genetics facility which could mislead any protesters who may protest against the work of Forage Genetics to mistake neighboring residences as the facility. Ms. Ridgeway spoke of an event in the past where protesters shut down a similar plant in nearby Davis. They also do not believe the size, location and design of the sign are visually complementary and compatible with the size and architectural style of the primary structures on the site. They also voiced concern with the possible use of indirect lighting for the sign which would contribute to the already existing light pollution from the facilities' greenhouses.

Mr. Peevyhouse stated that they have emailed the applicant with regard to their concerns, but have not received any response.

Since there were no further speakers, Mr. Yankovich closed the public hearing.

Mr. Yankovich continued this item to the regularly scheduled meeting of September 19, 2013 to allow the applicant to be in attendance.

Mr. Yankovich stated that in the meantime county staff will contact the applicant alerting them of the neighborhood concerns. Mr. Peevyhouse and Kelly Ridgeway stated that they would agree to a sign that displays just addresses with no reference to Forage Genetics.

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