

SOLANO COUNTY ZONING ADMINISTRATOR

Department of Resource Management Staff Report

Application No. U-90-20-MR2 (Recycling Zone)
Project Planner: Nedzlene Ferrario

Meeting: October 15, 2009
Item No. 1

Applicant:

Name: Jack D. Waite
Address: 4989 Peabody Road
Fairfield, CA 94533

Property Owner:

Name: Della- Zoppa Joe TR
4384 Edinburg Court
Fairfield, CA

Action Requested:

Approval of a Minor Revision pursuant to Solano County Code Chapter 28, Zoning Regulations.

Site Information:

Size: 4.1 gross acres

Location: 4989 Peabody Road

APN: 0167-210-260

Zoning: "MG 1/2" General Manufacturing

Land Use: Recycling Facility

General Plan: Urban Project Area

Ag. Contract: N/A

Soils Type(s): Class 1

Access: Peabody Road

Adjacent General Plan Designations, Zoning and Existing Land Uses

	General Plan	Zoning	Land Use
North	Urban Project Area	MG1/2	Industrial
South	Urban Project Area	MG1/2	Industrial
East	Urban Project Area	CS	Industrial
West	Urban Project Area	CS	Industrial

Motion to Approve:

The Zoning Administrator does hereby **ADOPT** the attached draft resolution and **APPROVE** the Minor Revision to Use Permit U-90-20 Ext 2 Minor Revision 2 subject to the recommended conditions of approval.

SUMMARY

This is an application for Minor Revision to the Use Permit Extension originally approved by the Planning Commission on March 21, 1991. No changes are proposed.

RECOMMENDATION

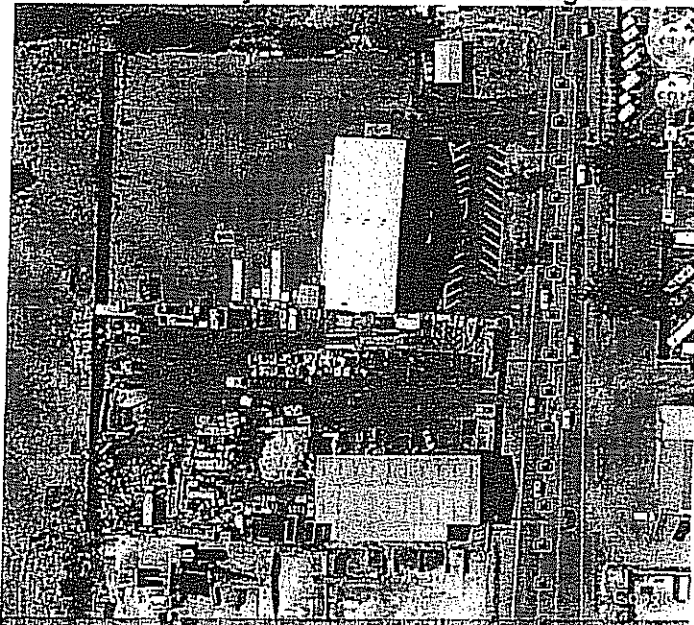
The Department of Resource Management is recommending that the Zoning Administrator **APPROVE** the Use Permit Extension, based on the findings enumerated herein, and subject to the conditions of approval incorporated in this report.

BACKGROUND, SUBJECT SITE AND SURROUNDING USES

The Planning Commission approved Use Permit (U-90-20) to utilize an existing developed property as a corporation yard and office space for construction, trucking and manufacturing purposes on March 21, 1991. This permit was then extended for a second five-year term March 19, 1996. Various tenants have occupied the site over time, including trucking concerns, recycling centers, a cabinet manufacturer and others.

In March of 1999, the recycling operation was granted as a Minor Revision No. 1 to U-90-20. The revision involved the installation of a hydraulic baler outside of an existing building.

Aerial of Subject Site and Surrounding Area



PROJECT DESCRIPTION

The current request pertains to a use permit extension and minor revision to the conditions of approval.

ENVIRONMENTAL ANALYSIS

A Negative Declaration was prepared for this project in conjunction with the original use permit application. A subsequent minor revision was determined to be exempt from the requirements of CEQA pursuant to Section 15301 - Existing Facility.

ANALYSIS

On May 28, 2009, a notice of intent to approve the second extension was mailed, and a neighbor Robert Inglebright (Tri City Boat and RV Storage) indicated concern over the debris blown into his property such as trash bags, loose cans, labels from broken bottles, truck and trailers blocking the access sight lines and inadequate on-site parking leading to on-street parking. A copy of the letter is attached.

Staff has investigated the concerns and finds that there is adequate on-site space allocated for customer parking. 11 spaces are required and 14 spaces are provided in the front of the parcel if stored materials and equipment are relocated.

However, with respect to trash blowing to neighboring properties, the owner has agreed to measures to minimize windblown litter including daily litter pick up 3 times a day as outlined in condition no. 8.

Finally, City of Fairfield indicated that the Peabody Road frontage should be landscaped pursuant to an agreement between the County and City regarding developments within the Sphere of Influence. However, given that the proposal does not include a change in use or expansion of use, the agreement does not apply. However, staff recommends the 2 year term limit due to the fact that the site is located within the City of Fairfield Sphere of Influence and annexation is anticipated in the future. A copy of the City of Fairfield correspondence is attached.

All other conditions have been satisfied.

FINDINGS

MANDATORY FINDINGS

- 1. That the establishment, maintenance or operation of the use applied for is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator.**

The use is consistent with the goals, objectives, and policies of the Solano County General Plan, including, but not limited to the Urban Project Area of the General Plan.

2. **Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

Adequate utilities, access roads, drainage and other necessary facilities are being provided.

3. **That the applicant exhibits proof that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.**

The Solano County Planning Commission adopted a Negative Declaration for this project at the time of use permit approval. On the basis of a site inspection conducted by staff on April 13, 2009 and September 8, 2009, as well as compliance with the Department of Environmental Management conditions of approval, staff believes that the existing use does not constitute a nuisance nor is it detrimental to the comfort or general welfare of persons residing in or passing through the neighborhood.

RECOMMENDED CONDITIONS OF APPROVAL

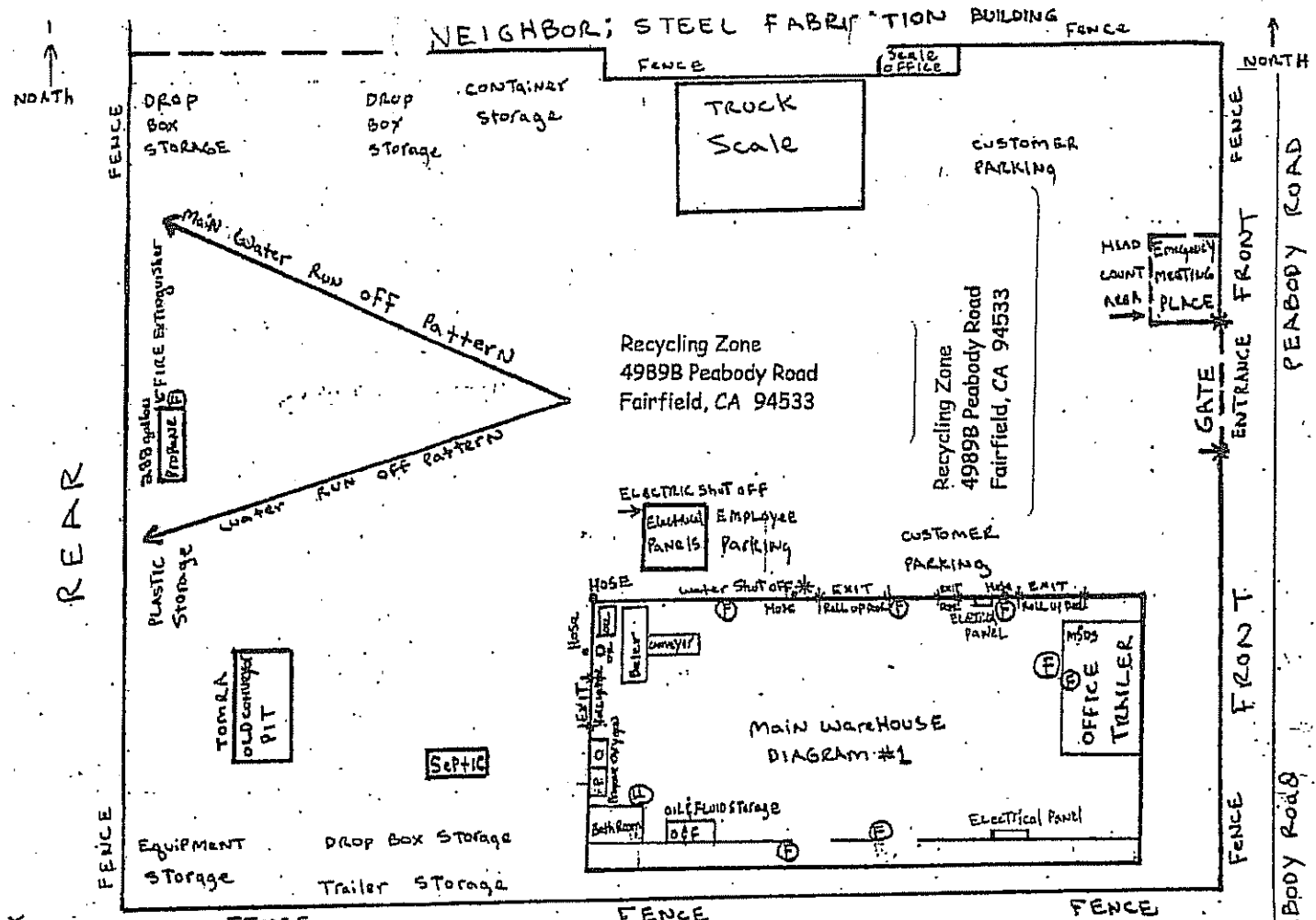
1. The proposed use shall be established in accord with the plans and information submitted with Use Permit Application No. U-90-20 as approved by the Solano County Planning Commission. All requirements of U-90-20 shall continue to apply in addition to the conditions on Minor Revision No. 2, Extension 2 below.
2. All requirements of the Solano County Building and Safety Division shall be met including:
 - a. The Permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building Laws. Submit four sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
 - b. Except as exempted in Chapter 31 of the Solano County Code, no person shall commence or perform any grading, filling, excavation, or clearing of vegetation for any purpose without having first obtained a grading permit from the Building and Safety Division.
3. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
4. The Permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust, or other impacts, which constitute a hazard or nuisance to surrounding property.

5. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit.
6. All requirements of the Solano County Environmental Health Services Division shall be met as follows:
 - a. Before the issuance of the building permits for the baler, the precise location of leach lines shall be identified, and minor adjustments to the push pit location shall be made to insure adequate clearance from the leach lines.
 - b. Before issuance of building permits the baler, the applicant must identify a suitable leachfield reserve area within the parcel boundaries.
7. The facility shall file quarterly reports with the Department of Environmental Management, Planning Division, detailing the amounts of different materials accepted at the facility. Additionally the facility shall estimate the percentage of materials accepted from each Solano County city and the Solano County unincorporated area. For example:

During the first quarter of 1999, 2 tons of metal, 1 ton of glass, 0.1 tons of plastic and 5 tons of paper were accepted and diverted. Of the material accepted 50% came from the City of Fairfield, 40% from the City of Suisun and 10% from unincorporated Solano County.
8. In order to limit the windblown litter to neighboring properties, the applicant shall comply with the following:
 - a. Employees shall check and pick up litter outside of the gate, neighbors yards and across the street for trash such as bags, miscellaneous recyclables, etc, 3 times a day (i.e. morning, noon and evening).
 - b. Unwanted trash bag bin(s) shall have lids and kept closed.
 - c. Baled products will be stored in the rear.
 - d. Containers shall be placed along the neighboring fence area to block materials from blowing through the fence.
 - e. In areas without containers, install 2 x 6 boards at the bottom of the fence.
9. The permit shall be valid for the shorter of the following two periods: (a) a two (2) year period, ending May 6, 2011, provided that one or more extensions may be granted if a request for extension is received prior to the expiration date; (b) until annexation of the subject property is approved by the Solano County Local Agency Formation Commission, at which time this permit and all entitlements granted hereunder shall become null and void.

Attachments:

- Exhibit A Site Plan
- Exhibit B Assessor's Parcel Map
- Exhibit C City of Fairfield Letter
- Exhibit D Inglebright Letter
- Exhibit E Draft Resolution



NOTE: NO NATURAL GAS AT FACILITY (F) = FIRE EXTINGUISHERS
 NEIGHBOR: CEMENT BATCH PLANT

FINAL 01-21-2004

DRY Creek AREA

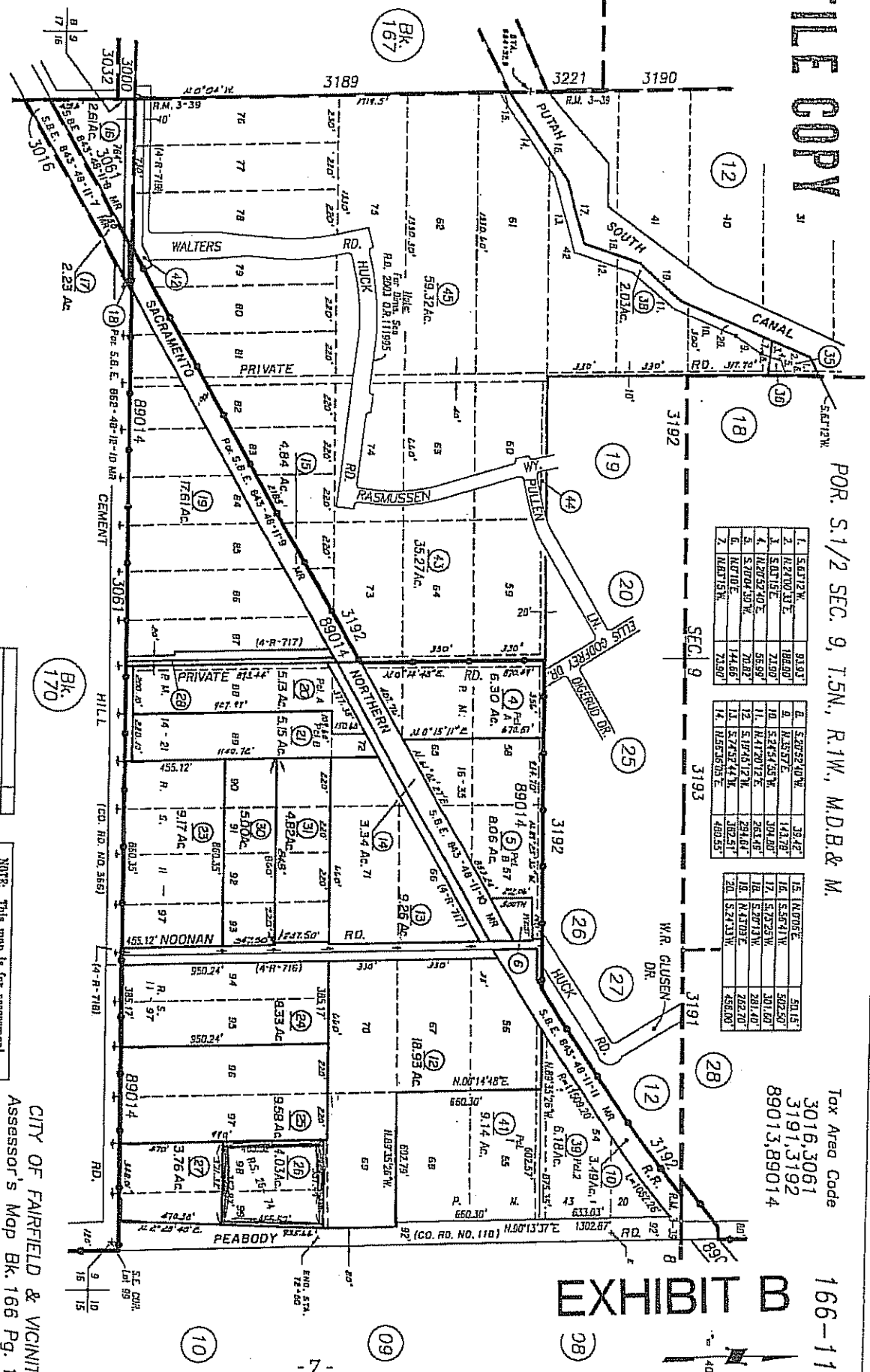
FILE COPY

POR. S.1/2 SEC. 9, T.5N, R.1W, M.D.B & M.

Tax Area Code
3016,3061
3191,3192
89013,89014

166-11

EXHIBIT B



1. SERRIZO	0.933	39.42
2. HAZARD	0.820	50.50
3. SERRIZO	2.500	301.60
4. SERRIZO	2.500	301.60
5. SERRIZO	2.500	301.60
6. SERRIZO	2.500	301.60
7. SERRIZO	2.500	301.60
8. SERRIZO	2.500	301.60
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38. SERRIZO	2.500	301.60
39. SERRIZO	2.500	301.60

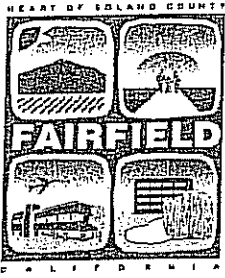
Golden West Colony Sub. "A"
Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles

110-23-24	Dem/Rev	1-28-08	C
110-23-24	Dem/Rev	1-3-07	C
REVISION	DATE	BY	

NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

CITY OF FAIRFIELD & VICINITY
Assessor's Map Bk. 166 Pg. 11
County of Solano, Calif.

09-10



CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1903

Home of
Travis Air Force Base

DEPARTMENT OF COMMUNITY DEVELOPMENT

RECEIVED
Solano County
Resource Management

APR 07 2009

AM PM
7 8 9 10 11 12 1 2 3 4 5 6
▲

April 6, 2009

COUNCIL

Mayor
Harry T. Price
707.428.7395
Vice-Mayor
John Mraz
707.429.6298
Councilmembers
707.428.6298
Chuck Timm
Catherine May
Rick Vaccaro

Michael Profant
Solano County Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533

Re: U-90-20 mrt ext2 (Recycling Zone) 4989B Peabody Road

Dear Mr. Profant:

Thank you for the opportunity to comment on the proposed Time Extension for the Recycling Zone (U-90-20) at 4989B Peabody Road.

The proposed site is within the Fairfield Sphere of Influence and is currently part of the City's comprehensive planning program for the Vacaville-Fairfield Train Station area. Upon adoption of the anticipated Specific Plan, this land use will not be a permitted use at this location. As we anticipate completion of the Specific Plan within two years and annexation following shortly, we are concerned about extension of this use. We would suggest a **two-year** time limit on the extension of the Use Permit, with a continuation of option for renewals thereafter. Once the Specific Plan has been adopted, further extensions should not be granted.

We also request that the County require landscaping along the Peabody Road frontage, per the agreement with the City of Fairfield concerning development standards in areas within our Sphere of Influence. This landscaping should include trees and basic ground cover.

If you have any questions about this matter, please feel free to contact me. I can be reached at 428.7446. Thank you for your cooperation in this matter.

Sincerely,

BRIAN MILLER
Associate Planner

BKM:ccs

DEPARTMENTS

Community Services
707.428.7465
Finance
707.428.7496
Fire
707.428.7375
Human Resources
707.428.7394
Community Development
707.428.7461
Police
707.428.7551
Public Works
707.428.7485

cc: Birgitta Corsello and Mike Yankovich, Solano County
Erin Beavers, Dave Feinstein and Joe Lucchio, City of Fairfield

EXHIBIT C

ECONOMIC DEVELOPMENT ■ HOUSING ■ NEIGHBORHOOD REVITALIZATION ■ PLANNING ■ REDEVELOPMENT

TO: Michael Profant
Assistant Planner, Solano County Resource Management
FROM: Robert Inglebright
RE: NOTICE OF INTENT U-90-20 mrl, Extension #2

Dear Mr. Profant,

I am in receipt of your letter regarding the request for an extension of the Use Permit for the Recycling Zone corporation yard located at 4989 Pea body Road. This letter is written to voice several concerns with the operation of the corporation yard and its effect on the surrounding area and specifically my Recreational Vehicle Storage business located directly across Peabody Road from the Recycling Zone.

On days when there is wind, trash bags are blown off the Recycling Zone property onto the public right of way and then into my property. These trash bags become entangled in the operating mechanism of the customer gate making the gate inoperable until the trash is removed. Additionally, loose aluminum cans, labels from broken bottles and other debris is blown onto the public right of way and onto my property.

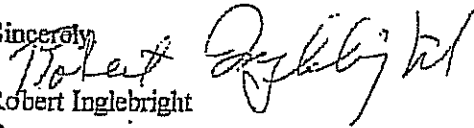
When the trucks with their 40 foot box trailers arrive to load aluminum bales, they are parked in the center lane and are kept there until loading is complete of any previously arrived truck/trailers. This is extremely dangerous, blocking sight lines for oncoming vehicles as well as entrance into and exit out of my business.

There is little of no vehicle parking within the confines of the Recycling Zone business.. When a customer arrives to off load his/her recyclables their vehicles are parked on the side of Peabody Road. This, in conjunction with the employee vehicles, creates an additional hazard for south bound vehicles.

Your letter states that it is the intent of the Resource Management to issue the extension as requested. As previously stated, many of the conditions relating to the operation of the Recycling Zone are hazardous to vehicles and their passengers traveling north/south on Peabody Road. Additionally, many of these issues create operational and/or safety problems at my business.

Therefore, I respectfully request that this extension be denied until such time as the above listed complaints are permanently resolved. Please advise me as to the outcome of any hearing or action taken regarding in this matter.

Sincerely,


Robert Inglebright
Owner
Tri-City Boat & RV Storage

RECEIVED
Solano County
Resource Management

JUN 09 2009

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**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO.**

WHEREAS, the Solano County Zoning Administrator has considered an extension and minor revision of Use Permit No. U-90-20 (Minor Revision No. 2 Extension 2) of **Recycling Zone** to continue utilization of developed property as a recycling facility. The property is located at 4989 Peabody Road in an "MG-½" General Manufacturing Zoning District, less than one mile north of the City of Fairfield, APN: 0167-210-260, and

WHEREAS, said Zoning Administrator has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on October 1, 2009, and

WHEREAS, after due consideration, the said Zoning Administrator has made the following findings in regard to said proposal:

- 1. That the establishment, maintenance or operation of the use applied for is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator.**

The use is consistent with the goals, objectives, and policies of the Solano County General Plan, including, but not limited to the Urban Project Area of the General Plan.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

Adequate utilities, access roads, drainage and other necessary facilities are being provided.

- 3. That the applicant exhibits proof that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.**

The Solano County Planning Commission adopted a Negative Declaration for this project at the time of use permit approval. On the basis of a site inspection

conducted by staff on April 13, 2009 and September 8, 2009, as well as compliance with the Department of Resource Management conditions of approval, staff believes that the existing use does not constitute a nuisance nor is it detrimental to the comfort or general welfare of persons residing in or passing through the neighborhood.

WHEREAS, the Zoning Administrator has approved the Minor Revision and Extension to Use Permit No. U-90-20 subject to the following recommended conditions of approval:

1. The proposed use shall be established in accord with the plans and information submitted with Use Permit Application No. U-90-20 as approved by the Solano County Planning Commission. All requirements of U-90-20 shall continue to apply in addition to the conditions on Minor Revision No. 2, Extension 2 below.
2. All requirements of the Solano County Building and Safety Division shall be met including:
 - a. The Permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building Laws. Submit four sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
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5. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit.
6. All requirements of the Solano County Environmental Health Services Division shall be met as follows:

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8. In order to limit the windblown litter to neighboring properties, the applicant shall comply with the following:
- a. Employees shall check and pick up litter outside of the gate, neighbors yards and across the street for trash such as bags, miscellaneous recyclables, etc, 3 times a day (i.e. morning, noon and evening).
 - b. Unwanted trash bag bin(s) shall have lids and kept closed.
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 - e. In areas without containers, install 2 x 6 boards at the bottom of the fence.
9. The permit shall be valid for the shorter of the following two periods: (a) a two (2) year period, ending May 6, 2011, provided that one or more extensions may be granted if a request for extension is received prior to the expiration date; (b) until annexation of the subject property is approved by the Solano County Local Agency Formation Commission, at which time this permit and all entitlements granted hereunder shall become null and void.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on October 1, 2009.

Resolution No. 04-11
U-90-20 MR 2 Ext. 2 Recycling Zone

BIRGITTA CORSELLO, DIRECTOR
ENVIRONMENTAL MANAGEMENT

Michael Yankovich
Planning Program Manager

R:\PLANNING\U- Use Permits\1066\U-90-20 (Yarborough)\U-90-20 ext (Recycle Zone)\U-90-20 ext Recycle Zone za resolution.doc April 20, 2004