



## Legislation Text

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**File #:** CU-121-19, **Version:** 1

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CU-121-19: Conditional Use Permit to allow mulch pile storage up to 25' in height for the property located at 9109 Monaco Street.

### **Summary and Background Information:**

The existing property is approximately 31 acres in size and currently zoned I-2. The applicant is currently operating an organic waste recycling and mulching facility on the west half of the site, and is requesting a conditional use permit to allow for the storage of mulch and associated materials up to 25' in height, when a maximum of 8' in height is allowed by the code.

The applicant has been operating at the site since 2015 in such capacity, working to bring their site into full compliance. The granting of this conditional use permit would allow their existing pile heights to become legal and conforming. The remainder of the site, and associated operations, are allowed via the I-2 zoning. The subject property is a former landfill site that has significant limitations on the type of uses that can occur, due to significant hardships in building construction due to the soil quality. The property is situated in a significant depression compared to adjacent properties, which reduces the visual impact that the mulch piles have on surrounding right-of-way. As part of the Conditional Use Permit, the applicant has proposed a number of different dust mitigation efforts and site management practices, and has agreed to comply with 12 proposed conditions that staff recommends implementing if the Conditional Use Permit were to be approved.

On February 5, 2019 the Planning Commission heard testimony from a number of different individuals that live adjacent to or in the vicinity of the A1 Organics site, and heard different examples of how the use had negatively impacted them in terms of air quality and dust impacts. While the applicant's proposed mitigation efforts and site management practices were heard during the hearing, the planning commission voted to recommend denial to City Council. In response to the issues raised, the applicant has provided daily logs of site conditions and operation summaries since the initial planning commission hearing, which are included as an attachment. Photos that were added to the record by members of the public during the planning commission hearing have been included as attachments as well.

Following a continuation of the case by City Council on April 1, 2019, the case was heard a second time by the Planning Commission on May 7, 2019. At this hearing, additional materials submitted by the applicant were reviewed, including additional daily site condition reports, and a "legal brief" and supporting supplemental exhibits by the applicant's retained legal representative. These materials are included within the council packet, and staff's summary of these documents can be found on page 13 of the attached staff report. Staff's review of the supplemental information provided *did not* provide any additional information that resulted in a change of the initial recommendation made by the Development Review Team (DRT). Since the May 7 hearing, additional daily site logs, and a brief, 1-page summary of the case history were submitted. Both did not affect the DRT recommendation.

*Please see attached Planning Commission minutes for detailed background and discussion*

A recording of the 1<sup>st</sup> Planning Commission Hearing can be found [here](http://commerce.granicus.com/MediaPlayer.php?view_id=2&clip_id=1026)  
<[http://commerce.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=1026](http://commerce.granicus.com/MediaPlayer.php?view_id=2&clip_id=1026)>.

A recording of the 2<sup>nd</sup> Planning Commission Hearing can be found as an attachment.

**Staff Responsible (Department Head):** Chris Cramer, Community Development Director

**Staff Member Presenting:** Steve Timms, Planning Manager

**Financial Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:**

On February 6, 2019, the Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the conditional use permit request to City Council with a recommendation of denial, subject to the findings of fact.

On May 7, 2019, the Planning Commission held a public hearing, took testimony, and voted (5 to 0) to overturn their previous recommendation, and forward the conditional use permit request to City Council with a recommendation of approval with conditions, subject to the findings of fact.

**Suggested Motion:**

One option would be for City Council to approve the request as submitted by the applicant; a second option would be to approve the request subject to conditions; a third option would be for City Council to deny the request.