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Planning Services Division
ZONING ADMINISTRATOR STAFF REPORT
Use Permit Renewal

Application:	U-94-23-CR1	Meeting of:	December 7, 2017
Applicant:	Bay Area Electric Railroad Association	Agenda Item No.	3
Project Planner:	Travis Kroger		
Location:	5848 State Highway 12	General Plan:	General Industrial
Assessor Parcel Number:	0048-030-010, 030, 040, 080	Zoning:	Commercial Recreation

Proposal

The applicant has requested compliance review No. 1 for Land Use permit U-94-23 pursuant to condition of approval No. 11. 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 March 27th, 1961, Land Use permit R-96 was issued by the Solano County Planning Commission to establish an electric railway museum. On October 20, 1969, Land Use permit R-455 was approved by the Solano County Planning Commission to enlarge the existing electric railway museum and establish an incidental caretakers' mobile home. Land Use permit U-94-23 was approved by the Solano County Planning Commission on December 15th, 1994 for a 10 year term for further development of the railway museum including new buildings, parking, and other development. Extension No. 1 of U-94-23 was approved on February 4th, 2005 for a 10 year term ending December 15th, 2015.

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 electric railway museum is being operated in compliance with Use Permit: U-94-23.

Permit Term

Per condition 11 of : U-94-23, staff recommends that U-79-25 be found to be in compliance with the conditions of approval, and the next compliance review due by December 15th, 2025.

Attachment: Solano County Planning Commission Resolution No. 4073.

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. 4073

WHEREAS, the Solano County Planning Commission has considered, in public hearing, Use Permit Application No. U-94-23 of H. Eric Borgwardt for further development of the Bay Area Railroad Associations' Western Railway Museum including new off-street parking area, Visitor and Archive Center, additional structures to house Museum's collection of historic rolling stock, expanded park and picnic grounds, improved and expanded shop facilities, and "Valley Street" interpretive area. The property is located at 5848 SR 12, about 5 miles west of from Rio Vista in an "P" Park Zoning District, and

WHEREAS, said Commission has reviewed the report of the Department of Environmental Management and heard testimony relative to the subject application at the duly noticed public hearing held on December 15, 1994, and

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

1. That the establishment, maintenance or operation of a use or building applied for are 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 to be pertinent.
2. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
3. That the permittee 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 is any proposed building or use is necessary for the public health, safety or general welfare, that finding shall be to that effect.
4. The proposed use will conform to such performance standards as may be imposed and established by the Conditions of Approval suggested below and pursuant to the regulations of the Solano County Zoning Ordinance.
5. The proposed project will not have a significant effect on the environment. No significant environmental impacts are anticipated which have not been mitigated to a level of

insignificance by measures incorporated into the project application or required by the County prior to development.

6. The subject parcel is located in the area defined in the Land Use and Circulation Element as Park and Recreation.
7. The proposed use is consistent with the Solano County General and Zoning Ordinance.
8. The proposed use is compatible with existing land uses in the area.
9. Complete development plans are required to be submitted to and conditionally approved by the Solano County Planning Commission in regard to the use, landscaping, and architectural features of the proposed development.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby adopt the suggested findings and approve Use Permit Application No. U-94-23 of H. Eric Borgwardt subject to the following conditions:

1. The use shall be established in accord with the plans and information submitted with Use Permit Application No. U-94-23 as approved by the Solano County Planning Commission.
2. All requirements of the Solano County Environmental Health Division shall be met including:
 - a. Prior to the issuance of any building permits for buildings containing inside plumbing, the permittee shall submit completed plans and specifications, prepared by a registered engineer, for the proposed sewage disposal system.
 - b. Within ninety (90) days of the granting of the use permit, the applicant shall apply for a permit to operate a small public water system from the California Department of Health Services, Division of Drinking Water.
 - c. Prior to the occupancy of the historic buildings relocated from Oakland, the permittee shall submit a comprehensive nitrate report, prepared by a registered engineer, which addresses nitrate loading and the possibility of nitrates leaching into groundwater. The report shall assess the cumulative groundwater quality impacts to include a determination of hydraulic gradient, nitrate accumulation, salt accumulation, and mounding effect. If nitrate levels are found to be high, the Division of Health Services shall set up a nitrate monitoring program and water

treatment program and/or relocation of the proposed septic system or well may be required.

- d. Should the amount of floor area for the sale of food increase, or the types of food offered for sale change, the permittee shall notify this Division to secure a food facility permit if necessary.
 - e. Within ninety (90) days of the granting of the use permit, the permittee shall submit a Hazardous Materials Management Plan to this Division for permitting and approval.
3. All requirements of the Solano County Department of Transportation shall be met including:
 - a. The permittee shall apply to the Transportation Department for a grading permit for all proposed on-site improvements. And drainage plan, prepared by a Civil Engineer, will be required to process the grading permit application.
 4. 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 or demolishing any building or structure, fence or retaining wall regulated by the Solano County Building Laws.
 - b. The permittee shall submit three sets of plans to the Building and Safety Division for plan review and permits prior to beginning improvements.
 5. The permittee shall complete improvements to State Highway 12 for the provision of an eastbound right-turn deceleration lane at the construction standard at the time deemed necessary by CalTrans.
 6. Within ninety (90) days of the issuance of the use permit the permittee shall submit a landscape plan to the Zoning Administrator for approval which will adequately screen the parking lot and comply with the policies of the Scenic Roadway Element of the General Plan.
 7. The premises shall be maintained in a neat and orderly manner and kept free of accumulation of debris or junk.

8. Adequate measures will be taken as necessary or as directed by the County to prevent offensive noise, lighting, glare, dust or other impacts which may constitute a hazard or nuisance to surrounding property or persons in the area.
9. Any expansion or change in the use or location may require a new or modified use permit and environmental review if required.
10. Failure to comply with the provisions of this use permit shall be cause for immediate revocation of this permit.
11. The permit shall be valid for a ten (10) year period, ending December 15, 2004 provided that one or more extension may be granted if a request for extension is received prior to the expiration date, and depending on the circumstances at that time.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on December 15, 1994, the following vote:

AYES: Commissioners Campbell, Stahl, Plutchok, Robbins & Hawkes

NOES: Commissioners None

ABSTAIN: Commissioners None

ABSENT: Commissioners None



John E. Taylor, Secretary