

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. 4697

WHEREAS, the Solano County Planning Commission has considered a Use Permit U-20-04 for the establishment of a medium-sized Special Event Facility, including the construction of a 4,738 square foot barn styled structure to serve as a special event facility and associated guest studio and secondary dwelling as a vacation rental home and related uses located at 2208 Morrison Lane, in an A-SV-20 Zoning District, APN: 0153-140-240; and

WHEREAS, The Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on December 16, 2021; and

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

- 1. The establishment, maintenance, or operation of the proposed use is in conformity with the County General Plan with regard to traffic circulation, population density and distribution and other aspects of the General Plan.**

The use is consistent with the General Plan and the Suisun Valley Strategic Plan, with the condition that agricultural uses be established in conjunction with the use. The proposal is consistent with the Suisun Valley vision as a tourist destination for those seeking world class wine, by supporting agricultural tourism and economic development. Special Event facilities, associated guest accommodations, and short-term rentals are a conditionally permitted land use within the agricultural zoning district. The proposed use with mitigation would not result in a significant impact.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

Vehicular access to the site will be from a driveway off of Morrison Lane during Special Events, and to access the Guest Studio and the Short-Term Vacation Rental. The site will be served with electrical power, and the building plans will be reviewed and approved by the Solano County Building and Safety Division before a permit is issued. Grading and drainage plans will be reviewed and approved by the Public Works Engineering Division. The Solano Irrigation District supplies irrigation water to the site, and two onsite potable water wells will provide potable water supplies. Onsite septic service will be provided of sufficient size to serve wastewater uses.

- 3. The subject 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 determinantal or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

A Draft Initial Study and Mitigated Negative Declaration was prepared and circulated by the Department of Resource Management. With mitigation, no potentially significant adverse environmental impacts are likely to occur with this Project. Implementation of the conditions of approval would prevent the Project from creating significant effects to persons residing or working in or passing through the neighborhood; nor would the conditioned project be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby approve Use Permit No. U-20-04 subject to the following recommended conditions of approval:

ADMINISTRATIVE

1. **Land Use.** The proposed land use shall be established and operated in accord with the application materials and development plans for Use Permit U-20-04 and as approved by the Solano County Planning Commission.

This permit authorizes special events up to 12 events per year. Pursuant to Section 28.01 of the Solano County Zoning Regulations Special Events Facilities are defined as a facility offered for use by third parties for hire for the conduct of social gatherings or similar types of non-commercial events.

This permit also authorizes hosted guest and short-term vacation rentals on the subject property.

2. **Agricultural Use.** Within five years of the approval of this Use Permit the site shall be improved with commercial vineyards or orchards, consistent with the zoning code which allows uses incidental to agricultural uses.
3. **Revisions or Modifications in Land Use.** No additional land uses, activities for new or expanded buildings shall be established beyond those identified on the approved development plan and detailed within the project description without prior approval of a revision, amendment, or new use permit with subsequent environmental review.
4. **Indemnification.** By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to property or person arising from the issuance or exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers and employees from all claims, liabilities, losses or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance and /or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding to all successors in interest of the permittee.
5. The Project must comply with all applicable Solano County Zoning regulations and Building Code provisions and secure all required local, state, regional and federal permits required to operate.

6. **Failure to Comply.** Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit and cessation of the permitted uses at the Permittee's expense.

SPECIAL EVENTS FACILITY

7. This facility shall be for private events, by invitation only. Public and commercial events shall be strictly prohibited.
8. **Access.** The Special Events Facility shall be operated in compliance with the general requirements for public assembly uses.
9. **Food vendors.** The permittee shall be responsible for ensuring the event organizer, and any food vendors utilized by the organizer, secure food permits with the Environmental Health Division.
10. **Kitchen Facilities.** Any kitchen at the facility used for the preparation, storage, handling, or service of food at events shall be permitted as a food facility by the Environmental Health Division.
11. **Overnight Lodging.** Overnight lodging associated with the Special Event Facility may include up to five guest rooms providing overnight lodging for up to 10 event attendees.
12. **Hours of Operation.** All special events shall start no sooner than 10:00 a.m. and end by 10:00 p.m. each day. Facility setup and cleanup shall be allowed between the hours of 8:00 a.m. and 11:00 p.m. All guests of an event shall be off the property by 10:30 p.m.
13. **Sign Permit.** The permittee shall secure and abide by the conditions of an issued sign permit for all commercial signage onsite.
14. **Business License.** The permittee shall secure and abide by the terms and conditions of a Business License issued by Solano County. This approved Use Permit shall serve as the "Zoning Clearance" necessary to file for the license.
15. **ABC License.** The permittee shall secure and abide by the terms and conditions of an ABC License for the scope of the proposed uses.
16. The applicant will be required to strictly adhere to all California Department of Public Health Orders in effect at time of the start and for the duration of project operations.

OPERATIONAL CONTROLS

17. The Permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to motorist, persons of property in the surrounding areas.
18. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
19. **Fugitive Dust.** Any access from unpaved dirt roads and with unpaved on-site access roads and parking areas shall control fugitive dust with water trucks, sprinkler system or other

practices acceptable to the applicable air quality management district, in sufficient quantities to prevent airborne dust.

20. **Noise.** Outdoor amplified sound shall not exceed 65 dB when measured at the property lines.
21. **Light and Glare.** Any outdoor lighting used during events shall be downcast and shielded so that neither the lamp nor the reflector interior surface is visible from any off-site location.
22. **Odor.** The facility shall not cause objectionable odors on adjacent properties.
23. **Parking.** The Special Events Facility shall provide parking on-site to accommodate all guests (minimum 60 spaces). No parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The permittee shall place signs along the interior access ways and at 300-foot intervals on the Applicant's property along the road right-of-way indicating this parking restriction. These signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event. Parking shall be provided as follows.
 - a. Onsite parking shall be located in an open area with a slope of 10 percent or less, at a minimum ratio of one space per 2.5 attendees, on a lot free of combustible material.
24. **Sanitation.** The permittee shall provide sanitation facilities approved by the Environmental Health Division of adequate capacity that are accessible to attendees and event staff including restrooms, refuse disposal receptacle, potable water and wastewater facilities.
25. **Setbacks.** The Special Events Facility shall be set back 100-feet from any property line and 200-feet from any residence on an adjoining parcel.
26. **Use of Existing Structures.** Existing structures used as part of a Special Events Facility shall comply and be permitted for commercial and public assembly occupancy and be in compliance with the Americans With Disabilities Act (ADA), where applicable.
27. **Insurance.** The operator of the Special Event Facility shall have commercial property insurance for the use.
28. **CalFire State Responsibility Area.** The Project site is located in a Moderate State Responsibility Area for fire safety. The Project shall provide roadway widths, turnarounds and surfaces as outlined in the Fire Safe Regulation Checklist (<https://www.solanocounty.com/civicax/filebank/blobdload.aspx?BlobID=34505>).
29. **Design Review.** Design Review as described in Section 28-103 of the Solano County Zoning Regulations, shall be required for all new construction requiring a building permit.
30. **Notice:** The operator is required to provide notice to the neighbors, fire, and law enforcement when an event is going to take place.
31. **Event Management Plan.** No later than March 16, 2022 or 30 days prior to the first event, whichever comes first, the permittee shall submit an Event Management Plan which shall identify measures, procedures and operational controls to address the operational and performance standards imposed by this permit, including the following categories:
 - a. Nuisances such as fugitive dust, noise, light, glare and odor.

- b. **Traffic and Parking Management.** Identify measures and controls to manage traffic arriving and departing the site as well as controls to assure the efficient movement of vehicles in the parking areas.
- c. **Food and Beverage Service.** Describe the types of food and beverage services available to the public and identify all necessary permits and licenses which must be obtained prior to conducting the event.
- d. **Emergency Response Plan.** Identify measures and controls to manage any emergency which might reasonably arise during an event. Provide a list of emergency contacts for various responders to all staff and volunteers. Identify a central location on the property which will serve as an emergency center with communications and fire and first-aid equipment.
- e. **Storm Water Management.** Identify measures and controls to manage storm water to prevent storm water pollution.
- f. **Sanitation and Waste Management.** Identify measures and controls to manage all forms of liquid and solid waste on the site.
- g. **Approval of the Event Management Plan.** The permittee shall not commence any uses of buildings or the land for events until the Director has approved the Event Management Plan.

VACATION RENTAL

- 32. A dwelling used as a guest house or vacation house rental shall meet all of the development standards for dwellings specified in subsection 28.72.10 (A)(1) and in Tables 28.21B, 28.23B and 28.31B as applicable to the zoning district.
- 33. Space used for overnight accommodations as part of a vacation house rental must be located entirely within an approved guest house.
- 34. Overnight occupancy of the vacation rental is limited to two persons per bedroom, plus two additional persons, not to exceed a total of 10 persons.
- 35. Three off-street parking spaces shall be provided for all guests. On-street parking on Morrison Lane is prohibited.
- 36. A dwelling or guest house may not be used as a vacation house rental if it is the subject of an enforcement action pursuant to any provision of the code.
- 37. Transient Occupancy Tax (TOT) registration and payment are required, pursuant to Chapter 11 of the code. A business license is required.
- 38. The property shall be covered by commercial property insurance, including short-term rental insurance.
- 39. The property owner shall obtain the required permit and complete TOT registration prior to advertising or operating the guest rental and vacation house rental. Online advertisements and/or listing for the rentals shall include the following:
 - a. Maximum occupancy, not including children under 3;

- b. Maximum number of vehicles;
 - c. Notification that quiet hours must be observed between 10 p.m. and 8 a.m.;
 - d. Notification that no outdoor amplified sound is allowed; and
 - e. The TOT Certificate number for that property.
40. Vacation house rentals shall always meet all applicable building and fire codes and shall be inspected by the Fire Department before any short-term rental can occur.
41. An exterior display with the name of the property owner and current contact phone number shall be located near the front door of the rental units. While a vacation house is rented, the owner or a property manager shall be available twenty-four hours per day, seven days per week, for the purpose of responding within forty-five minutes to complaints regarding the condition, operation, or conduct of occupants of the rental or their guests. Items in need of repair may take longer to correct.
42. A hosted vacation house rental requires the property owner to reside on the property during the vacation house rental period.
43. Rental of the 531 square foot Guest House is to be used only in conjunction with the Special Events facility. Rental is not allowed outside special events.

BUILDING AND SAFETY DIVISION

44. **Building Permit Application.** Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted per Section 105 of the California Building Code.
45. **Certificate of Occupancy.** No building shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a Certificate of Occupancy.
46. **Site Accessibility Requirements.** The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the California Building Code. The Designer is required to design for the most restrictive requirements between ADA Federal Law and the California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale reflecting all site accessibility. The site shall be developed in a manner consistent with the state and federal requirements for accessibility for disabled persons, including all parking areas, aisles and paths of travel and structures. The Applicant shall submit accessibility analysis prepared by a Certified Access Specialist (CAS). The analysis must state that the inspected structures and other site features meet both state and federal accessibility requirements or specify what corrections are necessary in order to comply. The permittee shall make any necessary corrections that are necessary to comply. All accessible paths of travel and parking areas shall be a hard-scaped surface as specified by the CAS specialist and shall meet all of the worst-case requirements between Chapter 11 B of the California Building Code and ADA Federal law.

MITIGATION MEASURES

47. **BIO-1A Swainson's Hawk Surveys.** If Project activities are schedule during the nesting season for Swainson's hawks (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, and 2) for at least two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. If take of Swainson's hawk cannot be avoided, the Project shall consult with the California Department Fish and Wildlife pursuant to the California Endangered Species Act and obtain an Incidental Take Permit.
48. **BIO-1B Swainson's Hawk Habitat Mitigation.** Loss of foraging habitat shall be mitigated at the appropriate ratio following CDFW's staff report regarding Mitigation for impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California prior to Project construction and accepted by CDFW in writing. The Project shall be assumed to be within one mile of an active nest tree and mitigate at a 1:1 mitigation to impact ratio, unless protocol-level Swainson's hawk surveys are conducted demonstrating that the Swainson's hawks are not nesting within one mile of the Project. Habitat mitigation shall include permanent preservation foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity.
49. **BIO 2A: Burrowing Owl Habitat Assessment, Surveys and Avoidance.** Prior to Project activities, a habitat assessment shall be performed consistent with CDFW protocol. The habitat assessment shall extend at least 492 feet from the Project site boundary and include burrows and burrow surrogates. If the habitat assessment identifies potentially suitable burrowing owl habitat, then a qualified biologist shall conduct surveys following CDFW survey methodology. Surveys shall encompass the Project site and a sufficient buffer zone to detect owns nearby that may be impacted commensurate with the type of disturbance anticipated, and include burrow surrogates such as culverts, piles of concrete or rubble and other non-natural features, in addition to burrows and mounds. Time lapses between surveys or Project activities shall trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24-hours prior to ground disturbance. The Detected nesting burrowing owls shall be avoided pursuant to the buffer zone prescribed and in any passive relocation plan for non-nesting owls shall be subject to CDFW review.
50. **BIO 2B: Burrowing Owl Habitat Mitigation.** If the Project would impact an unoccupied nesting burrowing owl burrow or burrow surrogate (a burrow known to have been used in the past three years for nesting), or an occupied burrow (where a non-nesting owl would be evicted as described above), the following habitat mitigation shall be implemented prior to Project construction.
- a. Impacts to each nesting site shall be mitigated by permanent preservation of two occupied nesting sites with appropriate foraging habitat within Solano County, unless otherwise approved by CDFW, through a conservation easement and implementing and funding a long-term management plan in perpetuity. The same requirements shall apply for impacts to non-nesting evicted owl sites. The Project may implement alternative methods for preserving habitat with written acceptance from CDFW.

51. **BIO-3 Nesting Bird Surveys.** If construction, grading or other Project related activities are scheduled during the nesting season, February 1 to September 1, a focused survey for active nests shall be conducted by a qualified biologist within seven days prior to the beginning of Project related activities. If an active nest is found the qualified biologist shall delineate a non-work-zone buffer distance around the nest site that is site and species specific using high visibility fencing or flagging. The buffer distance shall be specified to protect the bird's normal behavior and prevent nesting failure or abandonment. No work shall occur within the no-work-zone until the nest is no longer active as determined by a qualified biologist. Fencing or flagging material shall be removed and properly disposed after Project activities are completed or the nest is no longer active, as determined by a qualified biologist. If a lapse in Project related work of seven days or longer occurs, another focused survey shall occur before Project work is reinitiated.

52. **BIO-4 Special-Status Plant Habitat Assessment and Surveys:** A qualified biologist shall conduct a habitat assessment of the Project site and identify potential for special status plants to occur onsite and adjacent to the site where plants could be indirectly impacted. If the habitat assessment indicates potential for special-status species to occur, then a qualified biologist shall conduct surveys during the appropriate blooming period for all special status plants that the potential to occur on and adjacent to the Project site prior to the start of ground-disturbing activities. Surveys shall be conducted following Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities. If special-status plants are found during surveys, the Project shall be re-designed to avoid impacts to special-status plants. If impacts to any special-status plants cannot be avoided completely during construction, the Project shall provide mitigation including off-site habitat preservation or another method accepted in writing by CDFW. The qualified biologist shall be knowledgeable about plant taxonomy, familiar with plants of the region, and have experience conducting botanical field surveys according to vetted protocols.

53. **BIO-5: American Badger Assessment and Survey.** A qualified biologist shall survey for the species including adjacent habitat prior to construction, avoiding occupied burrows, including a sufficient buffer approved by CDFW, and preparing and implementing a CDFW-approved relocation plan if badgers are found on or adjacent to the Project site.

54. **Building Permit Plans:** The Building Permit plans shall include a code analysis as listed below and the design shall be under the current California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. Upon Building Permit submittal, the licensed architect shall provide the following Code Analysis:
 - a. Occupancy Classification
 - b. Type of Construction
 - c. Seismic Zone
 - d. Location on Property
 - e. Height of all buildings and structures
 - f. Occupant Load
 - g. Allowable Floor Area
 - h. Height and Number of Stories

Plans and Specifications shall meet the requirements as per section 105 of the current California Building Code. Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional. Electronic media documents are permitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinance, rules and regulations, as determined by the building official.

55. An automatic residential fire sprinkler shall be installed throughout the buildings.

ENVIRONMENTAL HEALTH DIVISION

56. **Potable Water Requirements.** The facility shall provide potable water as evidenced by a Public Water System (PWS) permit issued from the Division of Drinking Water of the State Water Resources Control Board, pursuant to Health and Safety Cod (HSC) Section 116275(h). The facility shall remain in compliance with all operating, monitoring, and reporting requirements of the Division of Drinking Water PWS permit for the duration of the Use Permit and comply with all Division of Drinking Water directives regarding the water system. Activities or events providing bottled water as the sole source of potable onsite water are prohibited.

57. **Sewage Disposal Requirements.** The Applicant shall submit an application, plans and application fee for the abandonment of the two septic systems on the property and replace by septic systems which have adequate capacity, as calculated by Solano County Code (SCC) Chapter 6.4-87, Table 4, to handle the anticipated maximum wastewater generation by the Special Event facility.

- a. The plans shall include adequately sized grease interceptor, as calculated by SCC Ch. 6.4-84.1(o)(3), connected to the commercial kitchen sewage outflow lines.
- b. The plans shall include reserve areas for all the septic systems on the property.

58. For domestic wastewater, the facility shall construct and maintain adequate onsite wastewater treatment systems (OWTS) in compliance with the Solano County Code Chapter 6.4: Sewage Standards and designed to handle the daily maximum projected wastewater flows. The facility shall remain in compliance with all operation, maintenance, and reporting requirements of Environmental Health regarding the OWTS system for the duration of the Use Permit.

59. **Hazardous Materials Requirements.** The facility shall comply with all hazardous materials management, storage, handling and reporting requirements. If the facility handles any hazardous material in quantities equal to or greater than 55 gallons of liquids, 200-cubic feet for gases and/or 500 pounds solids, then the applicant shall create a Hazardous Materials Business Plan (HMBP) and upload the HMBP to the online California Environmental Reporting System (CERS) within 30-days of exceeding the hazardous materials threshold quantities. The HMBP includes requirements for reporting the facility information, hazardous materials inventory, site diagram, emergency response plan, and an employee training plan.

60. **Solid Waste.** The facility shall maintain adequate commercial garbage service onsite to prevent disease, vector attraction, odors and other nuisance factors. A minimum collection of weekly service is required.
61. The Applicant shall submit an application, plans, and application fee for the commercial kitchen.
62. **Food Service.** The Applicant shall obtain all applicable permits from the Consumer Protection section for the food preparation and service that will occur onsite.

PUBLIC WORKS ENGINEERING

63. The permittee shall apply for, secure and abide by the conditions of a grading permit for any grading on the property including, but not limited to, building site preparation, access improvements, parking areas and walkways, as well as any onsite grading exceeding a total of 5,000 square feet. In addition, Grading Permits shall be secured for any future grading or drainage improvements on the property. Public Works Engineering will require the submittal of a drainage plan showing all offsite and onsite improvements necessary to manage storm water issues related to this development. Agricultural soil cultivation does not require a Grading Permit.
64. The Applicant shall apply for, secure and abide by the conditions of a grading permit for the construction of any improvements required by this Use permit, including but not limited to, building site preparation, access improvements, parking areas and walkways, as well as any onsite grading exceeding a total of 5,000 square feet. In addition, Grading Permits shall be secured for any future grading or drainage improvements on the property. Public Works Engineering will require the submittal of a drainage plan showing all offsite and onsite improvements necessary to manage storm water issues related to this development. Agricultural soil cultivation does not require a Grading Permit.
65. The Applicant shall apply for, secure and abide by the conditions of an Encroachment Permit for any work within the public right-of-way. Driveways must be maintained in such a manner as to prevent soil, rocks and debris from tracking onto public roads.
66. The Applicant shall build a Commercial width driveway at the gravel driveway location serving the barn workshop, guest studio and the second living unit. The driveway shall conform to Figure 8 of the Solano County Road Standards. The driveway shall be paved within the County right of way. The paving shall be asphaltic concrete.
67. The Applicant shall furnish a Stormwater Management Plan to address both quantity and quality of stormwater and provide measures to mitigate any potential excess flow from the project site.
68. The Applicant shall provide the County with a Stormwater Pollution Prevention Plan (SWPPP) signed and sealed by Qualified SWPPP Developer.

LOCAL, REGIONAL, STATE AND FEDERAL AGENCIES

69. The Applicant shall obtain all Required Permits from other Agencies. The use of lands and buildings may be subject to additional permits from the County of Solano or other public agencies. Prior to conducting any land use authorized under this Permit, the Applicant shall

obtain any other federal, state, or local permits required for construction or operation of the Special Event Facility.

70. The facility shall maintain compliance with the requirements of the Cordelia Fire District, including but not limited to fire suppression and emergency vehicle access.

PERMIT TERM

71. The Use Permit shall be in effect for a five-year period with the provision that a renewal may be granted if said request is received prior to the expiration date of December 16, 2026 and the uses shall remain the same and in compliance with the Conditions of Approval.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on December 16, 2021 by the following vote:

AYES: Commissioners Cayler, Rhoads-Poston and Reagan

NOES: Commissioners Gaddies and Chairperson Bauer

ABSTAIN: Commissioners _____

ABSENT: Commissioners _____



 Paula Bauer, Chairperson
 Solano County Planning Commission

By: 

 Terry Schmidtbauer, Secretary

