



## Legislation Text

**File #:** 18-808, **Version:** 1

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 and consider adoption of a Mitigated Negative Declaration of Environmental Impact as recommended by the Solano County Planning Commission

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

### **DEPARTMENTAL RECOMMENDATION:**

The Department of Resource Management recommends that the Board of Supervisors:

1. Waive reading of the policy plan overlay ordinance;
2. Conduct a public hearing to consider Policy Plan Overlay PP-17-01 of Canon Partners, LLC;
3. Adopt the Mitigated Negative Declaration prepared for the project; and
4. Adopt the attached ordinance enacting the policy plan overlay district that includes land use and development standards and a site development plan.

### **SUMMARY:**

Cannon Partners, LLC is the developer of portions of the Fairfield Train Station Specific Plan project area focusing on the commercial and industrial components for the project. Development of the Train Station Plan requires the relocation of existing businesses from their existing locations to a future industrial area within the Specific Plan Area. Some of those businesses will require a temporary location until municipal services are extended to the future industrial sites(s) within the City of Fairfield.

Cannon Partners is proposing to locate certain industrial businesses on lands in the unincorporated County on a temporary basis until their permanent home within the City of Fairfield is available and, accordingly, has filed an application to develop these temporary uses under a Policy Plan Overlay (PP-17-01).

At its meeting on September 6, 2018 the Planning Commission considered 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. At the conclusion of the public hearing, the Commission adopted Resolution No. 4661 which includes: 1) 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 overly district to the property, 2) land use and development standards for the district, and 3) a site development plan. The resolution recommends adoption of the Mitigated Negative Declaration and approval of the project to the Solano County Board of Supervisors.

### **FINANCIAL IMPACT:**

The applicant has paid the requisite filing fees for the policy plan overlay application. The costs associated with preparing the agenda item are nominal and absorbed by the department's FY2018/19 Adopted Budget.

## **DISCUSSION:**

### *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 for land uses being displaced by 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 is consistent with the General Plan and the underlying Exclusive Agriculture Zoning District.

The project site is located within the Travis Reserve designation of the County General Plan. Staff conferred with Travis AFB on the application. The Base has no objections to the proposal for the temporary industrial businesses at this location.

### *Limited Term*

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.

Permitted land uses within the policy plan area would operate for fixed term until December 31, 2028, 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.

## **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., is operating at this location pursuant to 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. A significant portion of Go Green's work is processing concrete and asphalt materials from the Travis AFB runway restoration project.

On September 6, 2018 the Planning Commission granted approval of a minor revision to the use permit to convert the existing operation to an Inert Debris (Type A) Recycling Center which would allow for increased storage times of processed and unprocessed materials on-site. The approval of the revision is conditioned to be contingent upon the approval of the policy plan overlay by the Board and not become valid unless and until the zoning overlay district becomes effective.

## **Future uses**

The policy plan overlay anticipates establishing another six transitional 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 attached documents.

#### *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 Society for the Prevention of Cruelty to Animals (SPCA) and in some cases to Solano County Animal Control.

On September 6, 2018 the Planning Commission granted approval of Use Permit application No. U-17-03 to establish and operate a pet crematorium within the boundaries of the policy plan overlay. The use permit approval is conditioned to be contingent upon the approval of the policy plan overlay by the Board and not become valid unless and until the zoning overlay district becomes effective.

#### *Agricultural Buffer*

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**

Reference Attachment D for a discussion of infrastructure to serve the project.

#### **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. No municipal services will be extended to the property included within the overlay district.

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 incorporates those uses to the subject site and establishes applicable development standards.

#### **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. These mitigation measures have been incorporated into the Land Use and Development Standards for the policy plan overlay district.

*Reference Initial Study and Mitigated Negative Declaration attached.*

**Public Hearing Notice:**

In accordance with Solano County Zoning Regulations, notice of a public hearing was published at least 15 days before the scheduled hearing in the Fairfield Daily Republic.

**ALTERNATIVES:**

The Board could choose any of the following alternative actions:

- A. Continue this item to another hearing for further consideration. This option is not recommended unless the Board desires additional specific information, which cannot be obtained during this public hearing.
- B. Retain the Exclusive Agriculture "A-80" zoning, by denying the proposed overlay district. This alternative is not recommended because approval of the rezone petition is consistent with the General Plan.

**OTHER AGENCY INVOLVEMENT:**

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. The following entities may have jurisdiction over the project and have been afforded the opportunity to provide comment on 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 ALUC  
The proposed zoning amendment was submitted to the Airport Land Use Commission as required under state law. The Commission found the ordinance consistent with the various airport land use compatibility plans.

Bay Area Air Quality Management District  
Central Valley Regional Water Quality Control Board  
State Department of Water Resources

**CAO RECOMMENDATION:**

**APPROVE DEPARTMENTAL RECOMMENDATION**