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**DEPARTMENT OF RESOURCE MANAGEMENT**



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Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT  
Use Permit Renewal**

**Application:** U-10-09-CR1  
**Applicant:** E.B. Stone & Stone Inc.

**Meeting of March 17, 2016  
Agenda Item No. 2**

**Project Planner:** Travis Kroger

**Location:** 6111 Lambie Road      **General Plan:** Lambie Industrial Park

**Assessor Parcel Number:** 0048-010-370      **Zoning:** MG-3

**Proposal**

The applicant has requested compliance review No. 1 of use permit U-10-09, pursuant to condition of approval No. 4. Per Zoning Regulations Section 28.106(N), the Zoning Administrator shall administratively approve a use permit renewal request so long as the following requirements are satisfied:

- 1) The permittee has requested renewal
- 2) The permittee has paid the applicable renewal fee
- 3) The use is being conducted in compliance with the conditions of the use permit

**Background**

On December 16<sup>th</sup>, 2010, Land Use permit U-10-09 was granted by the Solano County Zoning Administrator for a 5 year term to allow a 103.3 foot tall wind turbine.

**Review and Recommendation**

Upon review of the permit conditions of approval and based on the absence of code compliance cases on file, staff has determined that the existing business is being operated in compliance with Use Permit : U-96-07.

**Permit Term**

Per condition 4of : U-10-09, staff recommends that this permit be extended for a 5 year term with provision that an extension may be granted if requested by the applicant prior to the compliance review date of December 16<sup>th</sup>, 2020..

**Attachment:** Solano County Zoning Administrator Resolution No. 10-28

**SOLANO COUNTY ZONING ADMINISTRATOR  
RESOLUTION NO. 10-28**

**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."**
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.

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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 EMLLEN, DIRECTOR  
RESOURCE MANAGEMENT

  
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Michael Yankovich  
Planning Program Manager