



## Agenda Submittal

**Agenda #:** 3 **Status:** PC-Regular  
**Type:** PC-Document **Department:** Planning Commission  
**File #:** PC 18-038 **Contact:** Eric Wilberg, 784.6765  
**Agenda date:** 9/6/2018 **Final action:**  
**Title:** Public hearing to consider Policy Plan Overlay No. PP-17-01 of Canon Partners, LLC to apply a policy plan overlay to 83.5 acres located at 5204 North Gate Road, adjacent to the City of Fairfield within the Exclusive Agriculture "A-80" Zoning District to permit the addition of transitional industrial and transitional commercial uses; APNs 0166-040-060 and 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: Recommend approval to the Board of Supervisors  
**Governing body:** Planning Commission  
**District:**  
**Attachments:** 1. A - Draft Ordinance, 2. B - Draft Resolution, 3. C - Initial Study and Negative Declaration, 4. D - Location Map, 5. E - Aerial Photo of Vicinity

Date	Ver.	Action By	Action	Result
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Published Notice Required? Yes X No \_\_\_\_  
Public Hearing Required? Yes X No \_\_\_\_

### **RECOMMENDATION:**

The Department of Resource Management recommends that the Planning Commission conduct a public hearing on the proposed Policy Plan Overlay and forward a recommendation to the Board of Supervisors to adopt an Ordinance applying the policy plan overlay district (Policy Plan Overlay No. PP-17-01) to the subject property.

### **EXECUTIVE SUMMARY:**

The project consists of designating 83.5 acres of a 302 acre property as a policy plan overlay district to the underlying Exclusive Agriculture zoning. The objective of the project is to provide an additional 50 acres for the relocation of existing businesses from the Fairfield Train Station development area to this site, on a temporary basis, until they transition to a permanent location within the City of Fairfield on the adjacent parcels to the west. The sought after temporary businesses would be land uses consistent with the Transitional Industrial and Transitional Commercial Uses listed in the Solano County Exclusive Agricultural zoning district.

### **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*

**PROPERTY INFORMATION:**

- A. Applicant/Owner:**  
Canon Partners, LLC  
5204 North Gate Road  
Fairfield, CA 94535
- B. General Plan Land Use Designation/Zoning:**  
General Plan: Agricultural/Travis Reserve Overlay  
Zoning: Exclusive Agricultural "A-80"
- C. Existing Use:** Construction Debris Recycling Facility, grazing
- D. Adjacent Zoning and Uses:**  
North: Exclusive Agriculture "A-40" - Grazing  
South: Exclusive Agriculture "A-80" - Grazing  
East: Exclusive Agriculture "A-80" - Grazing  
West: Urban Industrial (City of Fairfield) - Grazing

**ANALYSIS:**

**A. Environmental Setting**

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 Go Green concrete recycling business is established on 33 acres just north of the proposed 4.2 acre 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.

*Reference Attachment D, Location Map*

*Reference Attachment E, Aerial Photo of Vicinity*

## **B. Project Description**

### *Statement of Purpose*

The purpose and intent of Policy Plan Overlay District No. 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 of the Fairfield Train Station Specific Plan improvements. Under this policy plan overlay, development of the property shown on the Site Development Plan (Attachment A, Exhibit B) 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. The use permit shall be for a limited term, not to exceed ten (10) years. One ten (10) year extension may be granted if, at the time of the extension request, the City of Fairfield has approved the extension of sanitary sewer and municipal water services to the designated Fairfield Train Station Specific Plan Industrial Area just west of the project site within the City of Fairfield.

### *Allowed Uses and Permit Requirements*

Table 28.68.17-01 of the Land Use and Development Standards for the policy plan overlay specifies the land uses allowed within the overlay district 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.

## **Existing Use**

### *Go Green Recycling*

One such business, Go Green Asphalt, Inc., has already relocated to this site under Use Permit U-15-05 granted by the Planning Commission in 2015. The Go Green facility operates as a construction debris recycling yard which accepts, processes, and stores concrete, asphalt, and soil. Asphalt and concrete are accepted from slabs, roof tiles, sidewalks, driveways, curbs, pipe, roadways, parking lots, etc. Materials are sourced from various construction sites and crushed on-site in the unenclosed material storage and processing area. These materials are then imported, processed, and sold as needed for re-use as base rock and sold wholesale to contractors and municipalities. The project is authorized for incoming daily tonnage ranging between 0 - 1,000 tons of material(s) dependent on the economy and construction activities. The recycling yard operates between the hours of 7 a.m. to 4:30 p.m. Mondays through Saturdays year round. The operation generates 20 vehicle trips per day, with a majority occurring between the hours of 9 a.m. to 3 p.m. Other than for security purposes while operating equipment, no lighting is utilized. The project may have up to 5 employees on-site per day. Go Green occupies 32.9 acres of the 83.5 acre area proposed under the policy plan overlay.

Processing of materials on-site occurs seasonally and is hindered during heavy rainfall, generally during the winter months. Processing delays due to weather conditions have generated some non-compliance concerns since initial permitting. Go Green is currently pursuing a minor revision to their use permit to become reclassified as an Inert (Type A) Debris Recycling Center which would allow for an increase in storage time limitations of 6 months for unprocessed material and 12 months for processed material. Action on the use permit revision is contingent on approval of policy plan overlay No. PP-17-01.

## **Future uses**

The policy plan overlay anticipates establishing another six transitional industrial land uses in addition to the Go Green facility on lease areas ranging generally in size from 5 to 11 acres. The first such use is Bubbling Well Pet Memorial Park Inc. described in further detail below. A summary of the anticipated types of land uses and permitting requirements can be found in the Land Use and Development Standards for the policy plan overlay (Attachment A, Exhibit A)

### *Bubbling Well Pet Memorial Park Inc.*

The property owners have identified Bubbling Well Pet Memorial Park Inc. as a lessee to locate on 4.5 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).

Bubbling Well is currently pursuing use permit application No. U-17-03 to establish and operate a pet crematorium within the boundaries of the policy plan overlay. Action on the use permit is contingent upon approval of PP-17-01 and the policy plan overlay district becoming effective.

The project also includes an agricultural buffer area along the northern and western extent of the policy plan overlay boundaries. The buffer area includes soil infill to slope away from constructed berms out towards the natural grade of the lot. An orchard is intended to be planted within these areas.

## **Infrastructure**

### *Potable Water*

The initial phase of the project which includes 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. If there are less than 5 service connections, then coliform testing only needs to be performed annually unless the Environmental Health Division requires more frequent testing. The application 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, customers, and 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 permittee 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.

Per Health and Safety Code section 116275, a Public Water System permit from the state shall be obtained and maintained valid and all operating, monitoring, reporting and notification requirements for a Public Water System shall be met. The Environmental Health Services Division will notify the permittee when this transitional threshold becomes applicable upon further development of the various land uses on site.

### *Septic System*

The project site is not developed with a private septic system and sanitary sewer is not available to the property. The initial lessee requiring on-site septic, Bubbling Well, will construct and utilize a new 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 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. The two APNs within the policy plan overlay comprise one legal lot, simply with two tax assessment numbers assigned.

#### *Irrigation Water*

The project site is located within the boundaries of the Solano Irrigation District. The property has an existing service located at the northwest corner. The service provides raw, untreated, agricultural irrigation water. No changes are proposed for the existing S.I.D service.

#### *Fire Protection*

Upon development, each structure and permitted land use will be evaluated for fire protection by the Vaca-Elmira Fire Protection District and the County Department of Resource Management through the building permit process. An on-site fire protection system shall be designed, installed, and maintained by the permittee, including provision for the adequate storage of water for fire suppression purposes.

#### *Access*

The project site has frontage along, and an encroachment to North Gate Road which is within the jurisdiction of the City of Fairfield. The site is currently served by a 350 linear foot private road that extends east from the intersection of Canon Road and North Gate Road. The project would extend existing access eastward to accommodate future businesses on-site for a total road length of 2,250 feet. The proposed roadway width is 36 feet with a cul-de-sac at its easterly terminus.

#### *Drainage*

The project involves the construction of a central storm water retention/detention pond near the northeast corner of the project site. The initial lessee requiring on-site drainage improvements, Bubbling Well, will develop its own detention pond (s) 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 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.

### **C. General Plan and Zoning 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.

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.

**D. 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

**ATTACHMENTS:**

- A** - Draft Ordinance for PP-17-01
- B** - Draft Resolution
- C** - Draft Initial Study and Negative Declaration
- D** - Location Map
- E** - Aerial Photo of Vicinity