

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. XX

WHEREAS, the Solano County Planning Commission has considered Use Permit application No. U-17-03 of **Bubbling Well Pet Memorial Park, Inc.** to permit an animal crematorium located within unincorporated Solano County, adjacent to the City of Fairfield within the Exclusive Agriculture “A-80” Zoning District, APN: 0166-050-100, 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 September 6, 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.**

The temporary use of the property for land uses permitted within the Exclusive Agricultural District, with a provision for site restoration to grazing lands, are consistent with the goals, objectives and policies of the Solano County General Plan.

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

Vehicular access to the site is developed off North Gate Road, a City of Fairfield local street. Internal circulation will be provided off of the private driveway. On-site utilities including septic system and domestic water well shall be developed in compliance with policy plan overlay PP-17-01. An approximate 3 acre retention pond is developed at the eastern extent of the project site to contain storm water run-off on-site.

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.**

As part of the Department of Resource Management’s project review process, the application materials, Initial Study, and Negative Declaration have been reviewed by various County Departments, as well as Local, Regional, and State agencies which may have jurisdiction of the project. Any recommended conditions of approval have been incorporated into the use permit resolution. The project, as conditioned, along with mitigations measures implemented through the Negative Declaration ensure any potential nuisances or impacts resulting from the project to be less than significant.

4. **The Department of Resource Management has prepared a Draft Initial Study and Mitigated Negative Declaration “IS/MND” pursuant to the California Environmental Quality Act for this project. The environmental documents have been circulated and made available for public review and comment from May 29, 2018 through June 27, 2018. The Draft MND identified certain potentially significant impacts together with**

proposed mitigations to reduce the impacts to less than significant along with other impacts determined to be less than significant

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby approve Minor Revision No. 1 of Use Permit Application No. U-15-05 subject to the following recommended conditions of approval:

General and Permit Term

1. The establishment and operation of the animal crematorium is a conditionally permitted land use within Policy Plan Overlay District PP-17-01 of Canon Partners, LLC. The permitted use (incineration) shall maintain compliance with all aspects of PP-17-01 including but not limited to the intent, term, and development standards established therein.
2. Issuance of Use Permit U-17-03 shall be dependent on the approval of Policy Plan Overlay PP-17-01 and shall not become valid unless and until the zoning overlay district becomes effective.
3. The animal crematorium shall be established in accord with the application materials and development plans for Use Permit U-17-03, filed March 27, 2017, by Bubbling Well Pet Memorial Park, Inc., and as approved by the Solano County Planning Commission.
4. The permit shall be granted for a fixed term, not to exceed ten (10) years, commencing on the effective date of PP-17-01. One ten year extension may be granted if, at the time of the extension request, the City of Fairfield has approved the extension of municipal services to the designated Fairfield Train Station Specific Plan area just west of the project site within the City of Fairfield. The use permit shall become null and void after ten years with no further action by the County of Solano unless it is otherwise extended pursuant to the conditions incorporated in this use permit.

Limitations of the Permit

5. Minor Revisions. No additional uses shall be established beyond those identified on the final development plan without prior approval of a revision or amendment to the use permit. No new or expanded buildings shall be constructed without prior approval of a minor revision to this use permit or approval of a new use permit.
6. 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 of and/or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.
7. Exercise of Permit. The use permit shall expire and thereafter be null and void, without further action by the County, if it is not exercised within one (1) year of the effective date of the Policy Plan Overlay (PP-17-01). The use permit shall not be considered exercised until all building, public works and environmental health permits required for the use have been issued.

8. Initial Inspection Prior to Commencement of Activities. Prior to the commencement of activities under this use permit or the admission of the public to the site, the permittee shall be present on site for an inspection of the premises by the Department of Resource Management and other agencies with jurisdiction, in order to determine if all prerequisite conditions and requirements have been met. Commencement of activities authorized under this permit shall not begin until the Director of Resource Management determines that the permittee is in compliance with the necessary prerequisite conditions of approval.
9. Subsequent Inspections. If additional inspections are required before the Director determines the permittee is in compliance with the use permit, the permittee shall be charged inspection fees based on the adopted rate established by the Board for hourly work by the Department.
10. 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.

Operational and Performance Standards

11. The permittee shall prevent offensive noise, dust, glare, vibration or odor. All uses of land and buildings shall be conducted in a manner, and provide adequate controls and operational management to prevent:
 - a. Dust, offensive odors, vibration detectable beyond any property line.
 - b. Noise that exceeds 65dBA LDN at any property line.
 - c. Glint or glare detectable beyond any property line or by overflying aircraft.
12. The project shall contain measures to manage storm water to prevent any potential contaminants, processing wastes or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.
13. Adequate off-street parking shall be provided pursuant to Section 28-94; parking areas and driveways shall be treated as necessary to control dust. Parking areas shall not be located any closer than 200 feet to an adjoining property. Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
14. Removal of natural material 1) shall prevent offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.
15. By signature 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 exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers, agents and employees from all claims, liabilities, losses, or legal actions arising from any such injuries, and from all approvals and conditions associated with issuance of this permit. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance of and/or interpretation of this permit, and all associated approvals and conditions. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.

16. The permittee shall be responsible for remediating any off-site contamination, damage, or injury to surrounding properties, including ground and surface water contamination, litter or safety hazards, or pollution of the air above any properties which may result from issuance of the permit; and during exercise of the use permit shall take adequate measures to prevent litter, dust, standing water, generated traffic, unsafe conditions, trespass to adjacent properties, or other activity in excess of, or inconsistent with conditions of the permit from creating a hazard or nuisance.
17. Subsections (j) and (m) of Section 28-53 of the Solano County Code concerning revocation of a use permit for non-compliance with conditions of a use permit and minor revisions to a use permit are expressly made applicable to this permit. Upon any revocation, permittee shall restore the site in accordance with conditions of the permit. If necessary, the County may resort to any security to accomplish such restoration. In addition, any term or condition of this use permit and any violation of this permit may be enforced by injunction issued out of the Superior Court upon suit by the County. In the event of permit revocation, the permittee shall submit within 90 days a report to the Department of Resource Management fully describing their restoration of the site for agricultural purposes. The permittee shall make periodic reports, as required by the Department of Resource Management, on the progress and conclusion of site restoration procedures.
18. The permittee shall provide for the employees both a water supply and sewage disposal system which have been approved by the Division of Environmental Health Services and shall comply with hazardous materials and hazardous waste management laws and regulations including when applicable preparing, revising, and updating a Hazardous Materials Business Plan that has been reviewed and accepted by the Division of Environmental Health Services.
19. The permittee shall prevent a reduction of land available for grazing by continuing to permit and encourage grazing on areas not utilized for the Bubbling Well facilities.
20. The project shall be consistent with the Travis Air Force Base Airport Land Use Compatibility Plan. The following measures shall be taken so that the facility is operated in a manner consistent with this plan:
 - a. Existing and proposed sheds and structures with reflective exteriors, including roofs, shall be painted or coated so that they are rendered nonreflective.
 - b. If night and/or security lights are to be used on the subject site, they shall be downcast and shielded so that off-site glare is prevented and lighting is confined to the work area.

CEQA Negative Declaration Mitigation Measures

*Agricultural Resources - **Mitigation Measure - 2.2(c):***

21. The permittee shall file a Reclamation Plan as a part of use permit development approval with financial assurance that the lands will be reclaimed to productive grazing lands.

Air Quality - Mitigation Measure - 2.3(a):

22. The permittee shall 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_x and PM₁₀ 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_x and PM₁₀ control equipment will be available.

Air Quality - Mitigation Measure - 2.3(b):

23. The permittee shall implement the following enhanced and additional control measures recommended by BAAQMD and YSAQMD to further reduce fugitive PM₁₀ 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.

Greenhouse Gas Emissions - Mitigation Measure - 2.7(a):

24. Require Tier-3 Compliant Construction Equipment. Equipment utilized during grading and construction shall meet Tier-3 standards of emission control.

Utilities and Service Systems - Mitigation Measure - 2.17(d):

25. The permittee shall consult with the Solano County Department of Resource Management Environmental Health Division prior to building permit issuances to determine if the project requires a public water system permit issued by the State Department of Public Health. If it is determined that the project requires a public water system permit, applicant shall obtain and comply with a public water system permit.

Building and Safety Division

26. The Building and any site improvements shall be designed using the 2010 California Building Standards Codes including the mandatory measures found in the new 2010 California Green Building Code, Chapter(s) 1, 2, 3, 5, 6, 7, 8, and A5 for Voluntary Measures. The building shall meet all of the requirements for commissioning a Green Building due to the size exceeding 10,000 square feet. The commissioning information is found in Section 5.410.2 of the 2010 California Green Building Code. (CalGreen) The building shall be designed by a licensed and/or registered architect/engineer who is knowledgeable in Green Building Codes.
27. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2010 California Building Code. **“Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.”** Contact the Building and Safety Division at (707) 784-6765 to discuss the permit process.
28. Certificate of Occupancy “111.1 Use and 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 therefore as provided herein.”

29. A separate permit will be required for any grading.
30. A geotechnical/Soils Report will be required for any expansions to existing buildings or for the construction of new buildings.
31. The building permit plans shall include a code analysis as listed below and the design shall be under the 2010 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 a code analysis for each building or structure such as:
 - A) Occupancy Classification
 - B) Type of Construction
 - C) Seismic Zone
 - D) Location on Property
 - E) Height of all buildings and structures
 - F) Square footage
 - G) Occupant Load
 - H) Allowable Floor Area
 - I) Height and Number of Stories
32. Plans and Specifications shall meet the requirements as per Section 107 of the 2010 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.”** Also Section 106.1.1; **“Construction documents shall be dimensioned and drawn upon substantial material. 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 the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.”**
33. The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2010 California Building. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2010 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, and designed by a licensed architect reflecting all site accessibility.
34. All accessible paths of travel and parking areas shall be a hardscaped surface and shall meet all of the worst case requirements between Chapter 11B of the 2010 California Building Code and the ADA Federal Law.
35. The fire district will reassess the site for fire life and safety requirements.

Business Licensing

36. The permittee shall obtain a business license from the Solano County Department of Resource Management for the proposed recycling facility and maintain compliance with its requirements.

Environmental Health Division

- 37. Potable Water Requirements.** Per Health and Safety Code section 116275, a Public Water System permit from the State of California Water Board, Division of Drinking Water shall be obtained and maintained valid, including all operating, monitoring, reporting and notification requirements for a Public Water System shall be met. The responsibility for providing potable water to the property, which includes obtaining and maintaining compliance with the permit conditions, lies with the property owner.

The initial phase of the project includes the Bubbling Well facility, which, will derive its water supply from an on-site water well and is not considered a state regulated Public Water System. Therefore, at a minimum, the onsite water supply shall meet the same requirements as those for a State Small Water System HSC § 116275 (n), regardless of the number of connections.

This requires obtaining an annual County State Small Water System permit (CCR Title 22 §64211), and monitoring the water supply per CCR Title 22 § 64212 and 64213) for constituents and reporting test results to the Solano County Environmental Health Division at the frequency required for a State Small Water System. If there are less than 5 service connections, then coliform testing only needs to be performed annually. In the event samples do not meet drinking water standards, Environmental Health Division requires disinfection procedures and more frequent sample testing.

Environmental Health shall only permit one State Small Water System on the legal lot. Environmental Health will require a water infrastructure design plan upon initial application for the State Small Water System permit that shows how all of the business lots will be connected to the water system. Multiple State Small Water System permits can be issued, if at such a time subdivision of the property occurs, creating separate legal lots.

As this is considered a temporary Policy Plan Overlay, Environmental Health shall require a post closure plan upon initial application for the State Small Water System permit. The post closure plan shall include a description of how the water infrastructure will be installed, maintained, and tracked to ensure that upon expiration of the Policy Plan Overlay all remnants of the water system infrastructure can be removed from the ground to allow for the return of the parcel to agricultural land.

Once the service population exceeds the threshold of serving 25 or more people for 60 or more days of the year, or the number of water service connections exceeds 14, the property shall obtain and maintain a Public Water System permit from the Division of Drinking Water.

The application shall be submitted and approved and all required monitoring and testing shall be conducted prior to final inspection from the Building Division.

The permittee shall certify the number of employees and customers/visitors using the water supply and the number of connections attached to the water supply to the Environmental Health Division on an annual basis.

The owner of the water supply system shall provide sample results for other constituents as required by the Environmental Health Services Division within 30 days of a written directive to provide such results.

Any cost incurred by the Environmental Health Division above that recovered through any annual permit fee for work performed associated with the water supply shall be paid at the

current hourly rate for Environmental Health Division within 30 days of invoice.

- 38. Septic System Requirements.** The design and specification of the septic system shall include plans that show the proposed system detail and the placement of the leachfield in the area tested and identified for leachfield construction.

The site testing and an on-site sewage disposal system design shall be prepared by a Professional Civil Engineer, Certified Engineering Geologist, or a Registered Environmental Health Specialist. The designer shall certify and stamp the design prior to approval of the on-site sewage disposal system permit.

The onsite sewage disposal system shall not serve more than one parcel. Solano County Code Chapter 6.4 does not apply to a Community Sewage Disposal System. A Community Sewage Disposal System is defined in Chapter 6.4 as a system that accepts sewage from two or more separate lots.

Septic system design for capacity greater than 10,000 gallons per day shall require permitting through the State Water Board.

Public Works – Engineering

- 39.** The applicant shall apply for, secure and abide by the conditions of a grading permit prior to any onsite grading. The applicant shall submit improvement plans to Public Works Engineering for review and approval by the appropriate official. The review of plans and inspection of the construction is subject to fees to cover the cost to Public Works Engineering. Contact the Public Works – Engineering Division at (707) 784-6765 to discuss the permit process.

Local, Regional, and State Agencies

Air Quality Management District

- 40.** The permittee shall maintain compliance with any necessary permits required by the Bay Area Air Quality Management District.

Central Valley Regional Water Quality Control Board

- 41.** The permittee shall obtain coverage under a General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ once the project disturbs one or more acres of soil. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, Visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Alternatively, contact Trevor Cleak with the Central Valley RWQCB at (916) 464-4684.

City of Fairfield – Public Works

42. The permittee shall secure and comply with the requirements of an encroachment permit for the construction of the driveway connection within the North Gate Road right-of-way. Permit requirements may include widening of North Gate Road and the construction of a center turn lane.

Solano Irrigation District (SID)

43. The project is located within the Solano Irrigation District boundary and is therefore subject to the Rules and Regulations, assessments, and charges of the District. The subject property has an existing service located at the northwest corner of the parcel. The service provides raw, untreated, agricultural irrigation water. No other uses for the water are acceptable to the District.

Travis Air Force Base

44. All structural development shall be located outside of the Travis Air Force Base water line easement running along North Gate Road.

Vaca-Elmira Fire Protection District

45. The site, including structures, equipment and vehicles, shall be inspected by the Vaca-Elmira Fire Protection District as deemed necessary by the District and kept in compliance with the Fire District regulations.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on September 6, 2018 by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: _____
Bill Emlen, Secretary