

**SOLANO COUNTY ZONING ADMINISTRATOR**  
**Resource Management Staff Report**

**Application No. U-10-09**  
**Project Planner: Eric Wilberg**

**Meeting of December 16, 2010**  
**Agenda Item No. 1**

**Applicant:**  
Name: E.B. Stone and Son, Inc.  
Address: 6111 Lambie Road  
Suisun City, CA 94585

**Property Owner:**  
Name: E.B. Stone and Son, Inc.  
Address: P.O. Box 550  
Suisun City, CA 94585

**Action Requested:** Approval of a Use Permit to allow a wind turbine that exceeds the 100 foot (ground level to hub) height limitation.

**Site Information:**

Size: 25 acres

Location: Along Lambie Road, 5 miles east of the City of Fairfield

APN: 0048-010-370

Zoning: General Manufacturing 'MG-3'

Land Use Type: Fertilizer packaging facility

General Plan: Specific Project Area – Lambie Industrial Park

Ag. Contract: Not Applicable

Utilities: Private well and septic system

Access: Lambie Road

**Adjacent General Plan Designations, Zoning and Existing Land Uses**

	General Plan	Zoning	Land Use
<b>North</b>	Specific Project Area	MG-3	Seasonal Pasture
<b>South</b>	Agricultural	A-160	Seasonal Pasture
<b>East</b>	Specific Project Area	MG-3	Seasonal Pasture
<b>West</b>	Specific Project Area	MG-3	Warehousing, Manufacturing

**Environmental Analysis:** The project is exempt under CEQA Guidelines Section 15303, New Construction of Small Structures.

**Motion to Approve:** The Zoning Administrator does hereby **ADOPT** the attached draft resolution and **APPROVE** Use Permit No. U-10-09 subject to the recommended conditions of approval.

## RECOMMENDATION

The Department of Resource Management recommends that the Zoning Administrator adopt the attached draft resolution, **APPROVING** Use Permit No. U-10-09 to allow for a 103.3 foot tall (ground level to hub) wind turbine on APN 0048-010-370, based on the findings enumerated herein, and subject to the conditions of approval incorporated in this report.

## PROJECT DESCRIPTION

Use Permit application U-10-09 submitted by WPS Construction on behalf of E.B. Stone and Son, Inc., proposes to construct a 103.3 foot tall wind turbine at 6111 Lambie Road (APN 0048-010-370). The proposed turbine model, the Endurance E-3120, measures 103.3 feet from ground level to the hub, and reaches a maximum height of 134.8 feet (ground level to blade tip). The lattice design turbine has a maximum energy output of 50 kW, and was selected to provide the necessary electricity to offset usage by the E.B. Stone Fertilizer Packaging facility. The construction of the turbine will be done in two phases. First, a foundation will be installed to support the tower and turbine. Second, the tower will be erected and the turbine (hub and blade) installed.

## EXISTING CONDITIONS AND SURROUNDING USES

The E.B. Stone property is located at 6111 Lambie Road, approximately 5 miles east of the City of Fairfield. The fertilizer packaging facility is located within the Lambie Industrial Park and access is provided by Lambie Road. The entire site is relatively flat, exhibiting slopes of less than 2 percent. Various fruit and redwood trees line the perimeter of the property.

Development on-site consists of a 62,000 square foot fertilizer manufacturing plant, 5,500 sq. ft. office, 5,500 sq. ft. storage warehouse, and an 8,000 sq. ft. mechanics shop. Approximately 6 acres of land on the north half of the parcel is devoted to outdoor product and materials storage.

Development in the vicinity of the site includes:

- Various warehousing and general manufacturing operations – one-quarter mile to the north west
- CA Department of Forestry Delta Conservation Camp – one-half mile to the south east
- Seasonal Pasture/Grazing land - south
- Calpine Peaker (Energy) Plant – one-half mile to the west

## ANALYSIS

### GENERAL PLAN

The General Plan Land Use Diagram (LU-1) identifies the property as a Specific Project Area, requiring a Specific Plan prior to any additional development of the industrial park. Furthermore, the project site is identified as the Lambie Industrial Park and Table LU-5 of the General Plan describes this designation to allow for uses consistent with the General Industrial designation. As

of this date, no Specific Plan or Policy Plan Overlay has been developed for this area. Since the application is for an accessory use (wind turbine) for an existing business, staff recommends that the Zoning Administrator find the proposal consistent with the General Plan without triggering the necessity for a specific plan at this time.

The property is zoned General Manufacturing 'MG-3'. The General Plan/ Zoning Consistency Table LU-7 of the Solano County General Plan indicates the zoning to be consistent with the property's General Plan Designation.

### **WILLIAMSON ACT**

This parcel is not under a land conservation contract.

### **ZONING**

Section 28-50 (b)(4) of the Solano County Code provides that a wind turbine generator shall be permitted in the MG-3 Zoning District, provided a use permit is first secured for any wind turbine generator exceeding one hundred feet in height measured from ground level to the hub. The proposed turbine measures 103.3 feet from ground level to the hub.

In addition, wind turbine generators (WTGs) shall be set back a minimum distance of 1.25 times the maximum height reached by any part of the WTG to any property line, and a minimum of 10 feet from any other structure on the property. The submitted site plan indicates the proposed WTG to be set back 31.75 feet from the nearest building and 169' from the closest property line. These set backs meet the minimum requirements provided by the Zoning Regulations.

### **TRAVIS AFB LAND USE COMPATIBILITY PLAN**

The proposed wind turbine generator has a maximum height of 134.80 feet (as measured from ground level to the blade tip). The proposed turbine is located within the Travis Air Force Base Land Use Compatibility Plan's Area of Influence and is therefore subject to review to determine the project's consistency with the applicable land use compatibility criteria.

Based upon FAA criteria, proposed objects within Compatibility Zone C that exceed 100 feet in height may potentially represent airspace obstruction issues.

In accordance with Part 77 of the Federal Aviation Regulations, *Objects Affecting Navigable Airspace*, Figure 2C of the Travis ALUC plan was referenced to determine the maximum allowable height of an object at this particular location. The turbine is being proposed within the Outer Horizontal Surface area, which prohibits structures that exceed 562 feet above Mean Sea Level (MSL). The site on the property which the turbine is proposed is approximately 70 feet above MSL. At a maximum of 204.8 feet above MSL, the proposed height is consistent with the applicable height limitations for objects in this location.

### **CORRESPONDENCE**

Comments were received from the Building & Safety Division of this Department and the recommended conditions of approval have been incorporated herein.

## **USE PERMIT 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 installation of a wind turbine generator, greater than 100 feet in height, is consistent with the goals, objectives, and policies of the Land Use Chapter of the Solano County General Plan and is consistent with the Specific Project Area – Lambie Industrial Park designation. The turbine is an accessory structure, incidental to the primary fertilizer manufacturing land use established on-site.

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

The project site is accessible by Lambie Road. Private water well and septic system serve the property.

- 3. The subject use will not, under the circumstances of this 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.**

Based on the documents submitted and reviewed by County staff, staff site inspection, and due to the lack of complaints on file with the Department of Resource Management as of December 2010, the proposed use does not constitute a nuisance nor is it detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood, nor is it detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County of Solano.

## **SUGGESTED FINDINGS**

- 4. That the proposed use will not have a negative effect on neighboring properties nor pose a threat to the public's health or safety.**

For the reasons stated above, the operation of the proposed wind turbine, in accordance with the conditions of approval, will not create a nuisance or pose a threat to surrounding properties. Setbacks prescribed under the County Zoning Regulations and construction design as regulated by the California Building Code, provide protection to the surrounding areas.

## CONDITIONS OF APPROVAL

### General

1. The proposed wind turbine generator shall be established in accord with the application materials, development permit application, and site plan on file with the Planning Services Division and as approved by the Solano County Zoning Administrator.
2. 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 properties.
3. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan without prior approval of a new permit or minor revision to the use permit and potentially subject to environmental review.
4. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting of this permit, December 16, 2010. Prior to each five (5) year compliance review, the applicant shall submit a written report verifying how the project is in compliance with the use permit conditions of approval, along with any other application materials that may be required at that time.

### Building & Safety Division

5. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2007 California Building Code, or the most current edition of the code enforced at the time of building permit application. **“Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.”**
6. A separate permit will be required for any site improvements including but not limited to any grading.
7. A geotechnical/Soils Report will be required.
8. The building permit plans shall include a code analysis as listed below and if plans are submitted prior to January 1, 2011, the design shall be under the 2007 California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. If plans are submitted after January 1, 2011, the design shall be as per the building codes enforced at the time of building permit application. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:

- A) Occupancy Classification
- B) Type of Construction
- C) Seismic Zone
- D) Location on Property
- E) Height of all buildings and structures
- F) Square footage
- G) Occupant Load
- H) Allowable Floor Area
- I) Height and Number of Stories

9. Plans and Specifications shall meet the requirements as per Section 106.1 of the 2007 California Building Code, or the most current edition of the code enforced at the time of building permit application. **“Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.”** Also Section 106.1.1; **“Construction documents shall be dimensioned and drawn upon substantial material. Electronic media documents are permitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.”**
10. The fire district will reassess the site for fire life and safety requirements.

**Attachments**

- Exhibit A: Resolution
- Exhibit B: Assessor's Parcel Map
- Exhibit C: Site Plan

**SOLANO COUNTY ZONING ADMINISTRATOR  
RESOLUTION NO. XX**

**WHEREAS**, the Solano County Zoning Administrator has considered Use Permit Application No. U-10-09 of **WPS Construction (EB Stone)** for a 103.3 foot tall (from ground to hub) wind turbine located at 6111 Lambie Road 4 miles east of the City of Fairfield in an "MG-3" General Manufacturing Zoning District, APN: 0048-010-370, 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 December 16, 2010, and

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

**USE PERMIT 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 installation of a wind turbine generator, greater than 100 feet in height, is consistent with the goals, objectives, and policies of the Land Use Chapter of the Solano County General Plan and is consistent with the Specific Project Area – Lambie Industrial Park designation. The turbine is an accessory structure, incidental to the primary fertilizer manufacturing land use established on-site.

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

The project site is accessible by Lambie Road. Private water well and septic system serve the property.

- 3. The subject use will not, under the circumstances of this 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.**

Based on the documents submitted and reviewed by County staff, staff site inspection, and due to the lack of complaints on file with the Department of Resource Management as of December 2010, the proposed use does not constitute a nuisance nor is it detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood, nor is it detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County of Solano.

## SUGGESTED FINDINGS

4. **That the proposed use will not have a negative effect on neighboring properties nor pose a threat to the public's health or safety.**

For the reasons stated above, the operation of the proposed wind turbine, in accordance with the conditions of approval, will not create a nuisance or pose a threat to surrounding properties. Setbacks prescribed under the County Zoning Regulations and construction design as regulated by the California Building Code, provide protection to the surrounding areas.

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved Use Permit Application No. U-10-09 subject to the following recommended conditions of approval:

### General

1. The proposed wind turbine generator shall be established in accord with the application materials, development permit application, and site plan on file with the Planning Services Division and as approved by the Solano County Zoning Administrator.
2. 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 properties.
3. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan without prior approval of a new permit or minor revision to the use permit and potentially subject to environmental review.
4. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting of this permit, December 16, 2010. Prior to each five (5) year compliance review, the applicant shall submit a written report verifying how the project is in compliance with the use permit conditions of approval, along with any other application materials that may be required at that time.

### Building & Safety Division

5. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2007 California Building Code, or the most current edition of the code enforced at the time of building permit application. **"Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."**
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7. A geotechnical/Soils Report will be required.

8. The building permit plans shall include a code analysis as listed below and if plans are submitted prior to January 1, 2011, the design shall be under the 2007 California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. If plans are submitted after January 1, 2011, the design shall be as per the building codes enforced at the time of building permit application. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:

- A) Occupancy Classification
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10. The fire district will reassess the site for fire life and safety requirements.

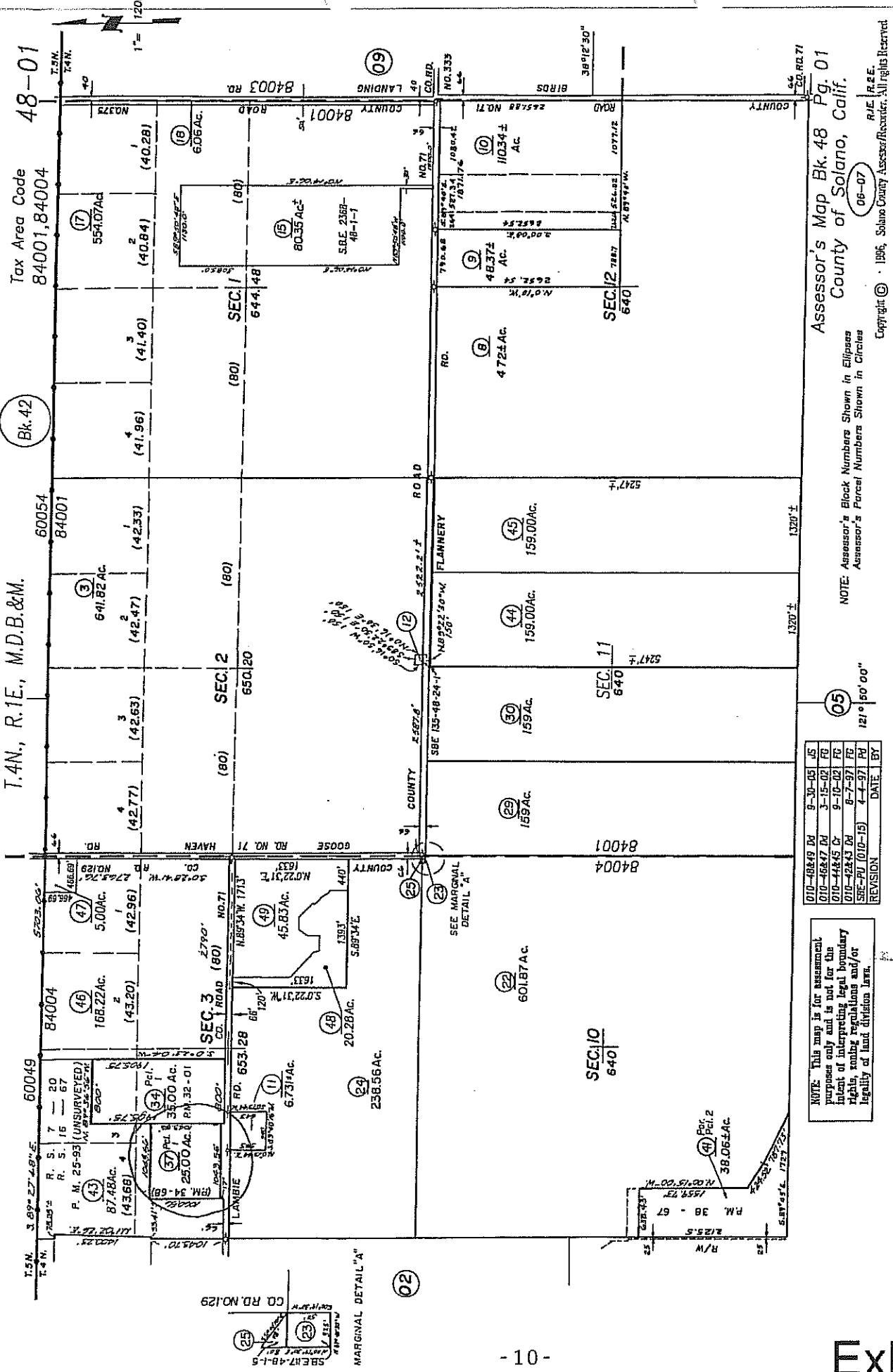
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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on December 16, 2010.

BILL EMLER, DIRECTOR  
RESOURCE MANAGEMENT

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Michael Yankovich  
Planning Program Manager



Tax Area Code  
84001,84004

T.4N., R.1E., M.D.B.&M.

Bk.42

48-01

REVISION	DATE	BY
010-4849	04-30-05	JS
010-4847	03-15-05	PD
010-4445	09-10-02	FE
010-4243	08-07-97	FE
SBE-FU 010-15	04-04-97	PD

NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

NOTE: Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

06-07

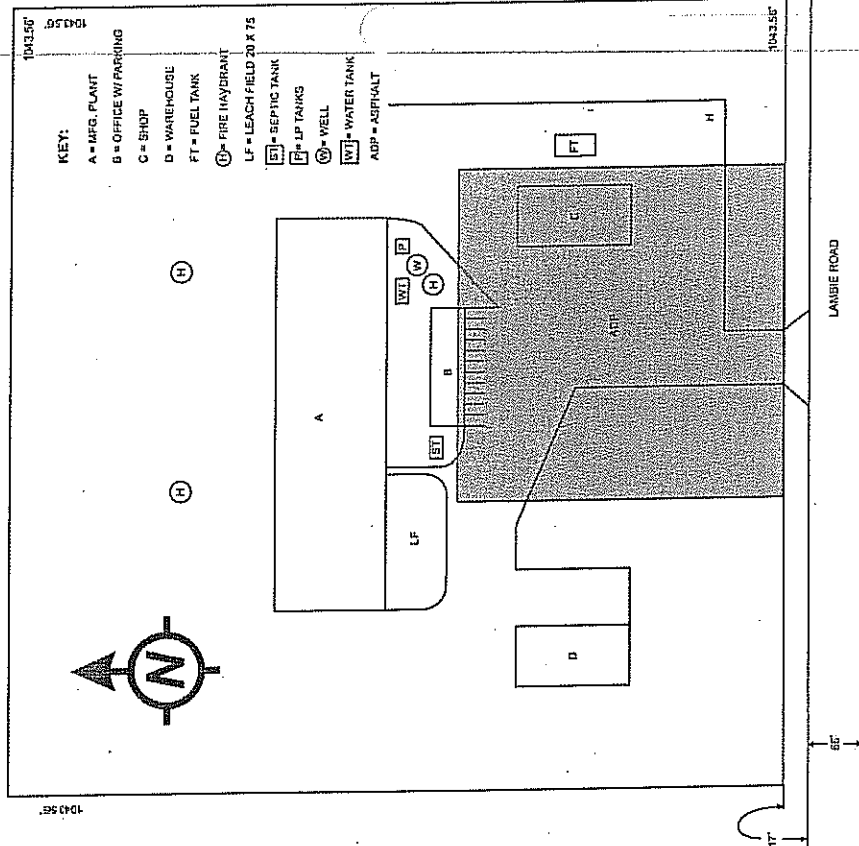
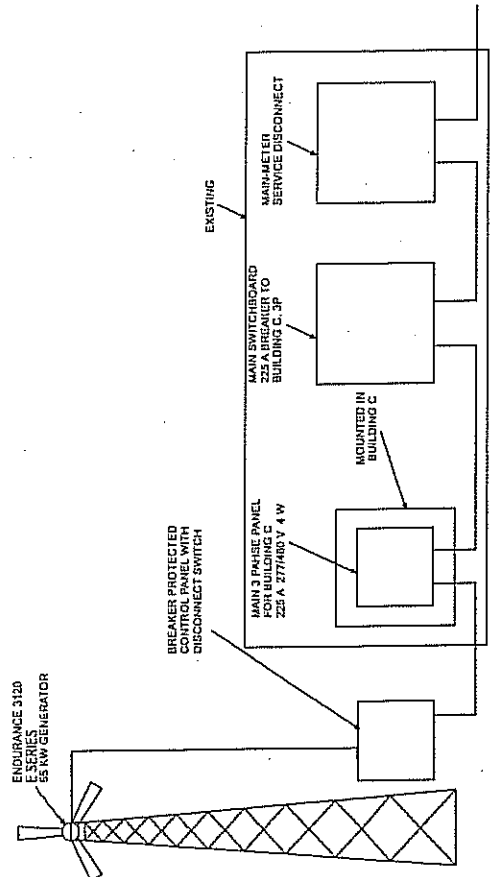
Assessor's Map Bk.48 Pg. 01  
County of Solano, Calif.

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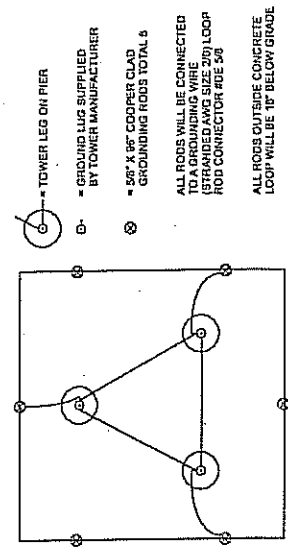
Solano County Dept. of Resource Mgmt.  
Planning Services Division  
File No. U-10-09  
Date Received: 11/15/2010

FILE COPY

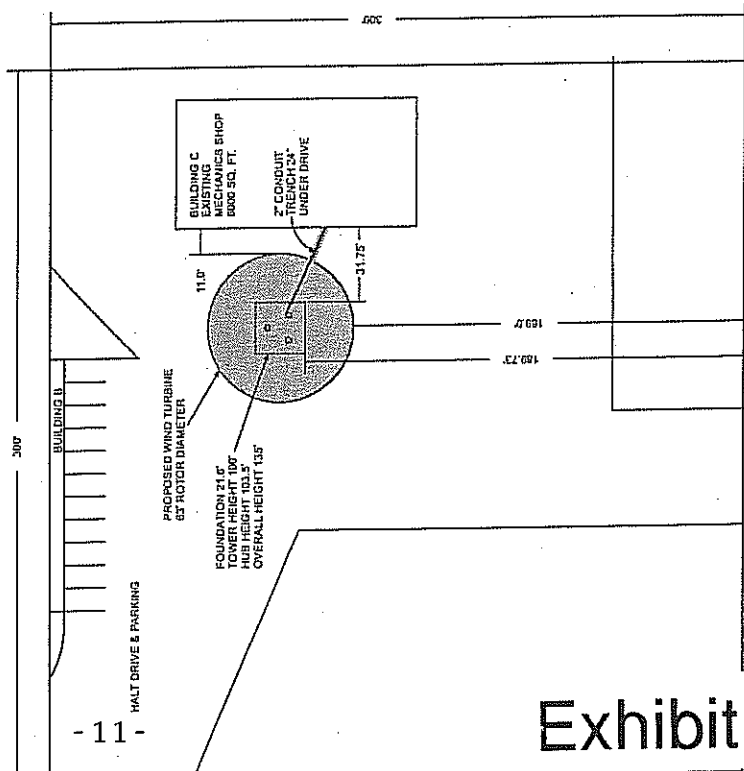
SINGLE LINE DIAGRAM



GROUNDING LOOP DETAIL



OWNER:	E.B. STONE & SON
SITE ADDRESS:	6111 LANBIE ROAD SUNSHINE CITY, CA 94505
APPLICANT:	WPS CONSTRUCTION 529 ALCANTARE DR. LOS ANGELES, CA 90040
CA. LICENSE #:	902086
APN:	48-01-37
PARCEL SIZE:	25 AC.
DATE:	10-04-10
SCALE:	1" = 25'
DRAWN:	BDLEE
JOB:	WIND TURBINE
SHEET:	1 OF 1 SHEETS



FILE COPY