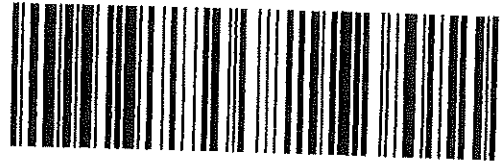




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MEMORANDUM
Development Services Department

TO: Julie Belia, Assistant City Manager

THROUGH: Jason Yarborough, ICMA-CM, Deputy City Manager *Jason Yarborough* Date: 2024.07.25 12:44:37 -04'00'

FROM: Alaina Ray, AICP, Development Services Director Alaina Ray, AICP Digitally signed by Alaina Ray, AICP Date: 2024.07.23 10:50:50 -04'00'

DATE: July 23, 2024

SUBJECT: Joejeff Mulching Facility

Pursuant to the meeting with the property owner's representative on July 18, 2024, this memorandum provides a brief recap of the issues and status of the mulching facility on Joejeff Street.

A City memorandum was issued on April 17, 2024, describing the following conditions:

- The original site plan dated 3-9-89 and adopted 8-17-89 shows Lots 6 and 7, with wood chipping operations depicted on Lot 7 and "Future Expansion" on Lot 6. The 2007 Stipulation Settlement, Condition 3, states that the defendant shall comply with the original site plan.
- Based on the site plan, the following items were deficient:
 - An amended site plan to expand onto Lot 6 was never applied for or approved. Such approval would likely have been conditioned upon landscaping in the required 50-foot buffer between the facility and adjacent residential properties as well as operational, locational, and drainage requirements.
 - Operations and stockpiling are being conducted within the 50' setback around perimeter of property.
 - The perimeter Fire Lane is too close to the property line. The site plan shows it to be located approximately 35 feet from the property line, though it appears to be constructed only about 15 feet from the property line.
 - The perimeter lane is shown as a Fire Lane, not a drive for operations. It is being used by heavy equipment on a regular basis, causing dust, and is not constructed to meet consistent operational conditions.
- The 2007 Stipulation Settlement, Condition 5, acknowledges that additional equipment above that shown on the original site plan may be needed to comply with the Settlement, but that approval of a Conditional Use Permit (CUP) must be obtained and that the City will not unreasonably withhold such permit. This CUP was never applied for or granted.

Development Services staff met with the property owner on March 20 and informed them that the following would be needed in order to continue operations on Lot 6:

- A Pre-Application Meeting to review application requirements and process.
- An amended site plan must be submitted and reviewed for improvements and operations on Lot 6.
- A Conditional Use Permit must be obtained to address equipment.



MEMORANDUM

Development Services Department

The property owner was advised that they could remove operations from Lot 6, which would remove the need for a Pre-Application and Amended Site Plan. However, the owner was also informed that the Fire Lane encircling the property was constructed too close to the perimeter property line and that it was not intended for daily operations. However, a Conditional Use Permit will still be required for additional equipment.

The owner advised the City that they would begin removing materials from Lot 6 and block off the drive to prevent trucks from using the Fire Land on Lot 6. They indicated it would take several months to remove the materials on Lot 6. It was discussed that, should it be determined that some operations would need to remain on Lot 6, the Pre-Application Meeting and Amended Site Plan would be required.

As of July 2024, site inspections conducted by Code Enforcement indicated that some progress has been made to remove material stacks from Lot 6. Additionally, the perimeter fire lane is no longer being used for operations. On July 18, staff discussed with the property owner's representative the timeline for removal of the remaining materials from Lot 6. City staff agreed to the following conditions:

- A deadline of October 31, 2024, for removal of remaining materials from Lot 6.
- Once the remaining materials have been removed, Lot 6 must be seeded and/or sodded to provide groundcover for erosion control.

It should be noted that the existing use is not an allowed use in the City's Unified Land Development Code. The materials onsite are conducive to combustion and have resulted in large fires on numerous occasions. These fires are difficult to extinguish due to the lack of fire suppression (water) availability in the area and the propensity for the materials to smolder for extended periods. With residential development increasing in the area and both homes and lives being more at risk near the subject property, it is unlikely that City staff would support expansion of the nonconforming use.

Code Enforcement staff will perform periodic inspections prior to the October 31 deadline to review progress.