

# **SOLANO COUNTY PLANNING COMMISSION**

## **RESOLUTION NO. 4667**

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**WHEREAS**, the Solano County Planning Commission has considered Zone Text Amendment No. ZT-17-02 and Use Permit Application No. U-17-06 of **Rowland Family Properties (American Armory Museum)** to consider an ordinance amending Chapter 28 of the Solano County Code relating to museums and providing for such use in the ATC-NC zoning district and to establish and operate a military vehicle, equipment, and armament museum as well as outdoor events at 4144 Abernathy Road, north of the City of Fairfield within the Agricultural Tourist Center - North Connector "ATC-NC" Zoning District, APN's: 0027-510-180 and 170, 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 20, 2018, 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 circulations, population densities and distribution, and other aspects of the General Plan.**

With the approval of the requested zone text amendment and the recommended conditions of approval, the proposed museum is consistent with the Solano County General Plan.

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

The project is served by Suisun Parkway which is a public road that provides adequate transportation and circulation to and from the site. A grading and drainage plan will be prepared by the applicant and approved by the Public Works Division prior to any construction.

**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 detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

Compliance with the conditions of approval will ensure that the use will not constitute a nuisance or be detrimental to the health, safety, morals, comfort or general welfare of persons residing or working in the neighborhood.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission of the County of Solano does hereby recommend the Board of Supervisors adopt the Ordinance, Zone Text Amendment No. ZT-17-02, amending Chapter 28 of the Solano County Code relating to museums and providing for such use in the ATC-NC zoning district and approves Use Permit Application No. U-17-06 to establish and operate a Solano County agricultural history and military vehicle, equipment, and armament museum with outdoor events at 4144 Abernathy Road, contingent on the zoning amendment subject to the following recommended conditions of approval:

*Administration:*

1. The proposed use shall be established in accord with the application and site plan for Use Permit (U-17-06) as approved by the Planning Commission and contingent on Board of Supervisors approval of Zone Text Amendment ZT-17-02.
2. 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 surrounding properties. Vehicles and equipment shall be arranged as indicated on the site plan and the property shall be left in an orderly and clean manner.
3. The operating hours for outdoor museum events shall be from the hours of 10:00 am to 4:00 pm. Live demonstrations shall occur only at the annual fundraiser. Alcoholic beverages will not be served on the premises by AAM, however, third parties renting the venue may serve alcohol. All operations shall comply with any applicable State and Federal guidelines to ensure the safety of the public.
4. A reclamation plan to reclaim disturbed lands caused by vehicle demonstrations on the portion of the property labeled "Live Demonstration Area" shall be submitted to and approved by the Department of Resource Management prior to commencement of live demonstrations.
5. The Permittee shall post a surety bond or other financial assurance mechanism acceptable to the County in the amount of \$20,000 and made payable to the County to guarantee completion of the reclamation plan including revegetation, erosion control measures and removal of abandoned equipment.
6. By accepting the approved conditional use permit or any related project approval, 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 persons arising out of or related to the use or development of the property in connection with the exercise of this permit or any related project approval. The permittee or its successors in interest shall defend, indemnify, and hold harmless the County of Solano, its officers, agents, and employees from all legal actions, claims, losses, costs, damages, injuries, liabilities, or expenses (including, but not limited to, attorney fees, expert witness and consultant fees, and other costs of litigation or reasonably incurred in anticipation of litigation) arising from any such injuries. The permittee or its successors in interest shall reimburse the County for all legal costs and attorneys' fees related to litigation based on the approval of and/or interpretation of this permit or any related project approvals, including CEQA compliance. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee. The indemnification provisions contained in this Condition shall survive the termination, expiration, invalidation, or cancellation of this permit or any related project approvals.

**Public Works**

7. The Permittee shall apply for, secure and comply with the conditions of a grading permit from Solano County Public Works for any proposed grading on the property, including, but not limited to, grading and placement of material for the driveway and parking lot.
8. The Permittee shall apply for, obtain and comply with the conditions of an encroachment permit from Solano County Public Works for the existing driveway access from Suisun Parkway. The

access must be maintained in such a manner as to prevent soil, rocks and debris from tracking onto Suisun Parkway.

#### Building Division

9. A change of occupancy from storage (U) to an assembly occupancy (A) is required for the proposed American Armory Museum. Drawings need to be prepared by a licensed architect or engineer and include the following:

- Code Analysis for occupant load, allowable area, fixture count, etc.
- Accessible parking
- Accessible path or travel to building and restrooms
- Accessible restrooms with adequate quantity of fixtures for the number of building occupants
- Mezzanine must be accessible (i.e., elevator) and be able to support live loads (structural design and calculations)
- Fire sprinklers will be required if the building is more than 3000 square feet in area
- Adequate exits and exit signage
- Additional accessible features per 2016 CBC chapter 11B

#### Fire

10. Plans submitted for building permit must meet all requirements of the Uniform Building and Fire Codes. Occupancies will be determined by the County Building Official for restrictions.

11. Buildings will require protection by an automatic fire sprinkler system. System plans must be submitted to the Suisun Fire Protection District for permit, plan review and field inspections. This requirement will be determined on the submitted building permit plans.

12. Other Fire Protection Systems and Alarms may be required pending occupancy use as submitted on building plans.

13. Public events on-site may have special requirements, these may include permits for tents, heating devices and pyrotechnic displays.

14. Access Road and building approach must meet County and Fire Code Standards.

15. Occupant load and exits will be determined upon submission of plans for building permit.

16. The access road must meet all Solano County requirements for use as a commercial driveway. This may include adequate turning radius or approved turnarounds capable of supporting fire apparatus.

17. Any gate entrances shall be at least 16 ft. wide. If gate is locked, it will be required to be provided with approved fire department access devise.

18. Any onsite storage of flammable and combustible liquids will require a fire permit.

#### Environmental Health

19. The facility will have a leachfield reserve area designated and provide calculations based upon Solano County Code Ch. 6.4-87, Table 4: Projected Daily Waste Flow to show that the existing leachfield will support any additional flows. The maximum wastewater flows shall calculate the existing one-bedroom residence at 150 gallons/bedroom/day, 20 gallons/day/employee, and 5 gallons/day/visitor.

20. The facility shall expand the septic system under permit if its anticipated daily wastewater flows exceed the existing capacity of the system. Please contact the Technical Program at (707) 784-6765 for more information.
21. The facility shall notify the Solano Irrigation District (SID) and state if the SID supplied water will be used for landscape irrigation or agricultural irrigation.
22. If the facility serves 25 or more persons per day for 60 days or more during a year, it shall obtain a permit to operate a Public Water System (PWS) from the California Regional Water Quality Control Board, Division of Drinking Water. This number includes visitors, employees, and guests; be advised that the system will need to be designed for the maximum daily demand. More information regarding permits for Public Water Systems can be obtained by contacting the regional engineer: Marco Pacheco, Division of Drinking Water (510) 620-3474
23. The facility shall obtain a permit to operate a food facility and all special events shall obtain temporary event permits from the Consumer Protection Program prior to any food preparation or food service on site. A grease interceptor will be added to the existing septic system if food preparation is performed on site. Please contact the Consumer Protection Program at (707) 784-6765 for more information
24. The facility shall create and submit a Hazardous Materials Business Plan (HMBP) to the California Environmental Reporting System (CERS) within 30 days of exceeding any of the threshold hazardous materials quantities. Please contact the Hazardous Materials Program at (707) 784-6765 for more information.
25. **Air Quality Mitigation Measures 2.3a.: Require Implementation of Measures to Reduce Construction-Related Exhaust Emissions.** The applicant, as a condition of project approval, shall be required to implement the following measures to further reduce exhaust emissions from construction-related equipment:
  - Commercial electric power shall be provided to the project site in adequate capacity to avoid or minimize the use of portable gas-powered electric generators and equipment.
  - Where feasible, equipment requiring the use of fossil fuels (e.g., diesel) shall be replaced or substituted with electrically driven equivalents (provided that they are not run via a portable generator set).
  - To the extent feasible, alternative fuels and emission controls shall be used to further reduce NO<sub>x</sub> and PM<sub>10</sub> exhaust emissions.
  - On-site equipment shall not be left idling when not in use.
  - The hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time shall be limited.
  - Construction shall be curtailed during periods of high ambient pollutant concentrations; this may involve ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways or on Spare the Air Days.
  - Staging areas for heavy-duty construction equipment shall be located as far as possible from sensitive receptors.

- Before construction contracts are issued, the project applicants shall perform a review of new technology, in consultation with BAAQMD, as it relates to heavy-duty equipment, to determine what (if any) advances in emissions reductions are available for use and are economically feasible. Construction contract and bid specifications shall require contractors to utilize the available and economically feasible technology on an established percentage of the equipment fleet. It is anticipated that in the near future, both NOx and PM<sub>10</sub> control equipment will be available.

**26. Air Quality Mitigation Measures 2.3.b. Require Implementation of Measures to Reduce Fugitive PM<sub>10</sub> Dust Emissions.** The applicant, as a condition of project approval, to implement the following enhanced and additional control measures recommended by BAAQMD and YSAQMD to further reduce fugitive PM<sub>10</sub> dust emissions:

- Hydroseeding shall be used or nontoxic soil stabilizers shall be applied to inactive construction areas (previously graded areas inactive for 10 days or more).
- Exposed stockpiles (e.g., dirt, sand) shall be enclosed, covered, or watered twice daily, or nontoxic soil binders shall be applied to such stockpiles.
- Traffic speeds on unpaved roads shall be limited to 15 mph.
- Sandbags or other erosion control measures shall be installed to prevent runoff of silt to public roadways.
- Vegetation shall be replanted in disturbed areas as quickly as possible.
- Wheel washers shall be installed on all exiting trucks, or the tires or tracks of all trucks and equipment leaving the site shall be washed off.
- Windbreaks shall be installed or trees/vegetative windbreaks shall be planted at windward side(s) of construction areas.
- Excavation and grading activity shall be suspended when winds (instantaneous gusts) exceed 25 mph.

The area subject to excavation, grading, and other construction activity at any one time shall be limited, as necessary.

27. Signage must conform to Chapter 28.96, Signs.
28. Cancellation of the Land Conservation Contract number 401 must take place prior to commencement of special events.
29. A parking and event management plan shall be submitted and approved by the Department of Resource Management prior to hosting events.
30. The subject use permit shall be in effect for a five (5) year period with a provision that a second and final five (5) year extension may be granted if said request is received prior to the expiration date of January 22, 2023 and the use is found to be in full compliance with the terms and conditions of this permit at that time.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on December 20, 2018 by the following vote:

AYES:	Commissioners	<u>Rhoads-Poston, Walker, Hollingsworth, Bauer</u> <u>And Chairperson Cayler</u>
NOES:	Commissioners	<u>None</u>
EXCUSED:	Commissioners	<u>None</u>

By:   
Bill Emlen, Secretary