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Public Hearing to consider 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 Solano County agricultural history and military vehicle, equipment, and armament museum with 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.

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**RECOMMENDATION:**

The Department of Resource Management recommends that the Planning Commission recommend that the Board of Supervisors:

1. Waive reading of the ordinance;
2. Conduct a public hearing to consider Zone Text Amendment No. ZT-17-02 and Use Permit Permit Application No. U-17-06;
3. 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
4. Approve 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.

**EXECUTIVE SUMMARY:**

The American Armory Museum (AAM) is a nonprofit public benefit corporation with the specific purpose of operating a museum and carrying on other charitable and educational activities associated with such purpose. AAM intends to educate visitors about the United States military and Solano County's agricultural history through stationary displays of military and historical agricultural vehicles and equipment. The vehicles and equipment will be displayed inside the museum building as well as outdoors. The applicant is requesting approval to amend Chapter 28 of the Solano County Code relating to museums and providing for such use in the ATC-NC zoning district (ZT-17-02) and to operate a military vehicle, equipment, and armament museum as well as conduct outdoor events (U-17-06) at 4144 Abernathy Road.

**ENVIRONMENTAL ANALYSIS:**

The Department of Resource Management has prepared a Draft Initial Study and Mitigated Negative Declaration pursuant to the California Environmental Quality Act for this project. The environmental documents have been circulated and made available for public review and comment through December 19, 2018. The Draft MND identified certain potentially significant impacts together with proposed mitigations to reduce the impacts to less than significant. These

mitigations have been incorporated as conditions of approval.

**PROJECT LOCATION MAP:**

**Figure 1: Aerial Vicinity Map**



**BACKGROUND:**

- A. Prior approvals:** Land Conservation Contract 401 on Parcel 1 (0027-510-180). Nonrenewal filed August 16, 2011
- B. Applicant/Owner:** Rowland Family Properties, LP

**C. General Plan Land Use Designation/Zoning/Land Uses:**

	General Plan	Zoning	Land Use
Property	Agricultural Tourist Center	Agricultural Tourist Center A-TC-NC	Military Museum
North	Agriculture	Agriculture Suisun Valley A-SV-20	Crops
South	Freeway Corridor	N/A	Freeway
East	Agriculture	Agriculture Suisun Valley A-SV-20	Crops
West	Agricultural Tourist Center	Agricultural Tourist Center A-TC-NC	Tractor Sales

**D. Existing/Former Use:** Museum/winery**E. Adjacent Zoning and Uses:** See above**Environmental Setting:**

The project occupies 8.6 acres located within the Suisun Valley at the intersection of Suisun Parkway and Abernathy Road. The site is bounded by Interstate 80 on the south, Suisun Parkway on the east and north and private lands to the west which contain a tractor sales and service business.

The subject site is one legal lot comprised of two Assessor's Parcels; APN's 0027-510-170 and 0027-510-180. A Williamson Act contract covers Assessor Parcel 0027-5610-180.

The existing site conditions include approximately 3 acres of developed footprint containing the remnants of an abandoned winery operation which is currently utilized by the American Armory Museum for displays of military equipment and artifacts and a caretaker residence. The balance of the property is vacant and temporarily used for events and vehicle demonstrations. There are no trees or creeks located on the parcel. The adjacent properties contain an existing tractor sales and service operation and agricultural lands in crop production.

**Project Description**

The American Armory Museum (AAM) is a nonprofit public benefit corporation with the specific purpose of operating a museum and carrying on other charitable and educational activities associated with such purpose. AAM intends to educate visitors about the United States military and Solano County's agricultural history through stationary displays of military and historical agricultural vehicles and equipment. The vehicles and equipment will be displayed inside the museum building as well as outdoors. Existing hay production will continue on the property.

## **Museum Attendance and Events**

The American Armory Museum (AAM) will be open to the general public five days per week, from 10:00 AM until 4:00 PM Wednesday thru Sunday. AAM will also be available to host private parties. No alcoholic beverages will be served on the premises. AAM intends to limit occupancy of the museum building to no more than 40 visitors at any one time. AAM proposes to host several types of public events:

1. AAM would like to hold up to six public events per year with up to 200 persons per event. Examples would include lunches or dinners featuring a speaker on military history or agricultural history topics, a Halloween themed event in October, etc.
2. AAM will also conduct one annual fundraising event with up to 600 attendees and which would include live vehicle and other demonstrations on the property. AAM staff would operate any vehicles utilized in such demonstrations.
3. Finally, AAM anticipates up to six third party events per year, with an estimated attendance of 50 people at each and no live vehicle demonstrations.

AAM also proposes to offer vehicle rides to museum donors. Such rides would occur only on weekends by appointment.

## **Live demonstrations**

The museum will demonstrate operations of track vehicles (tanks) on the western portion of the property by driving them around that field (west of the "event parking area") and over the existing small dirt hills there. The track vehicles will drive over 2 cars sitting next to each other. The cars will come from a sponsor, Pick-n-Pull in Fairfield. All fluids and Freon are removed by Pick-n-Pull before the museum receives the cars. Within three days of the event, the cars will be returned to Pick-n-Pull and all debris (if any) will be removed. The demonstrations will be conducted within a controlled environment. Spectators are separated from the driving area by a temporary, bright orange security fence that will be manned by museum representatives.

The live demonstrations will be part of the museum's annual fundraiser event. The goal of the annual fundraiser is to raise operating funds for the museum. The event will include guided tours of the indoor museum and the vehicles located on the property outside of the museum, and the scheduled, live demonstrations. The fundraiser event will occur once per year. It is possible that live demonstrations may occur at another special event during the year, not specifically contemplated yet. At this time the museum does not anticipate conducting more than two special events per year involving live demonstrations of military vehicles.

## **General Plan Consistency:**

The 2008 General Plan designates this property as a Neighborhood Agricultural/Tourist Center, which:

*Provides for areas supporting complementary agricultural and tourism commercial facilities that are compatible with surrounding agricultural uses. In addition, permitted uses should enhance the agricultural character of surrounding areas, develop brand recognition, and create a destination for tourists. Permitted uses include small hotels, restaurants, retail shops, and facilities for the sale of local produce. – pg. LU-21*

The Suisun Valley is identified as a special study area. The general plan called for the development of zoning and development standards to carry out the policies identified for the Suisun Valley. The general plan discusses the need for agricultural tourist centers, to wit:

### **Agricultural Tourist Centers**

*There was significant agreement among the group that agricultural tourism would be critical to the future viability of agriculture in the valley. Participants requested that additional uses be allowed on lands designated for agriculture. Participants also agreed that the creation of small tourist-oriented centers within the valley would help attract tourists and provide additional opportunities to market local products.*

*SS.P-10: Establish neighborhood agricultural centers that expand agri-tourism in the Valley.*

*SS.P-17: Explore infrastructure alternatives for individual agricultural neighborhood centers in order to accommodate new commercial and tourist uses.*

Table LU-8, *Desired Uses in the Suisun Valley Special Study Area*, lists land uses contemplated for inclusion in the Agricultural/Tourist Centers. A museum is not a listed use identified in the table.

As a result, the project requires a zoning text amendment (ZT-17-02) to add Museum to the Agricultural Tourist Center- North Connector (A-TC-NC) District.

### **Suisun Valley Strategic Plan**

As required by the general plan, the County undertook a Strategic Planning effort for the Suisun Valley which resulted in the adoption of the Strategic Plan and new zoning districts for the Suisun Valley. Through the strategic plan, the County adopted a vision statement for the Suisun Valley:

*Suisun Valley is a unique farming region that supports profitable family farms and quality of life for all its residents. It is a destination for tourists seeking world class wine, identifiable Suisun Valley farm products and a beautiful agricultural landscape with no fallow land. The Suisun Valley appellation is so famous that it creates new markets and increases demand for Suisun Valley wine and other farm products outside of the region.*

The strategic plan provided further guidance on the individual agricultural/tourist centers designated in the general plan. The North Connector site guidance is:

*The North Connector site, located at the intersection of Abernathy Road and I-80, represents a key entry to Suisun Valley from both I-80 and the City of Fairfield. This ATC will be served by the new North Connector roadway. Many drivers will be passing this location on their way to or from work. Thus, it must be designed carefully to maintain the rural character of the Abernathy Road gateway.*

*Currently used for agricultural purposes, future commercial uses associated with this ATC will be limited to approximately 15 acres located between the North Connector roadway and the freeway. It is anticipated that there may be additional demand for future ATC acreage at this site, and future proponents are strongly encouraged to bring ideas forward in the future. No existing water or sewer lines are located in the vicinity. The North Connector roadway will include a new 30-inch water main for a portion of the roadway. It turns back toward the City of Fairfield over 2,500 feet to the west from the ATC. Another water main is located about 4,000 feet to the east. The closest sewer line is located about 2,000 feet to the southeast.*

*This site should serve as the marquee gateway to the Valley. Although uses such as service stations and farm equipment sales will be allowed, they must be designed and placed carefully so they do not block*

*views of the agricultural lands beyond. Signage will be used to bring visitors into the Valley, but should also encourage them to explore further. A visitor's center that serves the region would be an ideal use.*

### **Zoning Consistency:**

The project site is located within the Agricultural Tourist Center – North Connector (A-TC-NC) District. Section 28.23 of the Solano County Code establishes permissible land uses for the Agricultural Tourist Center – North Connector (A-TC-NC) District. Table 28.23A lists the allowable uses and permitting requirements. Based on the project description, the property is being utilized and proposed for museum facility purposes. The land use is presently not permitted in the A-TC-NC Zoning District.

The applicant has filed a request to amend the District to add a museum use currently being conducted as well as church and library uses.

### **Ordinance Development Standards:**

The proposed ordinance provides a definition of museum or library along with ten development standards designed to reduce possible impacts to adjacent uses. These standards address minimum lot area; proximity to other churches, museums, or libraries; landscaping; setbacks; parking areas; and proximity to agriculture lands.

### **ANALYSIS:**

AAM is proposing to operate a museum that hosts both indoor and outdoor events with the purpose of educating visitors about the United States military and Solano County's agricultural history through stationary displays of military and historical agricultural vehicles and equipment. The museum would serve as a tourist use since people would be attending the events with the museum serving as both a destination site and a stopover for other events.

Since both water and sewer is not available the potential uses envisioned in the Suisun Valley Strategic Plan will take time to be established. The museum would serve as a transitional use as it is a low intensity use since it does not need new buildings or other structures and can be moved when services are established and other uses identified in the strategic plan can locate there. It is envisioned that the use would operate for five years and 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.

In the interest of safety, staff is recommending that all operations comply with State and Federal guidelines to ensure the safety of the public.

### **FINDINGS:**

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 Suisun Valley Strategic Plan and 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 for review by the Public Works Division.

**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.

#### **RECOMMENDED CONDITIONS OF APPROVAL:**

##### *Administration:*

1. The proposed use shall be established in accord with the application and site plan for Zone Text Amendment (ZT-17-02) and Use Permit (U-17-06) and as approved by the Planning Commission.
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 and a second special event. All operations comply with 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.

## Public Works

6. 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.
7. 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

8. 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

9. 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.
10. 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.
11. Other Fire Protection Systems and Alarms may be required pending occupancy use as submitted on building plans.
12. Public events on-site may have special requirements, these may include permits for tents, heating devices and pyrotechnic displays.
13. Access Road and building approach must meet County and Fire Code Standards.
14. Occupant load and exits will be determined upon submission of plans for building permit.
15. 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.

16. 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.

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

**Environmental Health**

18. 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.

19. 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.

20. 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.

21. 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

22. 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

23. 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.

**24. 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 NO<sub>x</sub> and PM<sub>10</sub> control equipment will be available.

**25. 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.

26. Signage must conform to Chapter 28.96, Signs.

27. Cancellation of the Land Conservation Contract number 401 must take place prior to commencement of special events.

28. A parking and event management plan shall be submitted and approved by the Department of Resource Management prior to hosting events.
29. 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.

**ATTACHMENTS:**

- Exhibit A - Draft Resolution
- Exhibit B - Site Plan, Elevation
- Exhibit C - Environmental Document
- Exhibit D - Comments and Letters