



Agenda Date: 12/13/2005
Agenda Placement: 8A
Set Time: 9:00 AM PUBLIC HEARING
Estimated Report Time: 1 Hour

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Hillary Gitelman - Director
Conservation, Development & Planning
REPORT BY: Nancy Johnson, Planner III , 707-299-1352
SUBJECT: Public Hearing - Nielson Construction site plan approval appeal

RECOMMENDATION

Consideration and possible action regarding appeals filed by Lylah and Richard Schieck, Jurgen and Marie Schutz and Lynn and Susan Hill of a decision by the Conservation, Development and Planning Department on September 26, 2005 approving a Site Plan Approval application request (No. P05-0215-SPA) to store materials used in conjunction with the construction business owned by George Nielson located at 147 Camino Oruga with no employee parking or permanent facilities. This project is within an GI:AC (General Industrial: Airport Compatibility) zoning district. (Assessor's Parcel No. 057-151-020) Camino Oruga, Napa.

ENVIRONMENTAL DETERMINATION: This project is Statutorily Exempt from the provisions of CEQA, under Section 15268, "Ministerial Projects". As specified under Section 18.140.010 (A) of the Napa County Code, site plan approvals are considered ministerial projects.

EXECUTIVE SUMMARY

On September 26, 2005, the Planning Department administratively approved Site Plan Approval P05-0215-SPA that allowed the applicant, Nielson Construction, to utilize the parcel adjacent to his property at 147 Camino Oruga for the purpose of storing materials related to his construction business. The site is located in a GI:AC (General Industrial: Airport Compatibility) zoning designation, which by definition in both the Napa County Zoning Ordinance and the Airport Industrial Area Specific Plan allows the storage of construction material in a screened outdoor yard area. The property was the focus of a Code Enforcement action where the applicant had initiated use of the site without the necessary approvals from the County. In general, the Planning Department will allow a property owner to seek the necessary permits to alleviate issues of noncompliance, which the property owner has done in this case. The applicant is awaiting the outcome of the appeal process before commencing the required improvements on the site.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: This project is Statutorially Exempt from the provisions of CEQA, under Section 15268, "Ministerial Projects". As specified under Section 18.140.010 (A) of the Napa County Code, site plan approvals are considered ministerial projects.

BACKGROUND AND DISCUSSION

On August 11, 2003, George Nielson received administrative approval of Site Plan Approval #98611-SPA to construct a 2,728 sq. ft. office and 2,808 sq. ft. maintenance facility including eleven parking spaces on a 1.07-acre parcel at 147 Camino Oruga within a GI:AC (General Industrial: Airport Compatibility) zoning designation. Prior to receiving this approval, Mr. Nielson had been operating a construction business from the site without the required permits from Napa County Planning. Property owners with existing noncompliance issues are allowed to seek permit approval as a method of recitifying illegal activities on their property.

In November 2004 the approved property improvements were nearly complete when it became apparent to County staff that Mr. Nielson was now using the adjacent property (the subject of this appeal) for storage of materials related to the construction business. At that time the property owner and Mr. Nielson were notified regarding the new violation and the necessity of a Site Plan Approval to continue use of the site as a storage yard. Mr. Nielson submitted a complete application in May of 2005. After receiving comments from all agencies responsible for development in the south county industrial area, an administrative approval was granted on September 26, 2005.

Procedurally, a Site Plan Approval application would normally have been filed and processed prior to commencing activities and certainly before the installation of any improvements on the property. In the case of a code enforcement action, it becomes necessary to work backwards through the process which often proves discouraging to neighbors who do not see any progress in the remedy of the violation. In this case, after the violation was discovered, Mr. Nielson was informed that no further improvements should be made to the property until he received approval from the Planning Department for the desired use. In his application, Mr. Nielson stated the intended use of the property as accessory storage for materials used in conjunction with his construction business and would include such items as: pipe, catch basins, steel tubing, rock, steel plates, sand and K-rail. The application also states that large containers and office trailers would be stored in the yard when not in use on job sites along with a variety of mechanical equipment. A portion of the site is proposed to be asphalted with the remainder to be covered in gravel. No permanent facilities are proposed and all employee parking will be accommodated at the office next door.

The General Industrial zoning allows development of industrial uses that do not meet the more stringent requirements of the IP (Industrial Park) zoned land. Staff is sympathetic to the concerns of the appellants, who are located on adjacent parcels which are zoned IP, and are therefore held to the IP standards themselves. However, the code specifically states that contractor storage yards are a permitted use in the GI zone provided they screen any outdoor uses. In this case the appeals are based on the visual aspects from neighboring parcels, the type of materials stored onsite and tracking of dirt onto the roadway. Staff notes that with the improvements required through the conditions of approval for the project which include installation of landscaping and an all weather surface in the storage yard along with the addition of a performance requirement that will require all improvements to be complete within 90-days of final approval of the project, the appellants concerns will be addressed and the project will meet the standards of the General Industrial zoning district.

Staff recommends that the Board vote their intent to deny the appeal(s) and refer the matter to County Counsel for the preparation of findings which could include the addition of a performance schedule requiring the applicant to install all required improvements within 90-days of the action taken by the Board of Supervisors.

SUPPORTING DOCUMENTS

- A . Appellant Appeal - Schieck
- B . Appellant Appeal - Schutz
- C . Appellant Appeal - Hill
- D . Approval Letter with Conditions of Approval
- E . Site Plan

CEO Recommendation: Approve

Reviewed By: Andrew Carey