

# **SOLANO COUNTY PLANNING COMMISSION**

## **RESOLUTION NO. XX**

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**WHEREAS**, the Solano County Planning Commission has considered Use Permit Application No. U-18-04 of **Ted and Jeri Seifert (The Timbers-Silveyville Christmas Tree and Pumpkin Farm)** for an existing Christmas tree and pumpkin farm with concessions, gift shop and amusement activities, with the addition of a proposed event venue consisting of a 3,000 square foot building and adjacent park. The property is located at 6224 Silveyville Road, northwest of the City of Dixon in the Exclusive Agricultural "A-40" Zoning District, APN's: 0108-090-130 and 140, 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 6, 2018 which was continued to April 18, June 20 and July 18, 2019, and;

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

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

This project is located within an area designated as Agriculture by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Exclusive Agricultural (A-40) District. The proposed temporary agritourism uses are consistent with the General Plan. The property is developed with agricultural and residential structures as well as significant areas planted in trees and seasonal crops.

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

The site does not have utilities for permanent development. The proposed use is a temporary event for up to 45 days. All necessary services will be brought onto the site on a temporary basis for 45 days and then removed. A traffic control plan will be in place to ensure that traffic congestion during an event is minimized.

- 3. The subject use will not, under the circumstances of this 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 conditioned, the proposed seasonal sales lot with amusements and entertainment uses will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents. A traffic and parking management plan will be in place to ensure that traffic congestion during an event is minimized.

### **ADDITIONAL FINDINGS**

- 4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15304, Minor Alterations to Land.**

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission of the County of Solano does hereby adopt the mandatory and suggested findings, and approve Use Permit No. U-18-04, subject to the following recommended conditions of approval.

## **GENERAL PROVISIONS**

### **Administrative Conditions of Approval**

1. **Approved Uses.** The proposed use shall be established in accord with the application and site plan for Use Permit U-18-04, submitted June 29, 2018 and as amended by the permittees, Ted and Jeri Seifert., and as described and conditioned herein. In the event of any conflict between the application materials and the project description or conditions set forth in this permit, the latter shall control.
2. **Permit Term.** The permit is issued for an indefinite term, commencing on July 29, 2019 and subject to renewal as provided below.
3. **Renewal.** The use permit is subject to renewal pursuant to Section 28.106(N) of the Solano County Code. Application for renewal must be filed prior to the 5-year anniversary date of the initial approval or the most recent renewal approval date.
4. **Final Plan.** Within 30 days of approval of the use permit, the permittee shall submit a final development plan portraying the project as approved.

### **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 by close of business on September 30, 2019. 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 (Director) 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.

#### **SITE AND FACILITY CONDITIONS AND IMPROVEMENTS**

11. **Occupancy.** The site shall be limited to a maximum occupancy of 1,200 persons, with 200 at the Timbers and up to 1,000 at the Pumpkin Farm and Christmas Tree Farm.
12. **Access.** The site shall provide and maintain two twenty-foot minimum width all-weather surface driveway connections to a public road.
13. **Kitchen Facilities.** No kitchen facility may be used unless it is permitted as a food facility by the Environmental Health Division.
14. **Exterior Lighting.** Lighting capable of providing adequate illumination for security and safety shall be provided. . Lighting shall be downcast and/or directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
15. **Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors including restrooms, refuse disposal receptacles, potable water and wastewater facilities.
16. **Parking.** The parking area identified on the final development plan shall provide adequate parking space for at least 300 vehicles; parking areas and driveways shall be treated as necessary to control dust. Parking areas shall not be located any closer than 50 feet to an adjoining property. Parking shall be located in an open area with a slope of 10 percent or less.
17. **Parking on the road.** No parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The permittee shall place signs along the interior access ways and at 300-foot intervals along the road right-of-way indicating the parking restriction. These signs shall be posted no earlier than the day before the event and shall be removed no later than the day following the event.
18. **Use of Existing Structures.** The use of existing permanent structures temporarily during events are limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with the Americans with Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.
19. **Use of Temporary Structures.** The use of temporary structures during events are limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with ADA where applicable. This requirement may be waived through an adjustment (Section 22.70.030) when the applicable fire agency verifies in writing that the

proposed structure is adequate for safe egress and all other fire safety concerns have been addressed.

20. **New Permanent Structures.** Event activities may only be allowed in new structures if approved through a Conditional Use Permit.

## **OPERATIONAL AND PERFORMANCE STANDARDS**

21. **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:

Dust, glare, vibration which are detectable beyond any property line, and Noise that exceeds 65dBA LDN at any property line.

22. **Prevent Storm Water Pollution.** Any use of land or buildings 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

23. **Solid Waste and General Liquid Waste Storage and Disposal.**

- a. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
- b. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.
- c. All burning of waste materials accessory to any use shall comply with the Yolo-Solano Air Quality Management District or the San Francisco Bay Area Air Quality Management district based on geographic location of the activity specific to each air quality management district.
- d. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.

24. **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.

25. **Operational Controls.** Shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.

26. **Incidental Retail Uses.** Temporary agritourism uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.

27. **Nuisance Controls.** Permittee shall show that adequate measures and controls shall be taken to prevent offensive glare, noise, odors and dust from impacting abutting uses or facilities.

28. **Hours of Operation.** The hours of operation for special events at the Timbers are from 9:00 a.m. - 10:00 p.m. Facility set up and clean up shall be allowed between the hours of 7:30 a.m. to 10 p.m. All guests of an event shall be off the property by 10:00 p.m.

The hours of operation for the Pumpkin Farm are from 10:00 a.m. - 06:00 p.m.

The hours of operation for Christmas Tree Farm are from 9:00 a.m. - 7:00 p.m. several days of the week as determined by the applicant, and 9:00 a.m. to 5 p.m. for the remainder days.

29. **Site Appearance.** The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
30. **Event Management Plan.** No later than March 31<sup>st</sup> of each year, the permittee shall submit an Event Management Plan which shall identify measures, procedures and operational controls to address the operational and performance standards imposed by this permit, including the following categories:
31. **Nuisance Control.** Identify measures and controls to manage potential nuisances such as fugitive dust, noise, light, glare and odor. Nuisance Controls shall include the following provisions:
- 1) Direct lighting used for illumination of spaces for clean-up of work (as opposed to highlight lighting such as strands of Led lights suspended overhead) shall be shielded downward or oriented such that it does not radiate light directly in the western direction from the proposed site towards the residence located to the west
  - 2) That there shall at least a 5-foot-high permanent fence or gates on or near the western boundary of the property to prevent access on the adjoining residential property to the west.
  - 3) The project shall include features or requirements to avoid excessive and disturbing sound at the residence located to the west of the site. These features shall include:
    - a) Designating locations where speakers broadcasting amplified sound associated with music shall be allowed (the "Band Area")
    - b) Installing a sound barrier with noise absorbing material (this could be an acoustic fence or wall) that is located adjacent Band Area and designed to reduce the sound levels at the residence on the property to the west.
    - c) Retaining or planting a natural forest setting of Incense cedar or other trees to the west of the event center location and Band Area.
    - d) Enforcement by the permit holder that amplified sound shall cease at 10:00 PM.
32. **Traffic and Parking Management.** Identify measures and controls to manage traffic arriving and departing the site as well as controls to assure the efficient movement of vehicles in the parking areas. At a minimum, the plan shall include the placement of "No Parking" signs on Type II barricades on both sides of Silveyville Road along the entire property frontage. The applicant shall apply for, secure and abide by the conditions of an Encroachment Permit from Solano County Public Works for any traffic controls operations within the County rights-of-way including, but not limited to, "No Parking" barricades, traffic signs, and flagging. Solano County Public Works reserves the right to modify or revoke the Encroachment Permit when, in the opinion of the Director of Resource Management, the Traffic and Parking Management Plan is not functioning as intended and/or adversely affects other public or private roads or properties in the area.
33. **Food and Beverage Service.** Describe the types of food and beverage services available to the public and identify all necessary permits and licenses which must be obtained prior to conducting the event.
34. **Emergency Response Plan.** Identify measures and controls to manage any emergency which might reasonably arise during an event. Provide a list of emergency contacts for various responders to all staff and volunteers. Identify a central location on the property which will serve as an emergency center with communications and fire and first-aid equipment.
35. **Security.** The Timbers Event Center shall provide adequate onsite security personnel during the conduct of its events.

36. **Storm Water Management.** Identify measures and controls to manage storm water to prevent storm water pollution.
37. **Sanitation and Waste Management.** Identify measures and controls to manage all forms of liquid and solid waste on the site.
38. **Approval of the Event Management Plan.** The permittee shall not commence any uses of buildings or the land for events until the Director has approved the Event Management Plan.

## **ADDITIONAL PERMITS REQUIRED**

### **Planning Division Permits**

39. **Land Conservation Contract 52.** Permittee shall submit a Notice of Nonrenewal of Land Conservation Contract 52 for both APN's 0108-090-130 and 0108-090-140 upon approval of Use Permit No. U-18-04.  
  
A sign permit for all existing or proposed signs shall be applied for and granted prior to the commencement of the use.

### **Building Division Conditions**

40. Any new buildings and any site improvements shall be designed using the 2016 California Building Standards Codes including the mandatory measures found in the new 2016 California Green Building Code, Chapter(s) 1, 2, 3, 5, 6, 7, 8, and A5 for Voluntary Measures.
41. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2016 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."**
42. 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."
43. Plans and Specifications shall meet the requirements as per Section 107 of the 2016 California Building Code. **"Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional." Electronic media documents are permitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of 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."**
44. **Site Accessibility Requirements.** The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2016 California Building. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2016 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to

scale reflecting all site accessibility. The site shall be developed in a manner consistent with state and federal requirements for accessibility for disabled persons, including all parking area, aisles and paths of travel and structures. The permittee shall submit accessibility analysis prepared by a Certified Access Specialist (CAS). The analysis must state that the inspected structures and other site features meet both state and federal accessibility requirements or specify what corrections are necessary in order to comply. The permittee shall make any necessary corrections identified by the CAS analysis. All accessible paths of travel and parking areas shall be a hard-scaped surface as specified by the CAS specialist and shall meet all of the worst case requirements between Chapter 11B of the 2016 California Building Code and the ADA Federal Law.

### **Environmental Health Division Conditions**

#### **Conditions Applicable to the Christmas Tree and Pumpkin Sales Events**

45. If the operations meet the definition of a food facility per the California Retail Food Code, an application and design plan submittal and approval for the food facility and for an onsite wastewater treatment system are required. Per the California Retail Food Code, permanent restrooms must be available (within 200 feet) for employees. Refuse containers and refuse removal shall be of sufficient size and location with the frequency of removal being adequate so as not to create any public nuisance regarding the accumulation of garbage and / or refuse at the event.

Please contact the Consumer Protection program of Resource Management at (707) 784-6765 for additional information.

The facility currently meets the definition of a State Small Water System (SSWS) and must obtain a permit (CCR Title 22 §64211) from Solano County and monitor the water supply per CCR Title 22 § 64212 and 64213 for constituents because there are at least 5, but less than 14, water service connections onsite. Contact the Technical program of Environmental Health at (707) 784-6765 for additional information.

46. The Silveyville Tree and Pumpkin sales area, if limited to 25 days within a 90-day period, may qualify as a Community Event and apply for a temporary event permit with the submission of applications for each location which will sell or give away food to the public. Please contact the Consumer Protection program of Resource Management at (707) 784-6765 for the application and guidance on your submission. A Temporary Food Facilities permit may not be issued to operate within a structure which does not meet all applicable building and fire standards. The use of portable toilets, from a vendor licensed with this office, is required if a "Community Event" finding is made to allow for the operations of the proposed activities for a time period not to exceed 25 days within a 90-day period.

#### **Conditions Applicable to the Timbers Event Space**

47. Events conducted at the Timbers Event Space are not community events. The Timbers has a maximum event size of 200 persons and the occupancy shall be restricted to that limit. The Timbers Event Space shall provide permanent parking and restroom facilities based upon that limitation.

The addition of the Timbers Event space will increase public attendance to the property and cause the property to exceed the threshold of serving water to 25 or more people for 60 or more days of the year. This shall require the facility to obtain and maintain a Public Water System permit from the Division of Drinking Water. The number of persons served includes residents, visitors, employees, and guests; the facility is advised that the water system will need to be designed for the maximum daily demand. Permits for public water systems are issued from the California Regional Water Quality Control Board, Drinking Water Division; the contact information for our regional engineer is: Marco Pacheco, Division of Drinking Water (510) 620-3474.

NOTE: Once the parcel has a PWS permit the system may be evaluated to determine if it no longer is required to maintain the SSWS permit.

48. The Timbers Event space will require an onsite wastewater treatment system (OWTS) that meets the standards of Solano County Code Ch. 6.4: Sewage Standards. The system sizing shall be based upon the anticipated amount and type of use at the event space.

#### **Conditions Applicable to the Entire Site**

49. The Hazardous Materials Section of Environmental Health shall verify if permit requirements are applicable to the project site. A Hazardous Material Business Plan (HMBP) is required when chemicals stored onsite meet or exceed 55 gallons liquid, 200 cubic feet of gas and/or 500 pounds of solid, potentially hazardous materials.

#### **Dixon Fire Protection District**

50. 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.  
New buildings may require protection by an automatic fire sprinkler system. System plans must be submitted to the Dixon Fire Protection District for permit, plan review and field inspections.
51. Other Fire Protection Systems and Alarms may be required pending occupancy use.
52. Public events on-site may have special requirements.
53. Access Road and building approach must meet County and Fire Code Standards.
54. Occupant load and exits will be determined upon submission of plans for building permit.
55. 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.
56. 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.
57. Prior to issuance of building permits, all requirements of the Dixon Fire Protection District shall be met.

#### **Public Works – Engineering Conditions**

58. The Permittee shall apply for, secure and abide by the conditions of a grading permit prior to the construction of the private driveways and parking areas. Public Works Engineering will require the submittal of a drainage plan showing all offsite and onsite improvements necessary to manage storm water issues related to this development.
59. The Permittee shall apply for, secure and abide by the conditions of an encroachment permit for the existing private road connections to Silveyville Road. Traffic and parking management shall be required according to Condition 32, Traffic and Parking Management.

#### **Other Agency Conditions of Approval**

60. **Other Agencies.** Certain land uses are subject to laws and regulations administered by federal, state, regional and local agencies and may require additional licenses or permits, prior to conducting the land use. Prior to conducting any land use authorized under this Chapter, any other licenses or permits required by any other agency must be obtained.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on July 18, 2019 by the following vote:

AYES:	Commissioners	_____
		_____
NOES:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: \_\_\_\_\_  
Bill Emlen, Secretary

DRAFT