

## **ORDINANCE NO. 2018 - 1801**

### **AN ORDINANCE AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE TO REZONE 83± ACRES LOCATED EAST OF THE INTERSECTION OF NORTH GATE ROAD AND CANON ROAD BY ADDING A POLICY PLAN OVERLAY DISTRICT TO SUCH PROPERTY (PP-17-01)**

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

#### **SECTION I**

Pursuant to Chapter 28, Section 28-68, of the Solano County Code (Zoning Regulations), Policy Plan Overlay District PP-17-01, as set forth in Exhibit A attached hereto, is adopted and applied to a 83± acre portion of property identified as Assessor's Parcel Numbers 0166-040-060 and 0166-050-100, as shown in the Development Plan included in Exhibit A.

#### **SECTION II**

The Board of Supervisors has made the following findings in regard to the zoning amendment described in Section I of this ordinance:

1. The proposed development is in conformity with the Solano County General Plan with respect to land use, population densities and distribution, traffic circulation, public sewer and water service, and other pertinent aspects of the General Plan.

The adoption of the Policy Plan Overlay district would conform to the existing General Plan, thereby permitting development of the property with land uses, population densities, utilities, and traffic circulation as envisioned by the General Plan.

The project is located within an area designated Agriculture by the Solano County General Plan Land Use Diagram. The project is also located within the Travis Reserve Area which provides for future expansion of Travis Air Force Base and support facilities for the base. The general plan designates the Travis Reserve for the "ongoing agricultural and open space uses" within the reserve area. The Department is recommending that short-term temporary nonresidential uses may also be considered, subject to a discretionary permit approval.

Permitted land uses within the policy plan area would operate for fixed term of ten (10) years, commencing on the effective date of the policy plan overlay. Additional permitting would be necessary should the need for those uses continue beyond the ten year fixed term.

The site is also located within the Municipal Service Area of the City of Fairfield. Upon annexation, land uses on the property would be subject to the zoning and general plan designations of the City of Fairfield.

The subject site is zoned Exclusive Agriculture "A-80". As seen on the General Plan/Zoning Consistency Table (Table LU-7 General Plan), the zoning is consistent with the general plan designation. In addition, transitional industrial and commercial land uses are permissible within the Exclusive Agriculture zoning district. Policy Plan Overlay PP-17-01 would incorporate those uses to the subject site and establishes applicable development standards.

2. The proposed development is designed to produce an environment of stable and desirable character consistent with all applicable goals, objectives, policies, proposals, criteria, standards and procedures of the general plan.
3. The proposed development meets applicable development requirements and where possible, exhibits creativity and innovation in architectural, engineering, planning, and environmental design.
4. The proposed Policy Plan Overlay district is consistent with the Travis Air Force Base Land Use Compatibility Plan in that any site improvements associated with the Policy Plan Overlay district will have no material impact on Base operations or expansion.
5. The proposed Policy Plan Overlay district would be supportive of Travis Air Force Base operations by providing for short term transitional uses such as asphalt recycling which services runway repairs at the Base.
6. The proposed Policy Plan Overlay district limits building and improvements to those that are temporary in nature and easily dismantled or moved to allow restoration of the property back to long term agricultural use of the property.
7. No municipal services will be extended to the property included within this Policy Plan Overlay district.
8. The project has been reviewed and processed in accordance with the California Environmental Quality Act (CEQA) and the County CEQA Guidelines. Adequate mitigation is provided for any use, process, equipment, or materials which are found to be objectionable or to be injurious to property located in the vicinity by reason of odor, fumes, dust, smoke, cinders, glare, unsightliness, hazardous materials, traffic congestion, or to involve any hazard of fire or explosion.

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. All of the proposed mitigation measures have been incorporated into the Land Use and Development Standards for Policy Plan Overlay District No. PP-17-01.

On September 6, 2018 Solano County Planning Commission reviewed the Mitigated Negative Declaration and proposed Policy Plan Overlay District No. PP-17-01, and recommended to the Board of Supervisors that it adopt the Mitigated Negative Declaration and Policy Plan Overlay District. The Board has read, considered and adopted the Mitigated Negative Declaration.

### SECTION III

A summary of this ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its passage and adoption and shall take effect thirty (30) days from and after its passage.

### SECTION IV

This ordinance shall remain in effect only until December 31, 2028, and as of that date is repealed, unless a later enacted ordinance, that is enacted on or before December 31, 2028, deletes or extends that date.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on November 13, 2018, by the following vote:

AYES: Supervisors Hannigan, Brown, Spering, Thomson  
and Chair Vasquez

NOES: Supervisors None.

EXCUSED: Supervisors None.

  
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JOHN M. VASQUEZ, Chair  
Solano County Board of Supervisors

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

By:   
\_\_\_\_\_  
Jeanette Neiger, Chief Deputy Clerk

**Exhibit A:** Land Use and Development Standards for Policy Plan Overlay No. PP-17-01

**Canon Partners LLC Policy Plan Overlay District  
PP-17-01  
Land Use and Development Standards**

**Statement of Purpose**

The purpose and intent of this Policy Plan Overlay District (PP-17-01) is to provide for the establishment of general and specific site development standards for the limited term use of the project site during the construction and relocation of land uses within the Fairfield Train Station Specific Plan area. Under this policy plan overlay, development of the property shown on the Site Development Plan is consistent with the General Plan and the underlying Exclusive Agriculture Zoning District.

**Limited Term**

A use permit shall be required whenever development is proposed within the policy plan overlay area. Any use permit granted within the policy plan overlay shall be issued for a fixed term, not to exceed ten (10) years, commencing on the effective date of PP-17-01. One extension for up to ten year 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 provision of municipal services to Fairfield Train Station Specific Plan area would allow for the relocation of permitted uses from within the policy plan overlay area.

**Allowed Uses and Permit Requirements**

Table 28.68.17-01 identifies the land uses allowed within the policy plan overlay and the land use permit required to establish each use. In addition to the land use permit required by Table 28.68.17-01, special requirements may also apply to certain uses.

**Land Use Regulations**

Where the last column in Table 28.68.17-01 (Land Use Regulations) includes a section number, e.g. 28.71.20(A), the zoning regulations in the referenced section apply to the use. Where the last column includes a chapter number, e.g. Chapter 13.6, the regulations in the referenced Solano County Code apply to the use. Provisions in other sections of this Zoning Ordinance may also apply.

**Prohibited Uses**

All uses not specifically identified herein as permitted uses, accessory, or conditional uses are prohibited within the area shown on the Development Plan.

**Site Development and Other Standards**

All uses shall comply with the provisions of Article IV, Section 28-90 Site Development and Other Standards which includes standards for parking, signs and other project elements.

**Architectural Review**

Architectural Approval may be required for certain uses in compliance with Section 28.102 (Architectural Approval).

### **Performance Standards**

**Limitations** - The construction, occupancy, and use of proposed buildings and surrounding lease areas shall be in accord with the plans and information submitted with Policy Plan Overlay application PP-17-01 and as approved by the Solano County Board of Supervisors.

**Prevention of Nuisances** - 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 property.

**Lighting and Glare** - All lighting shall be shielded to prevent any light spillover onto surrounding properties. A lighting plan providing the location, light intensity and direction, construction and materials shall be submitted by the permittee prior to building permit issuances.

**Structures** - Any structure constructed pursuant to this Policy Plan Overlay shall be temporary in nature by use of materials that allow for quick dismantling or modular and easily movable.

**Municipal Services** - No municipal services may be extended to the subject property covered under this overlay.

**Fencing** - All fencing shall be maintained plumb, level, and in a structurally sound condition.

**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.

**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.

**Fire Protection Requirements** - An onsite fire protection system for the proposed buildings shall be designed, installed, and maintained by the permittee, including provision for the adequate storage of water for fire suppression purposes. The permittee shall hire a qualified fire prevention engineer to prepare a fire protection plan for the property which shall be approved by the Fire Protection District and the County of Solano prior to building permit issuances.

**Dust Control** - The permittee shall implement a plan for dust control which shall include, at a minimum, the following items:

- a. All material stockpiled on site shall be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance. Watering shall occur at least once a day with complete site coverage, preferably in the mid-morning hours.
- b. All on site areas with vehicle traffic shall be watered periodically or have dust palliatives applied for stabilization of dust emissions.
- c. All trucks hauling dirt, sand, aggregates or other loose materials shall be covered or shall maintain at least two feet of freeboard (i.e. minimum vertical distance between top of load and trailer).

**Site Appearance** - The permittee shall maintain the project site in a neat and orderly manner and kept free of accumulated debris or junk.

**Drainage Improvements** - The permittee shall furnish a hydrologic study prepared by a licensed civil engineer to demonstrate that permanent storm drain facilities can be designed and constructed within the Policy Plan Overlay to satisfy County Code section 31-26 and Section 31-30 "General Design Principles and Standards" showing no increased rate of run off. All current County and State stormwater requirements must be met. The applicant will need to indicate the general location of significant storm drainage improvements on the grading permit site plan. The site plan will need to show that surface water runoff created by any impervious surface on site is retarded by appropriate structural and vegetative measures so that flow rates at the discharge point don't exceed flows prior to any historical development on site. Such improvements need to be contained within the property boundary.

**Development Site Plan** - Attachment A

**TABLE A 28.68.17-01 of ALLOWED USES**



A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited		
ALLOWED USES* *See Definitions Section 28-01	Permit Requirements	Land Use Regulations** **See Section 28-70.10
	<b>PP-17-01</b>	
<b>AGRICULTURAL USES</b>		
<b>A. CROP PRODUCTION AND GRAZING</b>		
Agricultural accessory structures	A	28.71.10(B)(1)
Cultivated and irrigated farming	A	28.71.10
Non-irrigated and non-cultivated farming, Grazing	A	28.71.10
Grazing or pastured livestock	A	28.71.10
Pastured Poultry		28.71.30(A) & (B)(4)
<i>Not adjacent to a R District</i>	A	
<i>Adjacent to a R District</i>	MUP	
<i>With an agricultural commercial kitchen</i>	MUP	
<i>With sales</i>	MUP	
<i>With more than 4 crowing fowl</i>	UP	28.71.30(A) & (B)(4)
<b>B. AGRICULTURAL PROCESSING USES</b>		
Agricultural processing facility	UP	28.71.20(A) & (B)(1)
Aquaculture	UP	
Nursery with public sales	A	28.71.20(A) & (B)(2)
<b>C. ANIMAL FACILITIES AND OPERATIONS</b>		
Confined animal facility, including dairy		
<i>Small</i>	MUP	28.71.30(A) & (B)(1)
Fowl and Poultry Ranch		
<i>Small (100 - 1,000 birds)</i>	MUP	28.71.30(A) & (B)(2)
<i>Large (1,001 birds or more)</i>	UP	
Hog Ranch		
<i>Small (20 - 100 hogs)</i>	AP	28.71.30(A) & (B)(3)
<i>Medium (101 - 750 hogs)</i>	MUP	
<i>Large (751 hogs or more)</i>	UP	
Slaughterhouse		
<i>Small Slaughterhouse (1,000 head per year or less)</i>	MUP	28.71.30(A) & (B)(5)
<i>Large Slaughterhouse (More than 1,000 head per year)</i>	UP	28.71.30(A) & (B)(5)
<b>D. OTHER AGRICULTURAL OPERATIONS</b>		
Agricultural employee housing	AP	28.71.40(A) & (B)(1)
HCD Agricultural employee housing	A	28.71.40(A) & (B)(3)
Labor Camp	MUP	28.71.40(A) & (B)(4)
Temporary Commercial Coach	AP	28.71.40(A) & (B)(5)

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ALLOWED USES*	Permit Requirements	Land Use Regulations**
*See Definitions Section 28-01		**See Section 28-70.10
	PP-17-01	
<b>RESIDENTIAL USES</b>		
<b>A. TEMPORARY RESIDENTIAL USES</b>		
Security quarters for a construction site (commercial coach, manufactured home or recreational vehicle)	UP	28.72.20(A) & (B)(1)
Temporary Manufactured Home Storage	UP	28.72.20(A) & (B)(4)
Temporary single family home	UP	28.72.20(A) & (B)(6)
<b>B. AGRICULTURAL AND ANIMAL FACILITIES INCIDENTAL TO A RESIDENCE</b>		
Small Kennel or Cattery	MUP	28.72.30(A) & (B)(3)
Stable, private	MUP	28.72.30(A) & (B)(5)
<b>C. OTHER RESIDENTIAL USES</b>		
Cottage Industry		
<i>Type I</i>	UP	28.72.40(A) & (B)(1)
<i>Type II</i>	UP	
Home occupation		
<i>Type I</i>	MUP	28.72.40(A) & (B)(2)
<i>Type II</i>	MUP	

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited		
ALLOWED USES*	Permit Requirements	Land Use Regulations**
*See Definitions Section 28-01		**See Section 28-70.10
	PP-17-01	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES		
RETAIL AND OFFICE USES		
A. RETAIL USES		
Farm/Ranch Supply Store	MUP	28.74.10(A) & (B)(5)
Roadside Stand		
1,000 square feet or less in size	A	28.74.10(A) & (B)(8)
Between 1,000 and 2,500 square feet	AP	
Greater than 2,500 square feet in size	MUP	
Non-agricultural product sales, less than 10%.	A	
Non-agricultural product sales, between 10% and 25%	MUP	
Non-agricultural product sales, greater than 25%	UP	
Any of the above with a Certified Farmers Market		
Small Certified Farmers Market	AP	28.74.10(A) & (B)(8); 28.75.20(A) & (B)(2)
Medium Certified Farmers Market	MUP	
B. OFFICE USES		
Agricultural Research Facility		
Small (less than 20,000 sq. ft.)	AP	28.74.20(A) & (B)(1)
Medium (between 20,000 and 40,000 sq. ft.)	MUP	
Large (more than 40,000 sq. ft.)	UP	
COMMERCIAL SERVICE USES		
A. COMMERCIAL SERVICES		
Large Animal Hospital or Veterinary Clinic	MUP	28.76.20(A) & (B)(1)
Kennel or Cattery, Large	MUP	28.76.20(A) & (B)(2)
Transitional Commercial	UP	28.76.20(A) & (B)(3)

A= Allowed by right, AP= Administrative Permit, MUP= Minor Use Permit, UP= Use Permit, E=Exempt, - - - = Prohibited		
ALLOWED USES*	Permit Requirements	Land Use Regulations**
*See Definitions Section 28-01		**See Section 28-70.10
	PP-17-01	
<b>INDUSTRIAL, MANUFACTURING, PROCESSING AND WHOLESALE USES</b>		
<b>A. Industrial, Manufacturing and Processing Uses</b>		
Transitional Industrial	UP	28.77.10(A) & (B) (4)
<b>COMMUNICATION AND INFRASTRUCTURE USES</b>		
<b>A. COMMUNICATION USES</b>		
<b>Wireless communication facilities</b>		
Co-locations	MUP	28.78.10(A) & 28.81
New towers	UP	
<b>B. INFRASTRUCTURE USES</b>		
Non-commercial wind turbine		
100 feet or less in height	MUP	28.80
Over 100 feet in height	UP	
Pipeline, transmission or distribution line, in R.O.W.	A	28.78.20(A) & (B)(8)
Refuse, disposal, incineration, recycling or composting	UP	28.78.20 (B)(3)

**General site and building standards**

Subdivisions, new land uses, main buildings including temporary residential uses, and alterations to existing land uses and buildings, shall be designed, constructed, and/or established in compliance with the applicable development standards delineated or referenced in Table B 28.68.17-01.

**TABLE B 28.68.17-01 of DEVELOPMENT STANDARDS**

<i>Development Standards for Main Building &amp; Temporary Residential Uses</i>	
	<b>PP-17-01</b>
<b>MAIN BUILDING</b>	
Setbacks to Property Lines <sup>(1)</sup>	
Front	<i>30 feet, but at least 50 feet from the street centerline and unless otherwise indicated by building lines on the Zoning Maps.</i>
Sides (each)	<i>20 feet</i>
Rear	<i>25 feet</i>
Between structures <sup>(2)</sup>	<i>10 feet</i>
Height limit	<i>35 feet, and as allowed by 28-93 Special regulations</i>
Height limit for agricultural processing uses	<i>50 feet, and as allowed by 28-93 Special regulations</i>

**Notes:**

- (1) Other setbacks may be required for specific uses listed in Table 28.68.17-01, as provided elsewhere in this Chapter.
- (2) Other separation between structures may be required by County Building Code.

## Accessory Buildings and Structures

New accessory buildings and other structures, including alterations to existing accessory buildings and other structures, shall be designed, constructed, and/or established in compliance with the applicable development standards in Section 28.71.10(B)(1) and in the table below.

**TABLE C 28.68.17-01 of DEVELOPMENT STANDARDS, ACCESSORY BUILDINGS**

<i>DEVELOPMENT STANDARDS FOR ACCESSORY BUILDINGS</i>	
	<b>PP-17-01</b>
<b>AGRICULTURAL ACCESSORY BUILDINGS <sup>(1)</sup></b>	
Setbacks <sup>(2)</sup>	
Attached	<i>An accessory building attached to the main building shall comply with the setback requirements for the main building</i>
Detached	
Front	<i>60 feet or on the rear 50% of the lot</i>
Sides (each)	<i>20 feet</i>
Rear	<i>20 feet</i>
Between structures	<i>10 feet from any dwelling or other main building on the same lot Stables: 20 feet from any dwelling or other main building on the same lot</i>
Height limit	<i>35 feet, and as allowed by 28-93 General Building regulations</i>
Height limit for agricultural processing uses	<i>50 feet, and as allowed by 28-93 Special regulations</i>
Parking	<i>As required by 28-94, Parking Requirements</i>
Signs	<i>See Section 28.96 Signs</i>
<b>RESIDENTIAL ACCESSORY BUILDINGS <sup>(1)</sup></b>	
	<b>PP-17-01</b>
Setbacks <sup>(2)</sup>	
Attached	<i>An accessory building attached to the main building shall comply with the setback requirements for the main building</i>
Detached	
Front	<i>60 feet or on the rear 50% of the lot</i>
Sides (each)	<i>20 feet</i>
Rear	<i>20 feet</i>
Between structures	<i>10 feet from any dwelling or other main building on the same lot Stables: 20 feet from any dwelling or other main building on the same lot</i>
Height limit	<i>35 feet, and as allowed by 28-93 Special regulations</i>
Parking	<i>As required by 28-94, Parking Requirements</i>
Signs	<i>See Section 28.96 Signs</i>

### Notes

- (1) Does not include a secondary dwelling as defined in Section 28-01.
- (2) Other separation between structures may be required by County Building Code.

[illegible]

DATE	MR	SUBJECT	REVISED	TZ	BY	CHK	SCALE
							1 TO 100
SHEET NO.	1	DATE	2-22-78	DORRIN	GAW	CANDANO	FWP
							FWP
							PRG. MGR.
							AW