

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of February 4, 2016

The regular meeting of the Solano County Planning Commission was held in the Solano County Administration Center, Board of Supervisors' Chambers (1st floor), 675 Texas Street, Fairfield, California.

PRESENT: Commissioners Walker, Hollingsworth, and Chairperson Rhoads-Poston

EXCUSED: Commissioners Cayler and Castellblanch

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Eric Wilberg, Associate Planner; Jim Laughlin, Deputy County Counsel; and Diane Gilliland, Office Assistant III

Chairperson Rhoads-Poston called the meeting to order at 7:00 p.m. with a salute to the flag. Roll call was taken and a quorum was present.

Approval of the Agenda

The Agenda was approved with an adjustment to move Item No. 1 to follow Item No. 2.

Approval of the Minutes

The minutes of the regular meeting of January 21, 2016 were approved as prepared.

Items from the Public

There was no one from the public wishing to speak.

Regular Calendar

Item No. 2.

PUBLIC HEARING to consider Use Permit Application No. U-15-05 of **Go Green Asphalt, Inc. to** construct and operate a recycling yard which accepts, processes, and stores construction debris including concrete, asphalt, and soil. The project is located within unincorporated Solano County approximately 1.5 miles southeast of the City of Vacaville in the Exclusive Agriculture "A-80" Zoning District, APN: 0166-040-060.. The Planning Commission will also be considering adoption of a Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Eric Wilberg)

Eric Wilberg gave a brief presentation of staff's written report. The facility would operate as a construction debris recycling yard which accepts, processes, and stores concrete, asphalt, and soil. Asphalt and concrete would be accepted from slabs, roof tiles, sidewalks, driveways,

curbs, pipe, roadways, parking lots, etc. Materials would be sourced from various construction sites and crushed on-site in the unenclosed material storage and processing area. These materials would be imported, processed, and sold as needed for re-use as base rock and sold wholesale to contractors and municipalities. An Initial Study and Negative Declaration have been prepared for the project and circulated for public review. The public comment period expired January 29, 2016. Staff recommended approval of the project.

Commissioner Walker inquired about the storage and processing of the concrete. The applicant stated that processing will consist of crushing the concrete with electric and/or diesel powered machines. The product will then be stockpiled until it is offloaded and sold. The applicant noted that a permit from the State Air Resources Board for the crushing machines will be required.

Commissioner Hollingsworth inquired about noise and dust. The applicant stated that the crushing units are portable and self-contained. He said that it will be required that the dust be suppressed. He noted the closest residence is approximately 1 mile away and commented that the noise would dissipate by time it reached that distance. The applicant also commented that the diesel engine would be the source of the noise, and that it will be muffled to mitigate the sound.

Chairperson Rhoads-Poston opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

Commissioner Walker commented that his concern is in looking at the environmental document there is a lot of supposition and not as much specificity. He commented as to how the applicant stated the diesel processing would be muffled, but it is not indicated in the negative declaration as something that is required. He said there is nothing that speaks to fugitive dust just the notion that there will not be any, or an assumption that it would be taken care of. Commissioner Walker said an assumption is made about air quality and the county's climate action plan, but nothing states what steps need to be taken and there is no requirement for a hazardous materials plan although there is fuel on site. Mr. Walker commented that other CEQA documents the commission has reviewed in the past have required the permittee to mitigate to a certain point and specify the details. He wanted to know if the environmental document for this project is specific enough to indemnify the county if someone should in the future question the operation.

Mike Yankovich said that the use itself has been conditioned to control those types of impacts. He noted that condition nos. 2 and 3 address dust and noise. In addition, there are permits that the applicant will be required to obtain irrespective of the county such as with the Bay Area Air Quality Management District to address the issue of fugitive dust. He stated that staff believes there are enough conditions to make sure those types of impacts will be minimized.

Jim Laughlin, deputy county counsel, spoke to the subject of the county's potential liability. He stated that there are two different issues; one being if there were any shortcomings in the negative declaration, a person could challenge the project approval claiming that the document was inadequate. The statute of limitations to bring a challenge forward against the negative declaration is 30 days; once that time passes the document is assumed to be

adequate. If down the road the project is not operating in accord with the negative declaration the county would have immunity from suit because the county has protection on discretionary actions, so action could not be brought against the county for noise or other problems caused by the project, however a nuisance claim could be brought against the site operator.

Mr. Yankovich noted that this use is considered a temporary use. There is a 5 year compliance review that will be required to make sure the project is operating in compliance with the conditions of approval. Mr. Yankovich said this project is located within the Travis AFB region which is an area designated to make sure that Travis is not impacted and therefore allowing temporary type uses to be located there.

Mr. Wilberg noted that Travis has a waterline easement that runs along North Gate Road. The county has supported their effort not to have any improvements within that easement by backing it up through a condition of approval as noted in condition no. 17 of the draft resolution.

Commissioner Hollingsworth spoke regarding the letter submitted by the City of Fairfield and their request that the use permit have a provision that it expire upon future annexation. He wanted to know if that would be incorporated into the permit.

Mr. Wilberg stated that condition no. 1 touches on the term of the permit. It is mentioned that the project is located within the Municipal Service Area of the City of Fairfield and that upon annexation the project site would be subject to the zoning and general plan designations of Fairfield or Travis Air Force Base.

Commissioner Hollingsworth asked if the other concerns expressed by the city in their letter were going to be addressed. Mr. Yankovich proposed amending condition no. 9 which relates to the need for an encroachment permit to include any other improvements as required by the City of Fairfield. Mr. Yankovich noted that the applicant has been working with the city and will continue to work with them if this project is approved.

Commissioner Hollingsworth asked if there was any discussion with regard to Cannon Road and its ability to handle the increased amount of traffic. Mr. Yankovich stated that the county's public works department has made the determination that the road is adequate for the amount of proposed traffic.

In response to Chairperson Rhoads-Poston, Mr. Yankovich stated that upon annexation the property would be governed by the City of Fairfield and their rules and regulations would apply. Mr. Laughlin added that if the commission wants to make it clear that the use permit is terminated upon annexation, they should request it be added to the conditions of approval.

Frank Andrews, representing the property owner, appeared before the commission. He clarified that they do not object to the condition that the use permit be terminated upon annexation. He noted that they have had discussions with city representatives about improvements required, and since an encroachment permit will be required to use the road, the city was satisfied with that method of dealing with this issue. Mr. Andrews commented that the applicant also owns the property located across the street from the project, and both North

Gate and Cannon Roads will be relocated and rebuilt to the typical city standards when the industrial park is built. He estimated that the roads would be relocated within the next 4 to 5 years. As far as truck traffic, Mr. Andrews said there is already a significant amount of traffic especially coming from the Bay Area heading to the Vacaville landfill.

A motion was made by Commissioner Walker and seconded by Commissioner Hollingsworth to determine that the Negative Declaration prepared pursuant to the California Environmental Quality Act is adequate and complete, and approved Use Permit Application No. U-15-05 subject to the conditions of approval as amended. The motion passed unanimously. (Resolution No. 4635)

Item No. 1.

NOMINATION and ELECTION of Chair and Vice-Chair for the ensuing year.

A motion was made and seconded to nominate Commissioner Cayler and Commissioner Hollingsworth as Chairperson and Vice-Chairperson, respectively. The motion passed unanimously.

ANNOUNCEMENTS and REPORTS

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