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DEPARTMENT OF RESOURCE MANAGEMENT



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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

Staff Report

MU-17-04-AM1

Application No. MU-17-04-AM1 (Cool Patch Pumpkins) Project Planner: Michael Yankovich		Meeting of August 1, 2019 Agenda Item No. 2	
Applicant Matt Cooley 1825 Rehrmann Dr. Dixon, CA 95620		Property Owner Ken Schroder 945 Hillview Dr. Dixon, CA 95620	
Action Requested Consider Amendment 1 to Minor Use Permit Application No. MU-17-04 of Cool Patch Pumpkins for a seasonal sales lot and related amusement and entertainment uses located at 6150 W. Dixon Ave, Dixon in an "A-40" Exclusive Agricultural Zoning District. Staff recommendation: Approval with Conditions			
Property Information			
Size: 77 acres		Location: 6150 W. Dixon Avenue	
APN: 0109-030-050 and 0109-030-120			
Zoning: Exclusive Agricultural (A-40)		Land Use: Seasonal Sales Lot and Entertainment and Amusement Uses	
General Plan: Agriculture		Ag. Contract: 0109-030-050; 66.4 Acres	
Utilities: None		Access: W. Dixon Avenue	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Agriculture	A-40	Agriculture
South	Interstate 80	N/A	Interstate Freeway
East	Agriculture	A-40	Orchard
West	Agriculture	A-40	Ag. Processing
Environmental Analysis The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15304(e), Minor Alterations to Land.			

Motion to Approve

The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Amendment 1 to Minor Use Permit No. MU-17-04 based on the enumerated findings and subject to the recommended conditions of approval.

PROJECT DESCRIPTION

The project (Cool Patch Pumpkins) consists of a seasonal sales lot with amusements and entertainment uses. The proposal would be developed on two parcels (0109-030-050 and 0109-030-120) totaling 77.97 acres. The parcels have frontage along the south side of West Dixon Avenue, between Salad Cosmo and Interstate 80. The parcels are divided by an irrigation canal owned by the Solano Irrigation District.

The project consists of a “you pick” pumpkin field, an adjacent corn maze and various concessions for visitors, including food and beverage sales, outdoor dining facilities, public restrooms and parking for up to 300 cars.

The project opens in mid-September and runs through October 31st, for a total of 45 consecutive days. The hours of operation are between 9:00 AM and 8:00 PM seven days per week. The applicant operated the pumpkin patch from this location in 2018 and experienced minor problems.

LAND USE CONSISTENCY

1. General Plan Consistency

The 2008 General Plan designates this property as Agricultural, which is defined as:

Provides areas for the practice of agriculture as the primary use, including areas that contribute significantly to the local agricultural economy, and allows for secondary uses that support the economic viability of agriculture. Agricultural land use designations protect these areas from intrusion by nonagricultural uses and other uses that do not directly support the economic viability of agriculture.

Agricultural areas within Solano County are identified within one of 10 geographic regions. Within these regions, uses include both irrigated and dryland farming and grazing activities. Agriculture-related housing is also permitted within areas designated for agriculture to provide farm residences and necessary residences for farm labor housing. – pg. LU-21

The proposed use of the property by the Cool Patch as a seasonal sales lot for produce with associated agritourism amusements and events is consistent with the vision and policies contained within the 2008 General Plan.

2. Zoning Consistency

Exclusive Agricultural (A- 40) Zoning District Standards

Section 28.21 of the Solano County Code establishes permissible land uses for the Exclusive Agricultural District which include seasonal sales lots and amusement and entertainment uses. A Minor Use Permit is required to assure that the uses are appropriate for the specific parcels and would not result in nuisances to surrounding properties and facilities.

3. Site Specific Considerations

The site consists of approximately 78 acres of relatively flat agricultural lands. The property is triangular in shape and is divided by a canal which bisects the property. The site has frontage on West Dixon Avenue and borders the Interstate 80 Freeway.

The parking area has been located at the furthest point from Interstate 80 possible in order to minimize potential impacts from event traffic and freeway interchange traffic. Parking regulations require one space per four attendees. The applicant is proposing 300 spaces which yields a maximum attendance of 1,200 persons.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15304(e), Minor Alterations to Land. This exemption is for "... Minor temporary use of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc."

RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. MU-17-04, subject to the recommended conditions of approval stated in Attachment B.

MINOR USE PERMIT MANDATORY FINDINGS

- 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.

- 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 and Parking Management plan has been prepared that identifies 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.

- 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 temporary event will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

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.

CONDITIONS OF APPROVAL

See Attachment B for conditions of approval.

Attachments

- Attachment A: Resolution
- Attachment B: Conditions of Approval
- Attachment C: Site Plan
- Attachment D: Application

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered Amendment No. 1 to extend for one-year, Minor Use Permit No. MU-17-04 of **Cool Patch Pumpkins** for a seasonal sales lot and related amusement and entertainment uses located at 6150 W. Dixon Ave, Dixon in an "A-40" Exclusive Agricultural District Zoning District. (APN's: 0109-030-050,120), and;

WHEREAS, said Zoning Administrator 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 August 1, 2019, and;

WHEREAS, after due consideration, the Zoning Administrator 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.

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 and Parking Management plan has been prepared that identifies 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.

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 temporary event will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

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 Zoning Administrator has approved Minor Use Permit Application No. MU-17-04 subject to the following recommended conditions of approval:

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-17-04, submitted June 24, 2019 and as amended by the applicant, Cool Patch Pumpkins, LLC., 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 a fixed term from August 1, 2019 until December 31, 2020. Any request to extend the term of the use permit is subject to an extension application filed with the Zoning Administrator.
3. **Final Plan.** Within 30 days of approval of the use permit, the permittee shall submit a final development plan portraying the project as approved together with all project modifications imposed by these conditions of approval.

Limitations of the Permit

4. **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.
5. **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.
6. **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 20, 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.
7. **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.
8. **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.

9. **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.

I. SITE AND FACILITY CONDITIONS AND IMPROVEMENTS

10. **Occupancy.** The site shall be limited to a maximum occupancy of 1,200 persons.
11. **Access.** The site shall have two twenty-foot minimum width all-weather surface driveway connections to a public road.
12. **Kitchen Facilities.** No kitchen facility may be used unless it is permitted as a food facility by the Environmental Health Division.
13. **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.
14. **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.
15. **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 20 feet to an adjoining property. Parking shall be located in an open area with a slope of 10 percent or less.
16. **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 applicant 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.
17. **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 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.
18. **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 Americans with Disabilities Act (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.
19. **New Permanent Structures.** Event activities may only be allowed in new structures where approved through a Conditional Use Permit.

II. OPERATIONAL AND PERFORMANCE STANDARDS

20. **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.

21. **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
22. **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.
23. **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.
24. **Operational Controls.** Shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.
25. **Incidental Retail Uses.** Temporary agritourism uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
26. **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.
27. **Hours of Operation.** The hours of operation are from 9:00 a.m. - 8:00 p.m. Facility set up and clean up shall be allowed between the hours of 7:30 a.m. to 9 p.m. All guests of an event shall be off the property by 8:30 p.m.
28. **Site Appearance.** The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
29. **Event Management Plan.** No later than August 16, 2019, 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:
 - a. **Nuisance Control.** Identify measures and controls to manage potential nuisances such as fugitive dust, noise, light, glare and odor.
 - b. **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.
 - c. **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.
 - d. **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.

- e. **Storm Water Management.** Identify measures and controls to manage storm water to prevent storm water pollution.
- f. **Sanitation and Waste Management.** Identify measures and controls to manage all forms of liquid and solid waste on the site.
- g. **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.

III. ADDITIONAL PERMITS REQUIRED

Planning Division Permits

- 30. **Sign Permits.** 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

- 31. 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.
- 32. 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.”**
- 33. 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.”
- 34. 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.”
- 35. **Site Accessibility Requirements.** The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2016 California Building Code. 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 applicant 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

36. A Community Event is defined by the California Retail Food Code as an event conducted for not more than 25 consecutive or nonconsecutive days in a 90-day period and that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency. The Cool Patch, if limited to 25 days 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. The applications for a special event have been attached; the organizer application must be submitted a minimum of 30 days prior to the start of the event and all vendor applications must be submitted a minimum of 2 weeks prior to the start of the event. Please contact the Consumer Protection program of Resource Management at (707)784-6765 for the application and guidance on your submission. Be advised that permits cannot be issued without the approval of the Planning Division of Resource Management. Environmental Health requires a pre-opening inspection to verify the food service portions are within compliance of Federal, State and Local, Health and Safety Codes.
37. 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. The number of toilets shall be based on the maximum estimated attendance, as determined by the Planning Division and Building Divisions, and the number of available parking spaces for the event venue, and the minimum State of California Building Code standards for Public Assembly determining the minimum number of portable toilets for the proposed event.
38. If the proposed event is to occur for time periods exceeding 25 days in a 90- day period, the property shall include the improvements necessary to provide a State permitted Potable Water Supply Well and Distribution System, and permanent type toilet facilities, in adequate number to meet the California Building Code requirements for the maximum number of persons at the Public Assembly event. Permanent toilet facilities shall include onsite sewage disposal system leach field development meeting the requirements of Solano County Code Chapter 6.4. An alternative event location may be necessary to allow for municipal water and sanitary sewer service to serve the proposed event
39. The Hazardous Materials Section of Environmental Health shall verify if permit requirements are applicable to the project site. Chemical inventories are 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.
40. 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.

Dixon Fire Protection District

41. 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.
42. New buildings may require protection by an automatic fire sprinkler system. System plans must be submitted to the Suisun Fire Protection District for permit, plan review and field inspections.
43. Other Fire Protection Systems and Alarms may be required pending occupancy use.
44. Public events on-site may have special requirements.
45. Access Road and building approach must meet County and Fire Code Standards.
46. Occupant load and exits will be determined upon submission of plans for building permit.
47. 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.
48. 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.
49. Prior to issuance of building permits, all requirements of the Dixon Fire Protection District shall be met.

Public Works – Engineering Conditions

50. The Applicant 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.
51. The Applicant shall apply for, secure and abide by the conditions of an encroachment permit for any planned private road connections to Dixon Avenue West, which shall meet the following conditions:
 - a. Driveway entrance and exit (right turn only) shall be moved to the western end of the parcel.
 - b. Driveway entrance and exit (right turn only) shall be sized to a commercial driveway entrance requirement.
 - c. All traffic being queued on Dixon Avenue West by the applicant (and detours) shall be signed and flagged in accordance with the Manual on Uniform Traffic Control Devices.
 - d. If traffic queues extend to the intersection of Shroeder Road, then a detour route shall be activated to detour traffic north up Shroeder Road, west on Silveyville Road, south on Jahn Road, and east on Dixon Avenue West. Applicant must ensure that the adjacent driveway for Salad Cosmo is clear for access during queues, utilizing flagging or other effective means.
 - e. Noticing of this potential detour must be provided in advance to all residents in the area that would be impacted by this route.
 - f. If traffic conditions at the site (or the adjacent freeway facilities) are deemed unsafe by the County or California Highway Patrol, then applicant will cease accepting vehicles into the site, place "Closed" signs at the entrance and in advance will flag traffic away from the site.
 - g. California Highway Patrol shall sign off on the encroachment permit prior to issuance.
 - h. Soil and mud must not be tracked onto Dixon Avenue West.
 - i. Dust controls, such as a water truck, shall be used to control dust in the parking area.

Other Agency Conditions of Approval

52. **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.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on August 1, 2019.

BILL EMLER, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager

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CONDITIONS OF APPROVAL - COOLEY

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-17-04, submitted June 24, 2019 and as amended by the applicant, Cool Patch Pumpkins, LLC., 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 a fixed term from August 1, 2019 until December 31, 2020. Any request to extend the term of the use permit is subject to an extension application filed with the Zoning Administrator.
3. **Final Plan.** Within 30 days of approval of the use permit, the permittee shall submit a final development plan portraying the project as approved together with all project modifications imposed by these conditions of approval.

Limitations of the Permit

4. **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.
5. **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.
6. **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 20, 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.
7. **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.
8. **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.

9. **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.

I. SITE AND FACILITY CONDITIONS AND IMPROVEMENTS

10. **Occupancy.** The site shall be limited to a maximum occupancy of 1,200 persons.
11. **Access.** The site shall have two twenty-foot minimum width all-weather surface driveway connections to a public road.
12. **Kitchen Facilities.** No kitchen facility may be used unless it is permitted as a food facility by the Environmental Health Division.
13. **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.
14. **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.
15. **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 20 feet to an adjoining property. Parking shall be located in an open area with a slope of 10 percent or less.
16. **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 applicant 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.
17. **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 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.
18. **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 Americans with Disabilities Act (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.
19. **New Permanent Structures.** Event activities may only be allowed in new structures where approved through a Conditional Use Permit.

II. OPERATIONAL AND PERFORMANCE STANDARDS

20. **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.

21. **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
22. **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.
23. **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.
24. **Operational Controls.** Shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.
25. **Incidental Retail Uses.** Temporary agritourism uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
26. **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.
27. **Hours of Operation.** The hours of operation are from 9:00 a.m. - 8:00 p.m. Facility set up and clean up shall be allowed between the hours of 7:30 a.m. to 9 p.m. All guests of an event shall be off the property by 8:30 p.m.
28. **Site Appearance.** The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
29. **Event Management Plan.** No later than August 16, 2019, 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:
 - a. **Nuisance Control.** Identify measures and controls to manage potential nuisances such as fugitive dust, noise, light, glare and odor.
 - b. **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.

- c. **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.
- d. **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.
- e. **Storm Water Management.** Identify measures and controls to manage storm water to prevent storm water pollution.
- f. **Sanitation and Waste Management.** Identify measures and controls to manage all forms of liquid and solid waste on the site.
- g. **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.

III. ADDITIONAL PERMITS REQUIRED

Planning Division Permits

- 30. **Sign Permits.** 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

- 31. 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.
- 32. 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.”**
- 33. 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.”
- 34. 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.”

35. **Site Accessibility Requirements.** The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2016 California Building Code. 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 applicant 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

36. A Community Event is defined by the California Retail Food Code as an event conducted for not more than 25 consecutive or nonconsecutive days in a 90-day period and that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency. The Cool Patch, if limited to 25 days 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. The applications for a special event have been attached; the organizer application must be submitted a minimum of 30 days prior to the start of the event and all vendor applications must be submitted a minimum of 2 weeks prior to the start of the event. Please contact the Consumer Protection program of Resource Management at (707)784-6765 for the application and guidance on your submission. Be advised that permits cannot be issued without the approval of the Planning Division of Resource Management. Environmental Health requires a pre-opening inspection to verify the food service portions are within compliance of Federal, State and Local, Health and Safety Codes.
37. 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. The number of toilets shall be based on the maximum estimated attendance, as determined by the Planning Division and Building Divisions, and the number of available parking spaces for the event venue, and the minimum State of California Building Code standards for Public Assembly determining the minimum number of portable toilets for the proposed event.
38. If the proposed event is to occur for time periods exceeding 25 days in a 90- day period, the property shall include the improvements necessary to provide a State permitted Potable Water Supply Well and Distribution System, and permanent type toilet facilities, in adequate number to meet the California Building Code requirements for the maximum number of persons at the Public Assembly event. Permanent toilet facilities shall include onsite sewage disposal system leach field development meeting the requirements of Solano County Code Chapter 6.4. An

alternative event location may be necessary to allow for municipal water and sanitary sewer service to serve the proposed event

39. The Hazardous Materials Section of Environmental Health shall verify if permit requirements are applicable to the project site. Chemical inventories are 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.
40. 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.

Dixon Fire Protection District

41. 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.
42. New buildings may require protection by an automatic fire sprinkler system. System plans must be submitted to the Suisun Fire Protection District for permit, plan review and field inspections.
43. Other Fire Protection Systems and Alarms may be required pending occupancy use.
44. Public events on-site may have special requirements.
45. Access Road and building approach must meet County and Fire Code Standards.
46. Occupant load and exits will be determined upon submission of plans for building permit.
47. 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.
48. 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.
49. Prior to issuance of building permits, all requirements of the Dixon Fire Protection District shall be met.

Public Works – Engineering Conditions

50. The Applicant 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.
51. The Applicant shall apply for, secure and abide by the conditions of an encroachment permit for any planned private road connections to Dixon Avenue West, which shall meet the following conditions:
 - a. Driveway entrance and exit (right turn only) shall be moved to the western end of the parcel.
 - b. Driveway entrance and exit (right turn only) shall be sized to a commercial driveway entrance requirement.
 - c. All traffic being queued on Dixon Avenue West by the applicant (and detours) shall be signed and flagged in accordance with the Manual on Uniform Traffic Control Devices.
 - d. If traffic queues extend to the intersection of Shroeder Road, then a detour route shall be activated to detour traffic north up Shroeder Road, west on Silveyville Road, south on

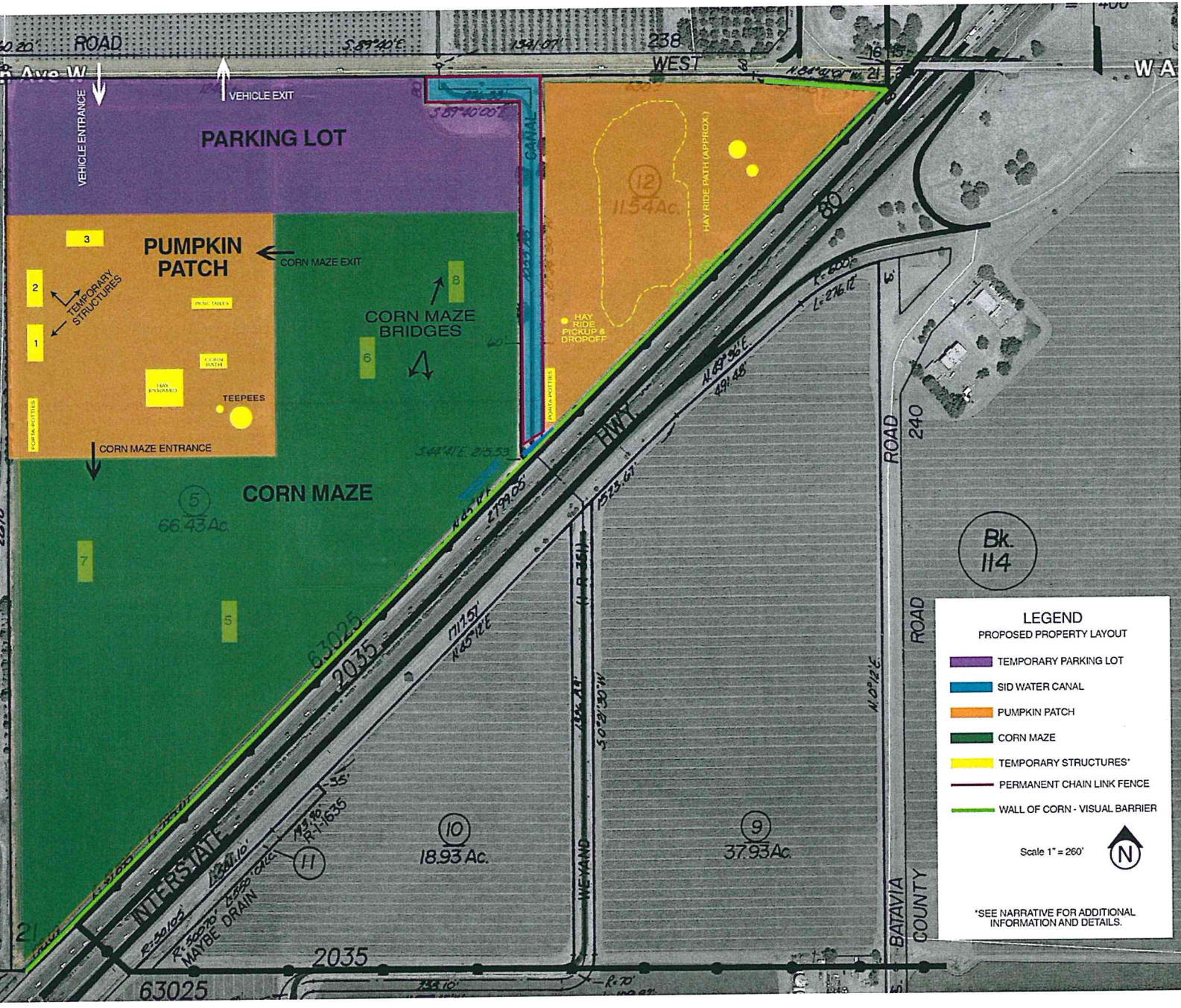
Jahn Road, and east on Dixon Avenue West. Applicant must ensure that the adjacent driveway for Salad Cosmo is clear for access during queues, utilizing flagging or other effective means.

- e. Noticing of this potential detour must be provided in advance to all residents in the area that would be impacted by this route.
- f. If traffic conditions at the site (or the adjacent freeway facilities) are deemed unsafe by the County or California Highway Patrol, then applicant will cease accepting vehicles into the site, place "Closed" signs at the entrance and in advance will flag traffic away from the site.
- g. California Highway Patrol shall sign off on the encroachment permit prior to issuance.
- h. Soil and mud must not be tracked onto Dixon Avenue West.
- i. Dust controls, such as a water truck, shall be used to control dust in the parking area.

Other Agency Conditions of Approval

52. **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.

Cool Patch
Site Plan 2019



RECEIVED

JUN 24 2019



DEPARTMENT OF RESOURCE MANAGEMENT
PLANNING SERVICES APPLICATION FORM

675 Texas Street Suite 5500, Fairfield, CA 94533

COUNTY OF SOLANO

(707) 784-6765 Phone

(707) 784-4805 Fax

RESOURCE MANAGEMENT www.solanocounty.com

- Application Type: New Extension (maps) Minor Revision Map Modification
- Administrative Permit (AD) Minor Use Permit (MU) Sign Permit (SGN)
- Architectural Review (AR) Mobilehome Storage Permit (MH): Use Permit (U)
- General Plan Amendment (G) Mutual Agreement (MA) Variance (V)
- Major Subdivision (S) Performance Standards (PS) Waiver (WA)
- Marsh Development Permit (MD) Policy Plan Overlay (PP) Zone Text Amendment (ZT)
- Minor Subdivision (MS) Rezone (Z)

FOR OFFICE USE ONLY

Application No: _____ MR# _____ Hrg: AD ZA PC BOS _____ Date Filed: _____ Plnr: _____

Project Name: Cool Patch Pumpkins

Subject Site Information

Site Address: 6150 Dixon Ave West City: Dixon State: CA Zip: 95620

Assessor's Parcel Number (s): 0109-030-050, 0109-030-120 Size (sq. ft/acre): 77 acres

Preferred Property Access by Staff: OK to access Call applicant before access Call owner before access

Contact Information

Property Owner Name: Ken Schroeder

Contact Name: Ken Schroeder Phone: 530-400-8859 Email: N/A

Mailing Address: 945 Hillview Dr. City: Dixon State: CA Zip: 95620

Architect/Engineer/Land Surveyor Company Name: N/A

Contact Name: N/A Phone: N/A Email: N/A

Mailing Address: N/A City: N/A State: N/A Zip: N/A

Applicant/Company Name: Cool Patch Pumpkins LLC

Contact Name: Matt Cooley Phone: 530-304-0163 Email: mcool@sbcglobal.net

Mailing Address: 1825 Rehrmann Dr. City: Dixon State: CA Zip: 95620

Other Contacts:

Name: Seth Cooley Phone: 530-304-0161 Email: sethcooley@gmail.com

Mailing Address: 9050 Sparling Ln. City: Dixon State: CA Zip: 95620

9 Additional Information by Applicant

In order to make this application COMPLETE, please submit any additional data, information or special study reports that may be necessary to determine whether the project may have significant effect on the environment or to evaluate any adverse impacts, and to determine how they may be mitigated. Add additional pages as necessary.

10 Information Verification - Signed by Owner and Applicant

Owner and Applicant must sign below certifying that all information is to the best of his/her knowledge true and correct.

If the applicant is not the owner of record of all property included in this application, the signature given below is certification that the owners of record have knowledge of and consent to the filing of this application and supporting information. Additionally, the undersigned does hereby authorize representatives of the County to enter upon the above mentioned property for inspection purposes. **This certification acknowledges that if the project exceeds double that of the application fee, applicants are subject to the hourly billing rate of staff time. You will be notified if the project is approaching this threshold.**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Owner signature: Ken Schroeder Jr. Date: 6/13/19

PRINTED NAME: Ken Schroeder Jr.

Applicant signature: Matt Cooley Date: 6-13-19

PRINTED NAME: Matt Cooley

For Office Use Only

Planning Permit Fee(s)		Environmental Review Fees	
_____	\$ _____	Initial Study	\$ _____
_____	\$ _____	Archaeological Study (Sonoma State NWIC)	\$ _____
_____	\$ _____	Negative Declaration	\$ _____
_____	\$ _____	CA Fish and Games (ND or EIR)	\$ _____
_____	\$ _____	Initiate EIR	\$ _____
_____	\$ _____	Mitigation Monitoring Plan	\$ _____
Total	\$ _____	Total	\$ _____
Total Fees Paid (P + E)	\$ <u>2027.00</u>	Receipt No.: <u>5321</u>	DATE: <u>6/24/19</u>

Staff verify: Zoning: _____ GP Land Use & Consistency: _____

Comments: _____ Staff/Date: _____

T:\PLANNING\Planning Templates\Front Counter Application and Instruction Forms\COUNTER FORMS - (O-R-I-G-I-N-A-L-S)\Land Use Permit\Permit Application & Instructions\Land Use Permit - Application.doc(June 23, 2011)