

ORDINANCE NO. 2017-1785

AN ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE, AMENDING ZONING MAP 11-N TO REZONE THE ROCKVILLE TRAILS PRESERVE PROPERTY FROM THE RURAL RESIDENTIAL (RR-2.5) AND POLICY PLAN OVERLAY (PP-02-01) DISTRICTS TO THE EXCLUSIVE AGRICULTURAL (A-20) AND POLICY PLAN OVERLAY (PP-15-01) DISTRICTS

The Board of Supervisors of the County of Solano ordains as follows:

SECTION I

Policy Plan Overlay Zoning District No. PP-15-01, and as amended on June 27, 2017 by the Board of Supervisors is established and attached hereto as Exhibit A,

SECTION II

Zoning Map 11-N, referenced in Section 28.11 of Chapter 28 of the Solano County Code, is amended as illustrated in Exhibit B attached to this ordinance, to rezone certain property to the Exclusive Agricultural A-20 zoning district and apply Policy Plan PP-15-01 overlay zoning to the property.

SECTION III

All ordinance and parts of ordinances in conflict herewith are repealed.

SECTION IV

The Board of Supervisors has made the following findings in regard to the zoning amendment, which establishes a policy plan overlay zoning district and changes the property shown in Exhibit B from one zoning district to another:

1. The zoning amendment is in conformity with the Solano County General Plan.
2. The zoning amendment will not constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of the people of the County or be detrimental to adjacent property or improvements in the neighborhood.
3. The proposed development is designed to produce an environment of stable and desirable character consistent with all applicable goals, objectives, policies, proposals, criteria, standards, and procedures of the General Plan.
4. The proposed development meets applicable development requirements and exhibits creativity and innovation in planning and environmental design.
5. A Mitigated Negative Declaration has been prepared, circulated, and adopted for this project. The Board of Supervisors has considered the Mitigated Negative Declaration, together with any comments received during the public review process and hearing. The Board of Supervisors finds on the basis of the Mitigated Negative Declaration and any comments received that there is no substantial evidence that the proposed zoning amendment will have a significant effect on the environment. All mitigation measures described in the Mitigated Negative Declaration have been incorporated into Policy Plan Overlay PP-15-01 and monitoring compliance with those mitigation measures will be conducted as part of the County's ongoing permit compliance program.

SECTION V

This ordinance will be effective thirty (30) days after its adoption.

SECTION VI

If any provision of this ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

SECTION VII

A summary of this ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its adoption.

PASSED AND ADOPTED by the Solano County Board of Supervisors at its regular meeting on June 27, 2017, by the following vote:

AYES:	Supervisors	<u>Brown, Spering, Thomson and Chair Vasquez</u>
NOES:	Supervisors	<u>None.</u>
EXCUSED:	Supervisors	<u>Hannigan</u>


JOHN M. VASQUEZ, Chair
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By: 
Jeanette Neiger, Chief Deputy Clerk

Exhibit A: Policy Plan Overlay Zoning District PP-15-01

Exhibit B: Location map illustrating rezoning

Rockville Trails Preserve Policy Plan Overlay (PP-15-01) Land Use and Development Standards

Statement of Purpose

The purpose and intent of this policy plan overlay district (PP) is to provide for the establishment of specific site development standards and general open space standards consistent with the establishment of a public open space area. Under the Policy Plan Overlay, development of the property shown on the Rockville Trails Preserve Development Plan (Exhibit A) is consistent with the General Plan and provides needed flexibility in addressing the concerns of area residents and maintaining the open space setting.

Definitions for the purposes of this Policy Plan Overlay

Agricultural Education – Sharing information, knowledge and skills pertaining to agriculture, habitat conservation, protection and restoration, and cultural resource protection. Would include but are not limited to tours, self-guided interpretation, outdoor demonstration classes or outdoor interactive seminars that model best practices in agriculture, cultural and natural resource conservation.

Habitat and Resource Protection – The practice of renewing and restoring degraded, damaged or destroyed ecosystems. Does not include a conservation or mitigation bank.

Stable – A structure for the shelter, care or feeding of horses used for the grazing operation and daily Preserve visitors and not used for commercial purposes such as boarding, training, or rental.

Permitted Uses

The following uses are allowed by right on the parcels identified for development of public open space in the Rockville Trails Preserve Development Plan.

ALLOWED USES* See Definitions Section 28-01			
A = Allowed by right		Permitted Uses	Additional Regulations
AGRICULTURAL USES			
A.	CROP PRODUCTION AND GRAZING		
	Agricultural accessory structures	A	28.71.10(B)(1)
	Non-irrigated farming, Grazing	A	28.71.10

	Grazing or pastured livestock	A	28.71.10
	RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES		
A	RECREATION USES		
	Public open space area	A	28.73.10A
	Stable	A	28.73.10(A)&(B)(3)
B	EDUCATION USES		
	Agricultural Education	A	28.01
	RESOURCE PROTECTION USES		
	Habitat and Resource Protection	A	28.79A

Development Standards

Agricultural accessory structures

Agricultural accessory structures are subject to the regulations in Section 28.71.10(B)(1) of the County Code. Structures for shade or feed storage, subject to the provisions of Chapter 28, if applicable, shall be allowed with any required building permit(s).

Equestrian Activities

Stables are allowed subject to the development standards in Section 28.73.10(A)&(B)(3) of the County Code. Horseback riding is permitted subject to the development standards provided in Table 28.73B of the County Code.

Grazing Operations

New enclosures, fencing, corrals, loading/unloading ramps, feed/water troughs, livestock water storage tanks, piping and pumping facilities, structures for shade or feed storage, subject to provisions of Chapter 28, if applicable, shall be allowed with any required building permit(s).

Public open space

Vehicle parking is limited to no more than 75 parking spaces, inclusive of parking for horse trailers and buses. Buildings or shelters utilized as part of the public open space area shall not exceed 400 square feet of floor area, individually or combined. Permanent restroom facilities and stables used by visitors are not include within this 400 square foot limitation.

Trails

No new public trails shall be built within 150' feet of the eastern, western and southwestern boundaries of the Rockville Trails Preserve as shown on the Rockville Trails Preserve Development Plan. Any new public trails not shown on the Rockville Trails Preserve Development Plan (Exhibit A) shall require an administrative review by the Planning Services Division.

Environmental Standards

Biological

Work associated with rock lining (delimiting) of the Harmonia Hill (Trail K as shown on Exhibit A) trail margins and blocking access to the trail shall be restricted to the non-growing season of nodding harmonia, which is after seed set to emergence and adjusted seasonally. This area shall be closed to public access or use between plant emergence to seed-set and adjusted seasonally.

The following measures shall be implemented in the construction of the staging area:

- Tree removal, pruning, or grubbing activities shall be conducted during the non-nesting season (September 1-January 31) to avoid impacts to nesting birds.
- If construction begins during the breeding season (February 1 – August 31), preconstruction nest surveys shall be conducted by a qualified biologist no more than two weeks prior to equipment or material staging, pruning/grubbing or surface-disturbing activities. Surveys shall be conducted within the impact areas and shall encompass adjacent habitats up to 300 feet from the Project boundary. If no active nests are found within the survey area, no further mitigation is necessary.
- If active nests, i.e. nests with eggs or young present, are found within the survey area, non-disturbance buffers shall be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the nesting pair's tolerance to disturbance and the type/duration of potential disturbance. No work shall occur within the non-disturbance buffers until the young have fledged as determined by a qualified biologist. Buffer size shall be determined in cooperation with CDFW and USFWS Migratory Bird Permit Office. If buffers are established and it is determined that project activities are resulting in nest disturbance, work shall cease immediately and CDFW and USFWS Migratory Bird Permit Office shall be contacted for further guidance.

The following measures shall be implemented during the construction of the staging area:

- Work activities shall be completed between April 1 and November 1, or as modified by regulatory permits issued by other agencies.
- Prior to the start of construction, the qualified biologist shall conduct an educational training program for all construction personnel including subcontractors. The training will include, at a minimum, a description of the California red-legged frog and foothill yellow-legged frog and their habitat; associated habitats of these species within the project site; an explanation of the status of this species and protection under state and federal laws; the avoidance and minimization measures to be implemented to reduce take of this species; communication and work stoppage procedures in case a listed species is observed within the project site, implications of non-compliance; and purpose of the Federal Endangered Species Act (ESA) and wildlife exclusion fencing and the importance of maintaining these structures. A fact

sheet conveying this information shall be prepared and distributed to all construction personnel. Upon completion of the training, personnel shall sign a form stating that they attended the training and understand all the avoidance and minimization measures and implications of non-compliance.

- If required by any permitting agency, prior to start of any project-related ground-disturbing activities, the qualified biologist shall conduct a preconstruction survey for California red-legged frog and foothill yellow-legged frog.
- If California red-legged frogs are found, the qualified biologist shall halt construction activities within 50 feet of the frog(s) and immediately notify USFWS, and CDFW. Construction will not continue until the frog(s) have moved away on its own and the appropriate buffer is in place under the guidance of the biologist. If buffers are not feasible, the USFWS and CDFW shall be contacted for further guidance. Based on the professional judgment of the biologist, if construction activities can be conducted without injuring or killing the frog(s), it may be left at the location of discovery and monitored by the biologist. All project personnel shall be notified of the finding and at no time will work occur within 50 feet of the frog(s) without a biologist present. If it is determined by the biologist that relocating the California red-legged frog(s) is necessary, only a USFWS-approved biologist with a 10(a)(1)(A) Recovery Permit shall capture and relocate the frog(s) in accordance with the following steps:
 - California red-legged frogs shall be relocated to nearby suitable habitat outside of the work area and released at a location approved by the USFWS. If suitable habitat cannot be identified, the USFWS shall be contacted to determine an acceptable alternative. If California red-legged frogs are relocated, the USFWS shall be notified within 24 hours of relocation.
 - Based on the professional judgment of the biologist, if construction activities can be conducted without injuring or killing the California red-legged frog(s), it may be left at the location of discovery and monitored by the USFWS-approved biologist. All project personnel shall be notified of the finding and at no time will work occur within 50 feet of the California red-legged frog(s) without a USFWS-approved biologist present.
 - All construction-related cavities and materials capable of entrapping wildlife such as trenches and pipes shall be covered at the end of each work day to prevent entrapment. Prior to commencing daily construction activities, stored equipment, materials, and debris shall be thoroughly inspected by the USFWS-approved biologist or designated monitor.
 - All trash shall be collected daily at the end of each work day and placed into a securely-covered container which shall be removed as necessary or upon project completion.
 - Pets from project personnel shall not be allowed anywhere in the project area during construction.

- Firearms shall not be allowed on the project site during construction except for those carried by authorized security personnel, or local, State or Federal law enforcement officials.
- All equipment shall be properly maintained and free of leaks. Servicing of vehicles and construction equipment including fueling, cleaning, and maintenance shall occur at least 65 feet away from any riparian habitat or water body. If not feasible, servicing and maintenance areas shall be adequately contained to prevent spills from entering the riparian habitat. Spill containment kits shall be kept on site at all times during construction operations and/or staging or fueling of equipment.
- Upon project completion the exclusion fencing shall be removed, the area cleaned of debris and trash, and returned to pre-project conditions or better.

Permits for working in and potentially altering wetland shall be applied for prior to construction in the staging area from the regulatory agencies (USACE, CDFW, RWQCB) and in accordance with Solano County encroachment permits. The project shall mitigate for alteration of wetlands in the drainage ditch and creek using appropriate mitigation requirements onsite provided by these agencies. The project shall restore a minimum of 2:1 enhancement (which would be 214 linear feet of enhancement for 107 feet of impacts) Final project designs and measures shall be approved by all required agencies.

In order to mitigate for the removal of blue oak trees for the staging areas and access road, blue oak trees shall be planted on the property at a minimum 2:1 ratio for each blue oak tree of any size diameter removed. Blue oak trees shall be fenced for a minimum of 5 years and planted from acorns to avoid the risk of introducing soil-borne pathogens. The site shall be monitored to ensure that at least a 2:1 ratio of trees is surviving after 5 years. Trees shall be irrigated for a maximum of 3 years, as determined necessary by a qualified biologist.

Trees to be preserved on the staging area and access roads shall be protected by implementing the following measures:

- Prior to the start of construction, a certified arborist shall meet with the project engineer and/or contractor to determine the location of tree protection fencing, review planned work procedures around trees, review the need for certified arborist approval for any adjustment of the tree protection fencing and/or need to work within fenced areas; identify locations, if any, where specialized treatments are required; and review the requirements for clearance pruning based on contractor's equipment. All trees identified for preservation shall be mapped, and flagged in the field as "save" trees. All contractors onsite shall be educated on the importance and location of each of the "save" trees.
- For all trees to be preserved in the vicinity of proposed equipment operations, a Tree Protection Perimeter shall be established. The tree protection perimeter shall be mapped and fenced or otherwise clearly demarcated prior to any onsite construction activity. No grading, construction, trenching, demolition, vegetation removal, or other work shall be allowed in the tree protection perimeter of any trees to be preserved unless such work is overseen by a certified arborist. No soil, chemicals, debris, equipment, or other material

shall be dumped or stored within the tree protection perimeter on unpaved areas. Any modifications to the Tree Protection Perimeter must be approved by the certified arborist.

- Tree removal work shall be completed prior to the initiation of construction. All trees to be removed will be clearly identified with water-soluble paint using a numbering scheme consistent with the numbering scheme used on the site plan, taking care to avoid confusion with the flagged "save" trees. Care shall also be taken not to damage trees to be preserved during pruning or felling. Vehicle access routes shall be clearly identified to avoid compacting soil in unpaved areas around trees to be preserved. All tree removal shall be performed by a tree contractor possessing a State of California Contractor's License for Tree Service. Tree debris shall be chipped and retained on site to avoid the potential spread of pathogens off site.
- Pruning shall be kept to the minimum necessary for safety, improving long-term tree structure, and providing the necessary clearance for construction equipment. All pruning shall be performed by a contractor possessing a State of California Contractor's License for Tree Service. All operations shall be in accordance with accepted industry practice, such as the Tree Pruning Guidelines (International Society of Arboriculture) and the most recent editions of the American National Standard for Tree Care Operations and Pruning. Heading cuts shall not be used.
- In locations where excavation would occur near trees, excavation shall proceed with care with equipment stopping to cut roots cleanly as they are encountered to avoid pulling or damaging the roots. Any roots greater than 1-inch in diameter that are injured (i.e., torn, broken, wounded, desiccated etc.) during construction must be pruned to a point 1-inch behind the edge of damage.
- Supplemental irrigation is required whenever tree roots are uncovered or severed by trenching or grading. Open trenches with exposed roots require a two-layer minimum of damp burlap or other acceptable covering at all times. Exposed roots shall be kept moist until they can be buried.
- In areas where construction equipment needs to travel in the vicinity of tree roots, a thick layer (6 inches or thicker) of wood chip mulch (such as that generated by tree removal onsite) shall be placed on the soil surface. The mulch will help prevent compaction of the soil surface.

Cultural Resources

To ensure that CA-SOL-335 and CA-SOL-352 are avoided, a 200-foot buffer shall be established beyond the known limits of each of these sites, with no construction or maintenance activities inside that buffer. No new trails or other improvements shall be developed that lead to or encourage public use of the space within those buffer areas, and if significant maintenance or any construction is required within those buffer areas, an archaeological monitor who meets the Secretary of the Interior's Qualifications for Archaeology shall be retained by the property owner to monitor the work. If substantial components of either site are impacted by the activity, then a qualified archaeologist shall develop and implement an Archaeological Treatment Plan prior to resumption of construction or maintenance activities. If necessary maintenance or construction

is planned for either site area, an Archaeological Treatment Plan may also be formulated and implemented proactively prior to any such ground disturbances.

- If cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, etc.) are discovered during Project-related construction activities, ground disturbances within 50 feet of the find shall be halted and a qualified professional archaeologist shall be retained by the property owner to evaluate the discovery. If the archaeologist determines that the resource is potentially significant per CEQA Guidelines §15064.5, then the archaeologist shall develop appropriate mitigation. Mitigation shall include, but not be limited to, avoidance, in-field documentation, archival research, archaeological testing, data recovery excavations or recordation, and shall be implemented prior to resuming construction in the vicinity of the find.

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the construction contractor and/or the property owner shall immediately halt potentially damaging excavation within 100 feet of the burial and notify the Solano County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code §7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code §7050[c]). Following the coroner's findings, the Solano Land Trust, contractor, an archaeologist, and the NAHC-designated Most Likely Descendent (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code §5097.9.

Prohibited Uses

All uses not specifically identified herein as permitted uses are prohibited within the area subject to the Policy Plan Overlay.

Sign Standards

Two (2) entrance signs identifying the Rockville Trails Preserve are allowed at the Staging Gate Entrance off Rockville Trails Road. Signage shall not exceed 6' in height and 60 sq. ft. in total area and shall only have indirect lighting.

Signs located within the boundaries of the Rockville Trails Preserve, which include Preserve rules and regulations, map of Preserve, interpretive signage, plant identifying signs, trailhead markers, donor recognition signage, informational signage, are exempt from the Sign Regulations in Section 28.96 of Chapter 28 of the County Code.

