DEPARTMENT OF RESOURCE MANAGEMENT

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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

Staff Report U-19-05

Application No. U-19-05 (Canon Partners LLC) Project Planner: Eric Wilberg, Planner Associate	Meeting of November 5, 2020 Agenda Item No. 1
Applicant Canon Partners, LLC Jason Andrews 1107 Kentucky Street Fairfield, CA 94533	Property Owner same

Action Requested

Public Hearing to consider Use Permit application U-19-05 of Canon Partners, LLC to establish a 10-acre storage yard as a Transitional Commercial land use located at 5204 North Gate Road, adjacent to the City of Fairfield, within the Exclusive Agriculture "A-80" and Policy Plan PP-17-01 Overlay Zoning Districts; APN's 0166-040-060 and 0166-050-100

Property Information

Size: 302 ac. (total parcel acreage)	Location: Adjacent (west) to City of Fairfield
APNs: 0166-040-060 and 0166-050-100	
Zoning: Exclusive Agricultural "A-80", PP-17-01	Land Use: Inert Debris Recycling Center
General Plan: Agriculture, Travis Reserve	Ag. Contract: n/a
Utilities: n/a	Access: North Gate Road

Adjacent General Plan Designation, Zoning District, and Existing Land Use

	General Plan	Zoning	Land Use
North	Agriculture	Exclusive Agricultural "A-40"	Grazing
South	Agriculture	Exclusive Agricultural "A-80"	Grazing
East	Agriculture	Exclusive Agricultural "A-80"	Grazing
West	Urban Industrial	Industrial (City of Fairfield)	Grazing

Environmental Analysis

The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15311, Accessory Structures.

Motion to Approve

The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Use Permit No. U-19-05 based on the enumerated findings and subject to the recommended conditions of approval.

ENVIRONMENTAL SETTING

The subject property is comprised of two Assessor's Parcels totaling 302.43 acres. Policy Plan PP-17-01 Overlay is established on 83.5 acres across both APN's. Go Green, a Type A Inert Debris Recycling Center, operates on 47 acres within the overlay district. The balance of the 302-acre property is undeveloped and has primarily been utilized for cattle grazing.

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.

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 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.

PROJECT DESCRIPTION

The applicant, Canon Partners, LLC, is requesting use permit approval of a Transitional Commercial use which provides surface storage for construction and corporation yards, equipment and machinery storage, stockpiling, and vehicle storage including automobiles, RV's, and watercraft. The proposal would allow for leased areas ranging in size between 0.10 ac. up to the entire 10-acre project site.

Any structures will be temporary in nature and removable, such as trailers, shipping containers, and covered parking structures. Issuance of building permit is required for any structure within the project boundaries.

A minimum of six-foot-high fencing shall be constructed around each lease area.

All lighting will be down cast and shall be designed to minimize conflicts with surrounding properties.

No landscaping is proposed.

The facility would operate Sunday through Saturday.

Access road(s) through the subject site will have an unobstructed width of not less than twenty fee. Roadway surface will be recycled concrete aggregate. Parking and surface storage areas will be recycled concrete aggregate or recycled asphalt aggregate.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15311, Accessory Structures. Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities.

The intent of the existing overlay zoning district is to provide for Transitional Commercial and Transitional Industrial land uses within the PPO boundaries. The surface storage project may include the construction of

Zoning Administrator Staff Report Use Permit No. U-19-05 (Canon Partners LLC)

temporary fencing, cargo containers, and covered parking (carport) accessory and incidental to the proposed Transitional Commercial, storage use.

DISCUSSION:

General Plan

The project is located within an area designated Agriculture by the Solano County General Plan Land Use Diagram. Also, the project is 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" with the reserve area. The Department is recommending that short-term temporary nonresidential uses may also be considered, subject to a discretionary permit approval.

Zoning

The project site is located within the Exclusive Agriculture "A-80" and Policy Plan PP-17-01 Zoning Districts. The proposed storage facility is classified as a Transitional Commercial land use, a conditionally permitted land use within overlay district. The zoning districts are consistent with the General Plan designation.

Agency Review

The project was referred to the Department of Resource Management's Development Review Committee for review, comment, and recommended conditions of approval. Any comments received have been incorporated as conditions of approval.

RECOMMENDATION, FINDINGS, and CONDITIONS OF APPROVAL:

Staff recommends that the Zoning Administrator adopt the attached resolution and approve Use Permit No. U-19-05 based on the enumerated findings and subject to the recommended conditions of approval.

Reference Attachment A, Draft Resolution

ATTACHMENTS:

- A Draft Resolution
- B Assessor's Parcel Maps
- C Surface Area Storage Plan

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX-XX

WHEREAS, the Solano County Zoning Administrator has considered Use Permit Application No. U-19-05 of **Canon Partners**, **LLC** to establish a 10 acre storage yard as a Transitional Commercial land use located at 5204 North Gate Road, adjacent to the City of Fairfield, within the Exclusive Agriculture "A-80" and Policy Plan PP-17-01 Overlay Zoning Districts; APN's 0166-040-060 and 0166-050-100, 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 November 5, 2020, 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.

The temporary use of the property for a Transitional Commercial storage yard is consistent with the Exclusive Agriculture and Policy Plan PP-17-01 Overlay Zoning Districts and with the goals, objectives and policies of the Solano County General Plan.

2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Vehicular access to the site is developed off North Gate Road, a City of Fairfield local street. Access to the storage yard will be provided via private driveway. On-site utilities including septic system and domestic water shall be developed in compliance with policy plan overlay PP-17-01.

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.

The project has been reviewed as part of the Department of Resource Management's Development Review Committee process. Any recommended conditions of approval have been incorporated into the use permit resolution. The project, as conditioned, minimizes any potential nuisances or impacts resulting from the project.

4. The project qualifies for a Class 11 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15311, Accessory Structures. Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities.

The intent of the existing overlay zoning district is to provide for Transitional Commercial and Transitional Industrial land uses within the PPO boundaries. The surface storage project may

include the construction of temporary fencing, cargo containers, and covered parking (carport) accessory and incidental to the proposed Transitional Commercial, storage use.

BE IT THEREFORE RESOLVED that the Zoning Administrator has approved Use Permit Application No. U-19-05 subject to the following recommended conditions of approval:

Administrative

- 1. The 10-acre storage yard shall be established and operated in accord with the application materials and development plans for Use Permit U-19-05, filed April 30, 2019 by Canon Partners, LLC, and as approved by the Solano County Zoning Administrator.
- 2. The permittee shall operate in compliance with the Performance Standards established by Policy Plan PP-17-01 Overlay Zoning District. The establishment and operation of the Transitional Commercial use is a conditionally permitted land use within the Policy Plan PP-17-01 Overlay Zoning District. The storage yard shall maintain compliance with all aspects of PP-17-01 including but not limited to the intent, term, and development standards established therein.
- **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.
- 4. 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.
- **5. Failure to Comply.** Failure to comply with any of the conditions of approval or limitations 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.

Subsections (j) and (m) of Section 28-53 of the Solano County Code concerning revocation of a use permit for non-compliance with conditions of a use permit and minor revisions to a use permit are expressly made applicable to this permit. Upon any revocation, permittee shall restore the site in accordance with conditions of the permit. If necessary, the County may resort to any security to accomplish such restoration. In addition, any term or condition of this use permit and any violation of this permit may be enforced by injunction issued out of the Superior Court upon suit by the County. In the event of permit revocation, the permittee shall submit within 90 days a report to the Department of Resource Management fully describing their restoration of the site for agricultural purposes. The permittee shall make periodic reports, as required by the Department of Resource Management, on the progress and conclusion of site restoration procedures.

Policy Plan PP-17-01 Performance Standards

- **6. Prevention of Nuisances -** The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust, or other impacts which constitute a hazard or nuisance to surrounding property.
- 7. **Lighting and Glare -** All lighting shall be shielded to prevent any light spillover onto surrounding properties. A lighting plan providing the location, light intensity and direction, construction and materials shall be submitted by the permittee prior to building permit issuances.
- **8. Fencing -** All fencing shall be maintained plumb, level, and in a structurally sound condition.
- **9. Potable Water Requirements –** In the event potable water is required on-site.

Per Health and Safety Code section 116275, a Public Water System permit from the State of California Water Board, Division of Drinking Water shall be obtained and maintained valid, including all operating, monitoring, reporting and notification requirements for a Public Water System shall be met. The responsibility for providing potable water to the property, which includes obtaining and maintaining compliance with the permit conditions, lies with the property owner.

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 requires 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. In the event samples do not meet drinking water standards, Environmental Health Division requires disinfection procedures and more frequent sample testing.

Environmental Health shall only permit one State Small Water System on the legal lot. Environmental Health will require a water infrastructure design plan upon initial application for the State Small Water System permit that shows how all of the businesses will be connected to the water system.

As the Policy Plan Overlay is considered temporary, Environmental Health shall require a post closure plan upon initial application for the State Small Water System permit. The post closure plan shall include a description of how the water infrastructure will be installed, maintained, and tracked to ensure that upon expiration of the Policy Plan Overlay all remnants of the water system infrastructure can be removed from the ground to allow for the return of the parcel to agricultural land.

Once the service population exceeds the threshold of serving 25 or more people for 60 or more days of the year, or the number of water service connections exceeds 14, the property shall obtain and maintain a Public Water System permit from the Division of Drinking Water.

The application shall be submitted and approved, 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 and customers/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 owner of the water supply system 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.

10. Septic System Requirements – In the event that a permanent septic system is required on-site (portable facilities are prohibited).

The design and specification of the septic system shall include plans that show the proposed system detail and the placement of the leach field in the area tested and identified for leach field 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.

Septic system design for capacity greater than 10,000 gallons per day shall require permitting through the State Water Board.

- **11. Dust Control -** The permittee shall implement a plan for dust control which shall include, at a minimum, the following items:
 - a. All material stockpiled on site shall be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance. Watering shall occur at least once a day with complete site coverage, preferably in the midmorning hours.
 - b. All on site areas with vehicle traffic shall be watered periodically or have dust palliatives applied for stabilization of dust emissions.
 - c. All trucks hauling dirt, sand, aggregates or other loose materials shall be covered or shall maintain at least two feet of freeboard (i.e. minimum vertical distance between top of load and trailer).
- **12. Site Appearance -** The permittee shall maintain the project site in a neat and orderly manner and kept free of accumulated debris or junk.

Operational Standards

- 13. The permittee shall 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:
 - **a.** Dust, offensive odors, vibration detectable beyond any property line.
 - **b.** Noise that exceeds 65dBA LDN at any property line.
 - **c.** Glint or glare detectable beyond any property line or by overflying aircraft.
- 14. The project 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.
- 15. Adequate off-street parking shall be provided pursuant to Section 28-94; parking areas and driveways shall be treated as necessary to control dust. Parking areas shall not be located any closer than 200 feet to an adjoining property. Shall provide off-street parking in accordance with Section 28-94 in addition to paved parking spaces, aisles and pathways for the disabled in accordance with Building Code.
- 16. Removal of natural material 1) shall prevent offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.
- 17. The permittee shall be responsible for remediating any off-site contamination, damage, or injury to surrounding properties, including ground and surface water contamination, litter or safety hazards, or pollution of the air above any properties which may result from issuance of the permit; and during exercise of the use permit shall take adequate measures to prevent litter, dust, standing water, generated traffic, unsafe conditions, trespass to adjacent properties, or other activity in excess of, or inconsistent with conditions of the permit from creating a hazard or nuisance.

Airport Land Use Compatibility Plan

- 18. The project shall be consistent with the Travis Air Force Base Airport Land Use Compatibility Plan. The following measures shall be taken so that the facility is operated in a manner consistent with this plan:
 - a. Existing and proposed sheds and structures with reflective exteriors, including roofs, shall be painted or coated so that they are rendered nonreflective.
 - b. If night and/or security lights are to be used on the subject site, they shall be downcast and shielded so that off-site glare is prevented, and lighting is confined to the work area.

Building and Safety Division

- 19. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2010 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." Contact the Building and Safety Division at (707) 784-6765 to discuss the permit process.
- 20. 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."
- **21.** A geotechnical/Soils Report will be required for any expansions to existing buildings or for the construction of new buildings.
- 22. The building permit plans shall include a code analysis as listed below and the design shall be under the 2010 California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:
 - A) Occupancy Classification
 - B) Type of Construction
 - C) Seismic Zone
 - D) Location on Property
 - E) Height of all buildings and structures
 - F) Square footage
 - G) Occupant Load
 - H) Allowable Floor Area
 - Height and Number of Stories
- 23. Plans and Specifications shall meet the requirements as per Section 107 of the 2010 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." Also, Section 106.1.1; "Construction documents shall be dimensioned and drawn upon substantial material. 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."

- 24. The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2010 California Building. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2010 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, and designed by a licensed architect reflecting all site accessibility.
- 25. All accessible paths of travel and parking areas shall be a hardscaped surface and shall meet all of the worst-case requirements between Chapter 11B of the 2010 California Building Code and the ADA Federal Law.

Business Licensing

26. The permittee shall obtain a business license from the Solano County Department of Resource Management for the proposed storage facility and maintain compliance with its requirements.

Public Works – Engineering

27. The applicant shall apply for, secure and abide by the conditions of a grading permit prior to any onsite grading. The applicant shall submit improvement plans to Public Works Engineering for review and approval by the appropriate official. The review of plans and inspection of the construction is subject to fees to cover the cost to Public Works Engineering. Contact the Public Works – Engineering Division at (707) 784-6765 to discuss the permit process.

Local, Regional, and State Agencies

Central Valley Regional Water Quality Control Board

28. The permittee shall obtain coverage under a General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ once the project disturbs one or more acres of soil. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, Visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Alternatively, contact Trevor Cleak with the Central Valley RWQCB at (916) 464-4684.

Solano Irrigation District (SID)

29. The project is located within the Solano Irrigation District boundary and is therefore subject to the Rules and Regulations, assessments, and charges of the District. The subject property has an existing service located at the northwest corner of the parcel. The service provides raw, untreated, agricultural irrigation water. No other uses for the water are acceptable to the District.

Travis Air Force Base

30. All structural development shall be located outside of the Travis Air Force Base water line easement running along North Gate Road.

Vaca-Elmira Fire Protection District

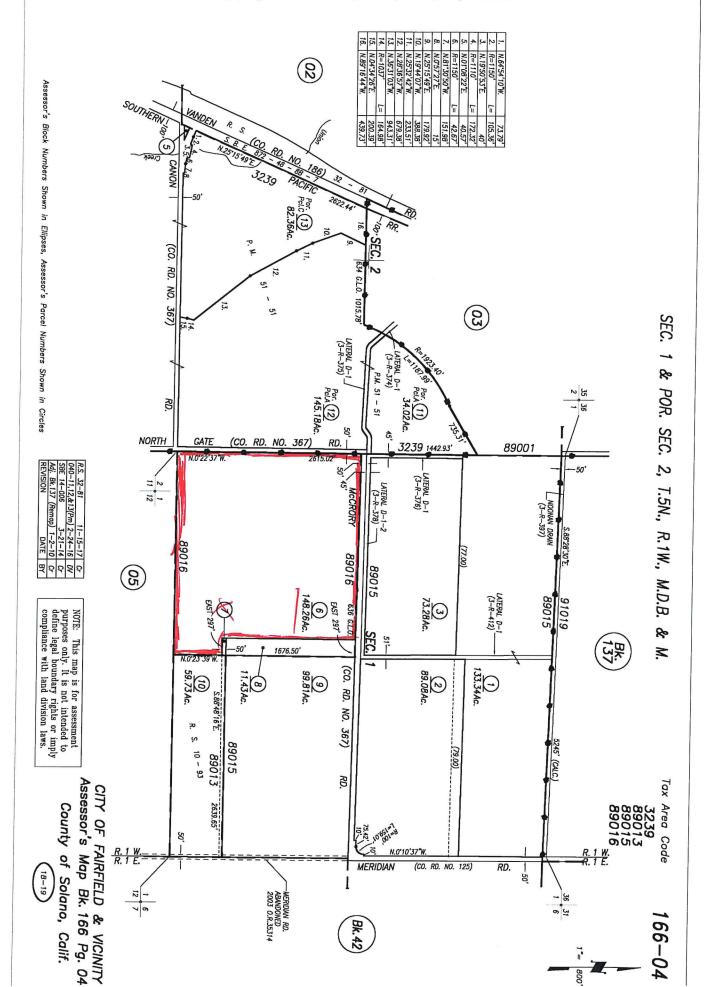
31. The site, including structures, equipment and vehicles, shall be inspected by the Vaca-Elmira Fire Protection District as deemed necessary by the District and kept in compliance with the Fire District regulations.

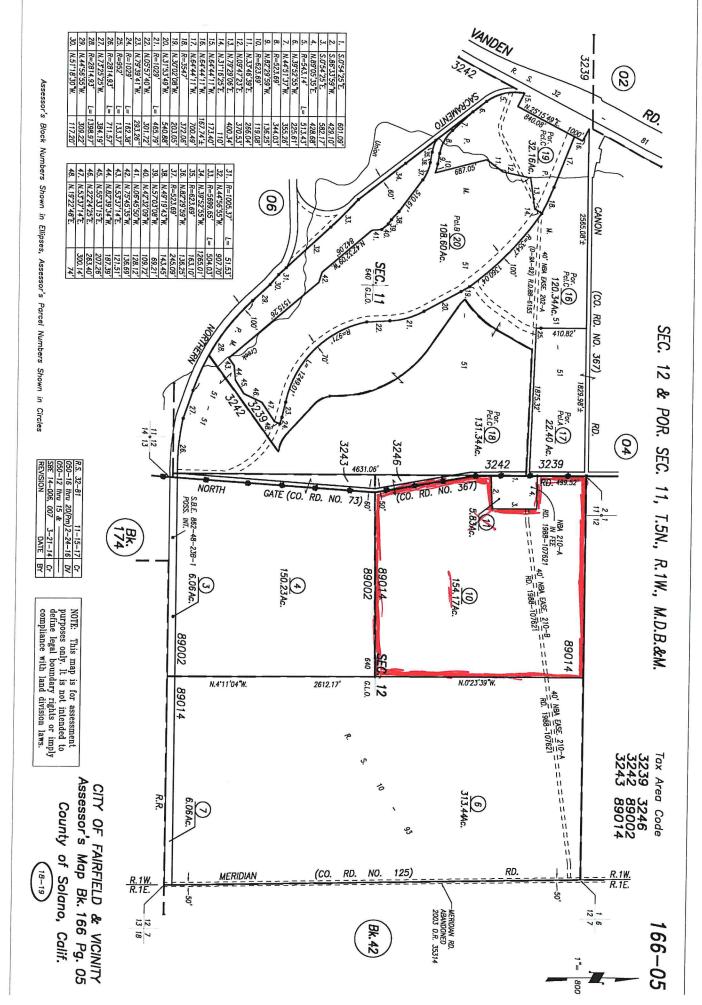
Permit Term

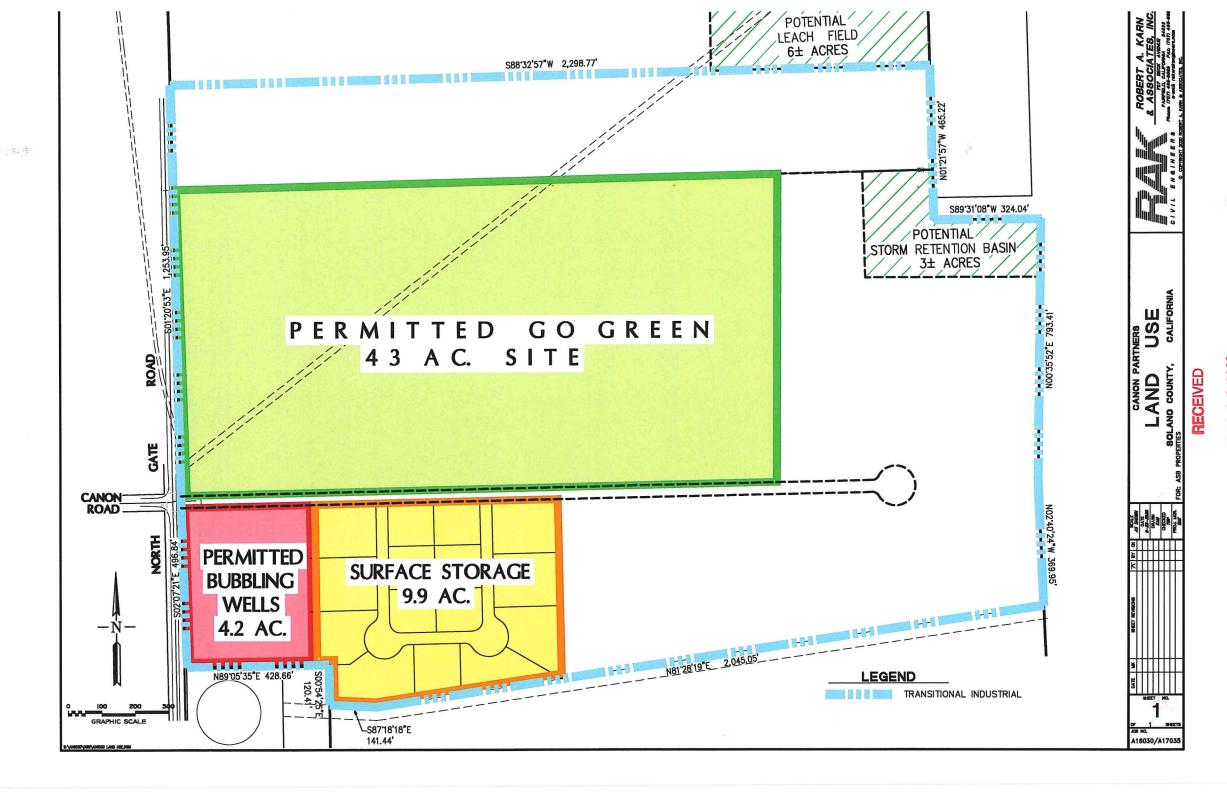
32. This use permit shall remain in effect for a fixed period of five (5) years with a provision for renewal if the renewal request is received prior to the expiration date of November 5, 2025. The use permit shall terminate with the Policy Plan Overlay expiration date of December 31, 2028. Further renewal of the use permit may be considered should PP-17-01 remain in effect after its expiration date.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on November 5, 2020.

Terry Schmidtbauer, Interim Director Department of Resource Management







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