

RESOLUTION NO. 99-34

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SOLANO COUNTY
APPROVING CONDITIONAL USE PERMIT AND ARCHITECTURAL REVIEW
APPLICATIONS NOS. U-97-13 and AR 97-04**

WHEREAS, the Solano County Board of Supervisors duly considered in public hearing Use Permit and Architectural Review Applications Nos. U-97-13 and AR 97-04; and

WHEREAS, the Board has reviewed the entire record, including applicant's submittals and the staff reports of the Department of Environmental Management dated April 28, 1998 and February 2, 1999; and

WHEREAS, after due consideration, the Board makes the following findings regarding the above applications:

1. The establishment, maintenance or operation of the use or building applied for is in conformity with the County General Plan with regard to the land use and circulation element, health and safety element, traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator or Planning Commission. (Section 28.53(h)(1), Use Permits, Page 53.02, Zoning Ordinance)
 - A. In reaching the above finding, the Board of Supervisors finds that the project site is unique in respect to size, shape, location, existing and potential uses.
 - (1) The project site is a very small agricultural property (7.78 acres) that has not been farmed in over a decade and is surrounded by nonagricultural land uses.
 - (2) The property is bordered by Rockville Road to the north and Interstate 80 to the south. It is additionally bordered on the east by nonconforming, nonagricultural uses including service commercial businesses and a restaurant and on the west by nonconforming, nonagricultural uses including a construction yard.
 - (3) The property is unique in shape and size in that it is a wedge-shaped parcel consisting of 7.78 acres which includes a residential home and existing accessory buildings.
 - (4) The Temple's proposed religious use would convert existing

accessory buildings into facilities used for religious worship and would not decrease the amount of viable land available for farming.

- (5) As part of the project description, the Temple has voluntarily submitted a proposed restrictive easement which, if accepted, will restrict the Temple facilities on the property to approximately 6,000 s.f. The Temple further agrees not to submit any future applications for conditional use permits or conditional use permit amendments which would increase religious facilities or accessory uses on the property resulting in the loss of existing land which is viable for agriculture.
 - (6) The property owned by the Temple is not suitable for agriculture use because of the location, size and structures presently located upon it. The location, including the proximity to high volume traffic and the presence of mixed nonconforming uses located adjacent or nearby to the property, the wedge-shaped formation of the 5.2 acres not occupied by existing buildings, and the location of the existing buildings renders the agriculture use of the Temple's property inappropriate for agricultural development. The property has not been used for agricultural purposes for the last 15 years.
- B. The proposed Temple is compatible with surrounding land uses and will not be in conflict with agricultural operations located across Suisun Valley Road;
 - C. Only 2.5 acres (32.5 %) of the property will be devoted to religious facilities, and the remainder of it (67.5%) will be devoted to agriculture/open space and the existing single family residential use;
 - D. The Temple intends to use the undeveloped balance of the property for agricultural purposes, such as a vegetable garden, hay field or other practical use;
 - E. The project description includes the Temple's voluntary restrictive easement deed which ensures that the bulk of the project site (67.5%) will remain in agricultural/open space use;
 - F. The Temple has executed the Certification of Adjacent Agricultural Use, recognizes it and accepts its terms;

2. The submitted traffic analysis and environmental noise assessment included with the use permit and architectural review applications show no adverse impacts due to the proposed religious facility;
3. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. (Section 28.53(h)(2), Use Permits, Page 53.02, Zoning Ordinance)
4. The applicant exhibits proof that such use will not, under the circumstances of the 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, that finding shall be to that effect. (Section 28.53(h)(3), Use Permits, Page 53.02, Zoning Ordinance)
5. The establishment, maintenance or operation of the use or building applied for is in conformity with zoning for exclusive agriculture which authorizes the religious use of property subject to a conditional use permit. (Section 28-21(a), Page 21.01.)
 - A. The establishment of a temple is necessary to serve the community and that the Temple has submitted evidence that alternate sites are not available due to the absence of real estate on the market and/or the absence of real estate which is economically feasible for purchase by the Temple.
 - B. The establishment of a temple pursuant to these applications will not invalidate the exclusive zoning classification or designation due to the unique size, location, shape, previous and future uses of the property as found above.
6. Approval of the proposed use of the subject property is neither precedent setting nor detrimental to protecting the integrity of prime agricultural lands within the Exclusive Agriculture (A) Zoning District in Solano County, and it will be in conformance with the regulations set forth by the Solano County Zoning Ordinance based on the imposition of the recommended conditions of approval.
7. A Negative Declaration has been circulated for this project and has been considered by the Board of Supervisors prior to approval of this project. The Solano County Board of Supervisors finds that on the basis of the Initial Study and the comments received during the public review process, that there is no substantial evidence that the project, as mitigated, will have a significant effect

on the environment.

8. The functional arrangement and general appearance of the project will be consistent with the character of the area and will not be detrimental to the orderly development of the County.

The approval of the above application(s) is contingent upon the following conditions:

1. The subject property shall be developed and the proposed temple facility shall be operated in accordance with the development plans and information submitted with Use Permit Application No. U-97-13 for a temple facility consisting of 5,033 square feet as approved by the Solano County Board of Supervisors.
2. The subject Use Permit (U-97-13) authorizes the construction and use of a religious temple and related facilities (kitchen, dining area and a 104 space offstreet parking lot). Activities and services not listed in the project description are prohibited.
3. Prior to the issuance of building permits to construct the proposed project, the permittee shall submit one (1) revised set of development plans incorporating all revisions required by the following conditions of approval (Conditions Nos. 7b, 8b, 11, 14, 15,18, 20, 21, 24, 26 and 31) to the Planning Division.
4. Proposed improvements, including the installation of landscaping, shall be completed prior to the occupancy of the proposed project.
5. The permittee shall be responsible for taking measures necessary or as may be required by the County to prevent light, glare, traffic congestion, visual distraction or other impacts which constitute a nuisance to motorists, persons or property in the surrounding area.
6. Any proposal to expand or change the use shall require application for a new or modified use permit and further environmental review.
7. All requirements of the Solano County Department of Transportation shall be met including the following:
 - a. The permittee shall acquire an Encroachment Permit from the Transportation Department for the connection of the driveway to the public road. The encroachment permit will require construction of driveway connection that meets the minimum standards of a "Commercial Driveway/Private Road Connection" as shown in the Solano County Road Improvement Standards.
 - b. The permittee shall remove the existing tree in the center of the driveway. The

connection shall be lighted (sight lighting), a 100-watt minimum is recommended.

- c. No parking will be allowed along the permittee's frontage of Rockville Road. The permittee shall pay this department a fee for installing required no parking signs.
 - d. The permittee shall be required to pay the entire Major Thoroughfare Area of Benefit No. 1 fee, prior to the issuance of any building permit for this project. The current fee for July 1, 1997 to December 31, 1997 is \$4,590.00. The fee is adjusted every six months to reflect the Engineering New Record - Construction Cost Index.
8. All requirements of the Solano County Environmental Health Services Division shall be met including the following:
- a. Prior to the issuance of the use permit, the applicant shall disconnect the restroom and travel trailers from the sewage disposal system servicing the residence.
 - b. Prior to the issuance of the building permit for the temple, the applicants shall submit plans for the sizing, location, and layout of the sewage disposal system to service it and secure a permit for construction from this Division. The system shall be designed by a registered engineer or registered environmental health specialist with experience in such system designs.
 - c. Should 25 or more persons congregate 60 or more days per year, the applicants shall secure permit to operate a small public water system from the State Department of Health Services Division of Drinking Water.
 - d. Should the applicants amend their use permit to include a school or if the kitchen is used as a commissary, the applicants shall submit plans and secure a food facility permit from this Division.
9. The permittee shall obtain approval from the Solano County Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building Laws. Submit three (3) sets of plans to the Building and Safety Division for plan review and obtain permits prior to beginning any improvements.
10. A Grading Permit shall be obtained from the Solano County Building and Safety Division.

11. Signs identifying the subject church shall meet the requirements as set forth under the Exclusive Agricultural (A) District, their design and height shall be approved by the Planning Division. The existing wooden freestanding sign shall be removed from the entrance to the project site. One (1) freestanding, low profile, monument/pedestal sign no taller than 4 feet in height is permitted on the Rockville Road frontage. The freestanding sign shall not be illuminated, and it shall not be located such that it will create a sight distance problem on Rockville Road for motorists leaving the site.
12. The existing 28 foot tall orange flagpole, and a 7 sq. ft. orange religious flag are allowed on the project site at the location shown on the approved site plan.
13. Banners, cloth or paper signs, temporary signs, streamers, balloons, etc. used to advertise the existence of the Temple, its activities and its religious services are prohibited. Only those signs approved by the Planning Division shall be installed on the project site.
14. Prior to the issuance of any building permits for construction purposes, a detailed landscape plan showing the species and spacing of all plant materials shall be approved by the Planning Division.
15. Provide transitional buffering by the creative installation of evergreen trees and shrubs to provide an visual screen between the adjacent agriculturally and commercially zoned properties and the Interstate 80 frontage (Fairfield Linear Park).
16. The applicant shall use its best, good faith efforts to coordinate temple activities so as to avoid potential conflicts associated with pesticide use by the neighboring property to the west of the project site.
17. The applicant shall sign and submit a "hold harmless" affidavit to the Planning Division in a form satisfactory to County Counsel holding pesticide applicators on surrounding agricultural parcels "harmless" in the event that pesticides generated during the course of everyday agricultural activities and not as a result of undue negligence, drift onto the proposed project site and cause harm to the permittee's structures and activities.
18. The proposed site plan shall be revised to either: (a) delete the 13 parking spaces closest to the western property boundary; or (b) relocate those parking spaces to the southern or eastern portions of the project site.
19. Temple parking is restricted to the approved onsite parking lot. Overflow parking for religious services and activities is prohibited in other areas of the project site (organic garden, children recreational areas, landscaping and onsite open spaces) and off the project site. No more than 104 vehicles shall be parked on site at any time.
20. Curbs and wheel stops shall be installed in the proposed parking lot to protect

landscaping and other improvements from damage by vehicles.

21. The proposed parking lot and driveways leading to it shall be surfaced with asphaltic concrete or its equivalent as approved by the Solano County Department of Transportation. The proposed parking lot shall be striped consistent with the approved development plans.
22. Construction activities associated with the development of the proposed church facility shall only take place between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday.
23. The applicant shall have a detailed noise analysis prepared by a competent acoustical consultant to provide construction standards to mitigate the effects of external noise on the proposed church facility consistent with the Health and Safety Element of the Solano County General Plan prior to the issuance of building permits to construct the proposed project.
24. The site and landscape plans shall designate outdoor play areas for children.
25. No more than 200 people shall be on the subject project site on Sundays from 8:00 a.m. to 5:00 p.m. at any one (1) time.
26. External lighting on church buildings and in the parking lot shall be shielded with downcast lighting.
27. All landscaping installed as a result of the subject use permit applications' approval shall be maintained in a healthy, thriving and weed-free condition at all times by the applicant. Dead plant materials shall be replaced with plant material(s) approved by the Planning Division of the Department of Environmental Management.
28. Mobile homes, recreational vehicles and any structures not specified on the approved development plans are prohibited on the subject project site.
29. Residential use of and construction of residential structures on the subject property is prohibited except for the residential use of the detached single family residential structure that currently exists on the project site. When the current life estate terminates, the existing detached single family residential structure shall only be used for residential purposes unless this permit is modified to allow other uses.
30. No additional uses, including outdoor storage, shall be established beyond those identified on the project site plan without prior approval of an amendment or a minor revision to the subject use permit application. No new or expanded buildings shall be constructed without prior approval of an amendment or a minor revision to the use

permit.

31. The location of proposed trash disposal area (including trash enclosure), loading and unloading areas shall be shown on revised site and landscaping plans, and approved by the Planning Division. In addition, an elevation of the trash enclosure structure shall be submitted showing its color scheme and construction materials match the color scheme and construction materials approved for the proposed temple/dining room building.
32. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
33. Adequate maintenance shall be provided to prevent deterioration of all exterior improvements by the owner so that the subject project remains visually attractive to the public at all times.
34. Failure to comply with the above conditions may be cause for the revocation of this use permit.

NOW, THEREFORE, IT IS RESOLVED that the Solano County Board of Supervisors adopts the Negative Declaration and above findings and approves the Use Permit and Architectural Review Applications Nos. U-97-13 and AR 97-04, subject to the above conditions.

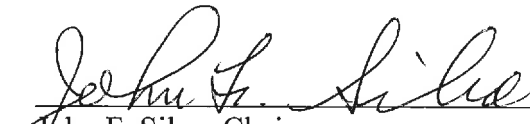
Approved at a regular meeting of the Board of Supervisors on February 2, 1999, by the following vote:

AYES: Supervisors Carroll, Kondylis, and Chairman Silva

NOES: Supervisors Kromm, and Thomson

ABSTAIN: Supervisors None

ABSENT: Supervisors None


John F. Silva, Chairman
Solano County Board of Supervisors

ATTEST:
Michael Johnson, Clerk
Board of Supervisors

By: 
Maggie Jimenez, Deputy Clerk