



Agenda Submittal

Agenda #: 5 Status: PC-Regular
Type: PC-Document Department: Planning Commission
File #: PC 18-037 Contact: Eric Wilberg, 784.6765
Agenda date: 9/6/2018 Final action:
Title: Public hearing to consider 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. The Planning Commission will also be considering adoption of a Mitigated Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Eric Wilberg) Staff Recommendation: Approval
Governing body: Planning Commission
District:
Attachments: 1. A - Draft Resolution, 2. B - Board of Supervisors Resolution No. 2017-9, 3. C - Initial Study and Negative Declaration, 4. D - Vicinity Map, 5. E - Development Plans U-17-03, 6. F - Development Plan PP-17-01

Table with 5 columns: Date, Ver., Action By, Action, Result

Published Notice Required? Yes X No
Public Hearing Required? Yes X No

RECOMMENDATION:

- 1. Conduct a noticed public hearing to consider Use Permit application No. U-17-03 of Bubbling Well Pet Memorial Park, Inc. to permit an animal crematorium located along North Gate Road; and
2. Adopt a resolution to Adopt the Mitigated Negative Declaration and Approve Use Permit U-17-03 subject to the mandatory and suggested findings and recommended conditions of approval (Attachment A, Resolution).

EXECUTIVE SUMMARY:

The permittee, Bubbling Well Pet Memorial Park, Inc., is requesting use permit approval to establish and operate an animal crematorium along North Gate Road. At its regular meeting on January 10, 2017 the Board of Supervisors made the finding that a pet crematorium is a land use that is substantially similar to waste incineration which is a permissible land use within the Excusive Agriculture "A-80" Zoning District. The property is currently zoned "A-80" however the property owner is concurrently pursuing a policy plan overlay application on an 83 acre portion of the subject site. The Bubbling Well facility would be situated on 4.2 acres within the policy plan overlay and the proposed use would be a permissible land use within the policy plan overlay district.

Reference Attachment B, Board Resolution No. 2017-9

ENVIRONMENTAL ANALYSIS:

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.

*Reference Attachment C, Initial Study and Mitigated Negative Declaration.*

## **BACKGROUND:**

- A. Prior approvals:** n/a
- B. Applicant/Owner:**  
Canon Partners LLC  
c/o Dan Harberts  
2462 Atlas Peak Road  
Napa, CA 94558
- C. General Plan Land Use Designation/Zoning:**  
General Plan: Agriculture, Travis Reserve  
Zoning: Exclusive Agriculture "A-80"
- D. Existing Use:** CDI facility, grazing
- E. Adjacent Zoning and Uses:**  
North: Exclusive Agriculture "A-40", Grazing  
South: Exclusive Agriculture "A-80", Grazing  
East: Exclusive Agriculture "A-80", Grazing  
West: Industrial (City of Fairfield), Grazing

## **ANALYSIS:**

### **A. Environmental Setting:**

The subject site is located within unincorporated Solano County adjacent to the City of Fairfield; 1.5 miles southeast of the City of Vacaville; 2 miles northeast of existing commercial and residential development within the City of Fairfield; and 1 mile north of residential development at Travis Air Force Base. The site is situated east of the intersection between Canon Road and North Gate Road. Fairfield city limit boundaries have recently been expanded as part of the Fairfield Train Station Specific Plan and bound the site to the west.

*Reference Attachment D, Vicinity Map.*

The subject property is relatively flat, exhibiting slopes of less than six percent. The site generally slopes downward to the east with elevations of 130 feet above sea level along the western property line, then dropping to 95 feet ASL along the eastern lot line. The property contains mainly grasslands for an existing cattle grazing operation. There are no trees or creeks located on the parcel. As part of the Mitigated Negative Declaration prepared for the project, a wetlands assessment concluded that the parcels have been historically graded to facilitate flood irrigation and that the project does not encompass any vernal pools, seasonal wetlands, channels, ponds, lakes, drainage/irrigation ditches or any other water features that may be subject to jurisdictional boundaries of the U.S Army Corps of Engineers, the California Department of Fish and Wildlife, or the California Water Quality Control Board.

The subject property is comprised of two Assessor's Parcels; APN's 0116-040-060 and 0166-050-100. The Bubbling Well operations will encompass approximately 4.2 acres of the 302 acre property. The Go Green concrete recycling business is established on 33 acres just north of the proposed Bubbling Well facility. The balance of the property has primarily been utilized for grazing cattle.

Access to the site is provided via private driveway off North Gate Road at the intersection of Canon Road.

Surrounding properties exhibit characteristics similar to those of the subject site. The parcels are relatively flat and utilized agriculturally for pasture land and grazing. The State Department of Water Resources operates a water tank as part of the North Bay Aqueduct project 500 feet south of the project site. The nearest residential development is approximately one mile south at the military base. Properties to the west of the subject site are located within Fairfield city limits. The land to the west is currently undeveloped; however the Fairfield Train Station Specific Plan designates this area for various industrial, manufacturing, and commercial service land uses and plans to extend municipal services including water and sewer to that location.

## **B. Project Description:**

The property owners have identified Bubbling Well Pet Memorial Park Inc. as a lessee to locate on 4.2 acres at the southwest corner of the project site. Bubbling Well, formerly located at 5054 Peabody Road within the Fairfield Train Station Plan area, provides cremation services, both private and communal, for domestic pets (dogs, cats, etc.) in addition to farm animals including goats, sheep, and horses. Cremation services are also provided to Pet Hospitals and Pet Emergency Clinics in Solano County as well as the Solano County SPCA and in some cases to Solano County Animal Control.

The Bubbling Well operation would consist primarily of a 7,140 square foot structure comprised of a 5,508 sq. ft. crematorium and 1,632 sq. ft. of administrative office space. The facility would also include an outdoor courtyard and covered canopy area. No medical waste processing is performed on-site. All material is picked up by a medical waste processing company as needed.

Generally, there will be three employees working at the facility with an extra employee on occasion. Operations would normally occur six days per week with a seventh day as needed. The company utilizes two trucks for the delivery of supplies three times per week (Tuesday through Thursday).

*Reference Attachment E, Development Plans U-17-03*

### *Utilities & Infrastructure*

The Bubbling Well facility will derive its water supply from 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 includes 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.

The permittee will construct and utilize a new private septic system. 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 permittee will develop detention ponds through the Department's grading permit process. 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 4.2 acre lease area to satisfy County Code section 31-26 and Section 31-30 "General Design Principles and Standards" showing no increased rate of run off.

Action on the use permit is contingent upon approval of PP-17-01 by the Board of Supervisors and the policy plan overlay district becoming effective.

**C. General Plan Consistency:**

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.

The crematorium would operate for fixed term of ten (10) years. Additional permitting would be necessary should the use 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.

**D. Zoning Consistency:**

The project site is located within the Exclusive Agriculture "A-80" Zoning District. At its regular meeting on January 10, 2017 the Solano County Board of Supervisors made a finding that a pet crematorium is a land use that is substantially similar to waste incineration, which is a permissible land use within the A-80 Zoning District. Section 28.21 of the County Zoning Regulations conditionally permits certain infrastructure uses within this district, including: refuse, disposal, incineration, recycling or composting.

In addition, the project site is located within an area being considered for a policy plan overlay district. The proposed land use is a conditionally permitted land use within Policy Plan Overlay No. PP-17-01. The granting of this use permit will be contingent on approval of the policy plan overlay and it becoming effective.

*Reference Attachment F, Development Plan PP-17-01*

**E. Agency Review:**

As part of the Department of Resource Management project review process, the application, Initial Study, and Negative Declaration have been reviewed by various County Departments, as well as Local and Regional Agencies. Any recommended conditions of approval have been incorporated into the use permit resolution. The following entities may have jurisdiction over the project:

*Local Agencies*

City of Fairfield  
Solano County Department of Resource Management  
Solano Irrigation District  
Vaca-Elmira Fire District  
*Regional and State Agencies*

Air Port Land Use Commission - Solano County  
Bay Area Air Quality Management District

Central Valley Regional Water Quality Control Board  
State Department of Water Resources

**FINDINGS and CONDITIONS OF APPROVAL:**

Staff recommends that the Planning Commission make the findings contained in the attached resolution in support of approving Use Permit application No. U-17-03 and subject to the recommended conditions of approval.

*Reference Attachment A, Draft Resolution*

**ATTACHMENTS**

- A - Draft Resolution
- B - Board of Supervisors Resolution No. 2017-9
- C - Initial Study and Negative Declaration
- D - Vicinity Map
- E - Development Plans U-17-03
- F - Development Plan PP-17-01