

ORDINANCE NO. 2005-169

An ordinance amending Chapter 28, Section 28-15 of the Solano County Code to rezone approximately 80 acres of property, comprising two parcels, located at the southwest terminus of Dove Creek Trail, 7471 Dove Creek Trail; APN's: 0105-080-460 & -470, from Exclusive Agricultural (A-20) to Rural Residential (RR-2½) and to impose a Policy Plan Overlay zoning district (PP-01-03) on such property.

The Board of Supervisors of the County of Solano, State of California, does ordain, as follows:

SECTION 1.

Chapter 28, Section 28-15, of the Solano County Code (Zoning Regulations) is amended by amending Zoning Map No. 2S as illustrated in Exhibit A, attached to this ordinance.

SECTION 2.

Pursuant to Chapter 28, Section 28-39, of the Solano County Code (Zoning Regulations), the Policy Plan Overlay Zoning District PP-01-03, as set forth in Exhibit B, attached to this ordinance, is adopted for the property referenced in Section 1 of this ordinance.

SECTION 3.

All ordinance and parts of ordinances in conflict herewith are repealed.

SECTION 4.

The Board of Supervisors has made the following findings in regard to said zoning amendment:

1. The proposed zone change is in conformity with the General Plan for the County with regard to land use, population densities and distribution, traffic circulation, public water supply and other aspects of the General Plan considered by the Planning Commission to be pertinent.
2. The subject property is contiguous to other properties that are currently zoned RR, Rural Residential and A-20, Exclusive Agricultural.
3. Staff has prepared an initial study for the Dove Creek Ranch Subdivision project inclusive of the proposed rezoning and recommended that a Mitigated Negative Declaration be approved. With the implementation of recommended mitigation measures, no significant adverse impacts were identified and approval of a Mitigated Negative Declaration is appropriate for the project.

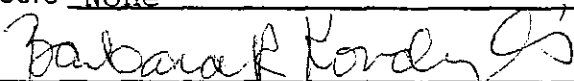
- 4. On September 15, 2005, the Solano County Planning Commission reviewed the proposed rezoning and recommended (4 to 1) Board approval of the rezoning and adoption of the Mitigated Negative Declaration.
- 5. The Board has read, considered and adopted a Mitigated Negative Declaration prior to taking action on Rezoning Petition No. Z-01-03 and Policy Plan Overlay No. PP-01-03.

SECTION 5.

A summary of this ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its passage and adoption and shall take effect thirty (30) days from and after its passage.

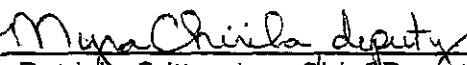
Passed and adopted by the Solano County Board of Supervisors at its regular meeting on December 13, 2005, by the following vote:

AYES:	Supervisors <u>Kromm, Reagan, Silva, Vasquez</u>
NOES:	Supervisors <u>Kondylis</u>
ABSENT:	Supervisors <u>None</u>
ABSTAINED:	Supervisors <u>None</u>



 Barbara R. Kondylis, Chairwoman
 Solano County Board of Supervisors

ATTEST:
Michael D. Johnson, Clerk to the
Board of Supervisors

By: 
 Patricia Crittendon, Chief Deputy Clerk

- Exhibits (attached):
- A. Location map illustrating the subject property and proposed zoning
 - B. Policy Plan Overlay District (PP-01-03) Land Use & Development Regulations

**PROPOSED REZONING
FROM EXCLUSIVE AGRICULTURAL (A-20)
TO RURAL RESIDENTIAL (RR-2½) AND
POLICY PLAN OVERLAY DISTRICT (PP-01-03)**

DOVE CREEK RANCH SUBDIVISION
APN's: 0105-080-460 & -470

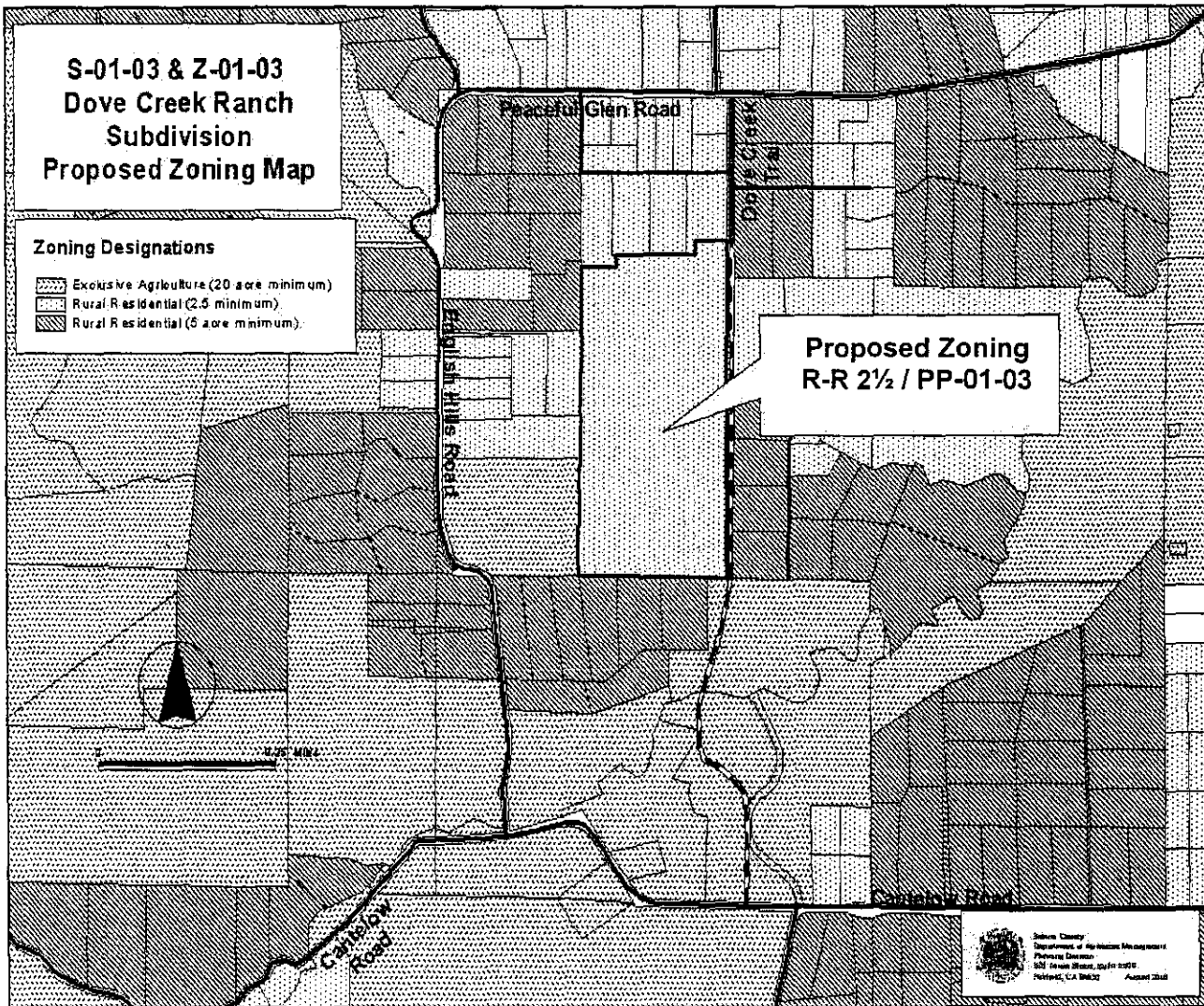


Exhibit A

Dove Creek Ranch Subdivision

POLICY PLAN OVERLAY DISTRICT (PP-01-03)

LAND USE AND DEVELOPMENT REGULATIONS

(a) Statement of Purpose:

The purpose and intent of this Policy Plan (PP) Overlay District is to allow a 32-lot rural residential subdivision with flexible lot sizes, compared to the minimum lot size requirements of the underlying (RR-2½) zoning district. The flexible lot sizes are needed due to existing site constraints such as topography and existing features, natural and manmade. The subdivision established by this overlay district will be consistent with the density requirements of the General Plan and will maintain the rural residential character of the surrounding area. The flexibility of the overlay district will enable a quality designed residential subdivision with custom homes, establishment and protection of private open space, the preservation and protection of Sweeney Creek - a sensitive biological area, and retention of views. The overlay district will further assure these protections through common ownership administered by the subdivision's homeowners association that will be responsible for perpetual maintenance of all common areas including Sweeney Creek and other open space areas, interior private roads, and storm drainage improvements.

(b) Principal uses permitted:

- (1) Single family dwelling

(c) Accessory uses - Buildings and uses clearly accessory or incidental to a single family dwelling located on the premises, in conformance with Solano County Zoning Regulations, are permitted as follows:

- (1) Either a guest house or a detached or attached secondary living unit, not to exceed 850 square feet.
- (2) Pool house, barn, shed, and other similar buildings.
- (3) Home occupation.
- (4) Crop or plant production including orchards or vineyards for personal use, or commercial sales off-site.
- (5) Small animals as household pets including dogs, cats, and outdoor birds, provided that:
 - a. The total number of animals shall not exceed five (5) per residential lot and all shall be kept under single ownership.

- b. Animals shall not be kept, bred, boarded or maintained for commercial purposes.
 - c. Animals shall be kept in a clean and sanitary manner, free of offensive odors, flies and rodents as shall be determined by the Department of Resource Management.
 - d. Animals that create noise audible on adjacent properties that is deemed by the County to be excessive or not in harmony with the rural environment shall be confined within enclosures adequate to reduce noise levels such that the noise does not create a public nuisance to surrounding properties
- (d) Conditional Uses: None allowed
- (e) Prohibited Uses:
- (1) Large animal husbandry including, but not limited to, horses, cattle, llamas, goats, pigs, sheep, donkeys, mules, ostrich, and emus, and other animals exceeding one hundred and twenty (120) pounds.
 - (2) Stables, private or public.
 - (3) Storage of manufactured or mobile homes.
 - (4) Rural resident enterprises.
 - (5) Companion living units.
 - (6) Temporary buildings or structures.
 - (7) Commercial, retail, service, or industrial uses, other than a home occupation.
 - (8) Oil and gas wells.
 - (9) Wireless communication facilities.
 - (10) Other uses not rural residential in character, or not expressly permitted as a principal or accessory use.
- (f) Architectural standards
- (1) The use of fire-prone exterior building materials such as wood shingle or shake roofs is prohibited.
 - (2) If there is a homeowners association for the subdivision, plans and elevations for dwelling and accessory buildings shall be submitted to the architectural review committee of the subdivision homeowners association for review prior to application to the County for a building permit. The property owner shall furnish written verification of such submission for review as part of the application for a building permit.

- (3) All dwellings shall require architectural approval by the County prior to issuance of a building permit, pursuant to Section 28-58 of County Zoning Code.
- (4) Accessory buildings greater than 120 square feet shall require architectural approval by the County, as follows:

Proposed accessory building size		Aggregate total size of all accessory buildings on-site	Approval Required
≤ 2,500 square feet	and	≤ 2,500 square feet	(1)
> 2,500 square feet	and/or	> 2,500 square feet	(2)

Notes:

- (1) Administrative Architectural Approval by the Zoning Administrator (or designee) is required, in conformance with Section 28-58 of County Zoning Code.
- (2) Architectural Approval by the Planning Commission is required, in conformance with Section 28-58 of County Zoning Code.

- (5) Exterior lighting

- a. Exterior lighting on private lots and any common areas shall be limited to down lighting fixtures only, and shall be directed away from properties outside the subdivision. Buffering techniques shall be used as necessary to reduce potential offsite light and glare impacts.
- b. No street lighting shall be allowed, except at the main entrance to the subdivision and emergency access only, which shall be maintained by the homeowners association with low intensity downward directed full cutoff lighting.
- c. For each new dwelling or other building that contains exterior lighting the property owner shall submit lighting plans to the architectural review committee of the subdivision homeowners association for review, if such a homeowners association exists. The property owner shall furnish written verification of such submission for review as part of the application for a building permit. The lighting plans shall include the following:
 - i. Fixture design including illumination details;
 - ii. Location on building or, if freestanding, on property including height;
 - iii. Method of shielding, as necessary, to avoid adverse affects to off-site properties.

- (g) Sign standards

- (1) Two (2) on premise subdivision entrance/identification signs as approved by the County are permitted.

- (2) One temporary residential real estate sign not exceeding six (6) square feet in area, advertising the sale or lease of a lot or residence, located on the property it advertises.
 - (3) Directional, street name, other health and safety or informational signs as approved by the County are permitted.
 - (4) No on-premise signs or advertising for an approved home occupation are permitted.
- (h) Lot Size; Dwelling Size; Building Setbacks, Coverage, and Height

Lot area (minimum) (1)	<i>Minimum area required for parcels</i>
	1.3 acres
Lot width (minimum)	<i>Minimum average width required for parcels</i>
	165 feet
Dwelling size (minimum)	2,500 square feet (gross floor area)

Setbacks (minimum) (2)	Main Dwelling/Building	Accessory Building/Secondary Living Unit (3)(6)	Animal Shelter
Front	30 feet, and 50 feet from the street centerline.	60 feet or on the rear 50% of the lot	
Sides (each)	30 feet	15 feet	20 feet
Side (street)	20 feet	15 feet	20 feet or same as the main building if greater
Rear	30 feet	15 feet	20 feet
Distance between structures (4)	10 feet	10 feet from any dwelling or other main building on the same parcel	
Site coverage (maximum)	30% maximum aggregate total of all accessory buildings for the lot		
	7,500 square feet cumulative impervious surface area (5)		
Height (maximum)	35 feet	35 feet	

Notes:

- (1) The area bounded by the centerline of the street on which the parcel fronts, the parcel sidelines extended to such street centerline and the street right-of-way adjacent to the parcel may be included in the computation of the minimum parcel area requirement.
- (2) See County Zoning Code Section 28-50(e) for setback measurement, allowed projections into setbacks, and exceptions.

- (3) See County Zoning Code Section 28-50(b)(3) for additional regulations for accessory buildings
- (4) Other separation between structures may be required by County Building Code.
- (5) A maximum 7,500 square feet of cumulative impervious surface area (buildings, structures, driveways, pavement, patios, etc...) per lot is allowed, to maintain consistency with the County approved stormwater plans for the subdivision, unless lot specific stormwater improvements have been submitted to and approved by the County.
- (6) A secondary living unit attached to the principal dwelling shall meet the same setbacks as required for the principal dwelling.

(i) Landscaping

- (1) The subdivider shall initially install all landscaping in common areas and on individual lots in accordance with the master landscape plan attached as Attachment 2, or as otherwise approved by the County.
- (2) The subdivision homeowners association shall maintain all landscaping and irrigation for the following areas within the subdivision:
 - a. All common areas;
 - b. The main subdivision entrance area and other areas within the private street right of way.
- (3) The subdivision homeowners association shall maintain the following additional areas:
 - a. The 10-foot wide fire buffer along Dove Creek Trail within the boundaries of the subdivision. Maintenance shall include thinning, mowing or discing the roadside grass.
 - b. Any trees and irrigation utilities installed by the subdivider within public right of ways, for a minimum of five (5) years after installation and until the responsibility for maintenance is accepted by County Public Works Maintenance.
- (4) All landscaping installed on individual lots by the subdivider shall be maintained by the subdivider until such time as each lot is sold. Thereafter, the lot owner shall be responsible for maintenance of landscaping and irrigation on the lot.
- (5) All landscaping in common areas and on private property shall be maintained in an attractive and flourishing manner and replaced when necessary to the satisfaction of the Department of Resource Management. All areas not landscaped shall be kept free of tall grasses and weeds to prevent fire hazards and maintain a quality appearance.

Replacement landscaping within the common areas shall be drought resistant and include native species, and the irrigation system shall be designed for water conservation, unless associated with the Sweeney Creek riparian zone and/or pond habitat enhancement.
- (6) For each new dwelling the property owner shall submit a lot specific landscape plan to the architectural review committee of the subdivision homeowners association for review. The property owner shall furnish written verification of such submission for

review as part of the application for a building permit. The lot specific landscape plan shall include the following:

- a. A minimum lawn area, trees, shrubs, and privacy hedges. Plant materials shall be selected for their screening qualities, and ability to soften the appearance of the buildings, attain full coverage within reasonable time periods, and achieve other desired aesthetic objectives.
- b. Location, design details and dimensions for all fences, gates, retaining walls, screening walls, driveways, walkways, accent pavements, exterior lighting, and other site amenities.
- c. Plant materials shall be drought resistant and include native species, and the irrigation system shall be designed for water conservation.
- d. All lot specific landscape plans shall be compatible with the master landscape plan.
- e. Landscaping within five feet from any property line shall be restricted to five (5) feet or less in height.

(j) Parking

- (1) A minimum two-car enclosed garage per dwelling unit plus one additional enclosed space for any guest house or secondary living unit, as applicable, shall be provided.
- (2) Vehicles shall not be parked on unpaved portions of the property for more than 48 hours.
- (3) Inoperable vehicles shall be garaged.
- (4) Vehicle maintenance is only permitted within or immediately adjacent to garages.
- (5) Boats, motorized farm implements and recreational vehicles are considered vehicles.
- (6) No vehicle parking is allowed on any roads within the boundaries of the subdivision.

(k) Additional Development Standards

- (1) New construction – Any new construction within the subdivision, on private lots or in the common areas, for which a building permit or grading permit is required shall be approved in advance by the County.
- (2) Sweeney Creek Riparian Corridor - No construction activities unrelated to creek restoration or maintenance, or bridge maintenance, of any kind is allowed in the Sweeney Creek riparian corridor.
- (3) New buildings – For each new building, the following is required:
 - a. Geotechnical study - The owner of each residential lot in the subdivision shall submit a geotechnical report to the County Building Division prior to issuance of a building permit for the lot. The report shall be prepared by a California licensed

geotechnical consultant. The report shall characterize the engineering properties of the soil and bedrock materials, and provide specific recommendations for grading, and foundation and building design criteria.

- b. Storm drainage improvements – The owner of each residential lot, upon application for a permit required by the County for any new dwelling, building, structure, grading, or paving shall furnish to the Building Division the total amount of impervious surface area (buildings, structures, driveways, pavement, etc..) on the lot, existing and proposed. For any lot development which exceeds 7,500 square feet of cumulative impervious surface area, the property owner shall design and construct lot specific stormwater improvements, as approved by the County, to maintain consistency with the County approved stormwater plans for the subdivision.

(l) Performance Standards

- (1) Waste disposal - Provisions for residential solid waste disposal shall be provided to the satisfaction of the County.
- (2) Outdoor storage - Outdoor storage of equipment, materials, implements, and debris shall be screened from view from any street or road and shall not create a fire hazard or promote the breeding of pests.
- (3) Trash storage - All trash and recycling materials stored outdoors shall be fully screened from view from any street or road.

(m) Site specific policies - To ensure adequate protection of the public health and safety and consistency with the surrounding uses, the following policies shall be applied:

(1) Land use regulations

- a. This Policy Plan overlay zoning district (PP-01-03) regulates the establishment, operation and maintenance of a rural residential subdivision that is designed based on the development plan attached as Attachment 1, as conditionally approved by the County. The subdivision includes thirty-two (32) single-family residential lots ranging in size from 1.3 to 3.8 acres, streets, and four (4) common area parcels as follows:

<u>Parcel</u>	<u>Description</u>	<u>Size</u>
A	Pond	4.5 acres (surface area)
B	Sweeney Creek riparian corridor	3.87 acres
C	Neighborhood park (private)	0.73 acres
D	Landscape slope and dam spillway	2.20 acres

- b. No single-family residential lot, common area parcel, or street right-of-way shall be used for any purpose other than as allowed by this PP Overlay district. No modification to these uses shall be allowed without prior approval by the County.
- c. Streets – All streets within the subdivision and other improvements located within the 60-foot wide private access and utility easement shall be used for street, utility and related uses only. Exceptions include security gates, entrance features, lighting, and landscaping, as approved by the County. All such improvements are

to be maintained by the subdivision homeowners association. No street parking shall be allowed.

If streets are private, a gate may be installed at the primary entrance and emergency access to the subdivision with prior approval of the County Public Works Division and Vacaville Fire Protection District, as to location, design, and adequacy of emergency access.

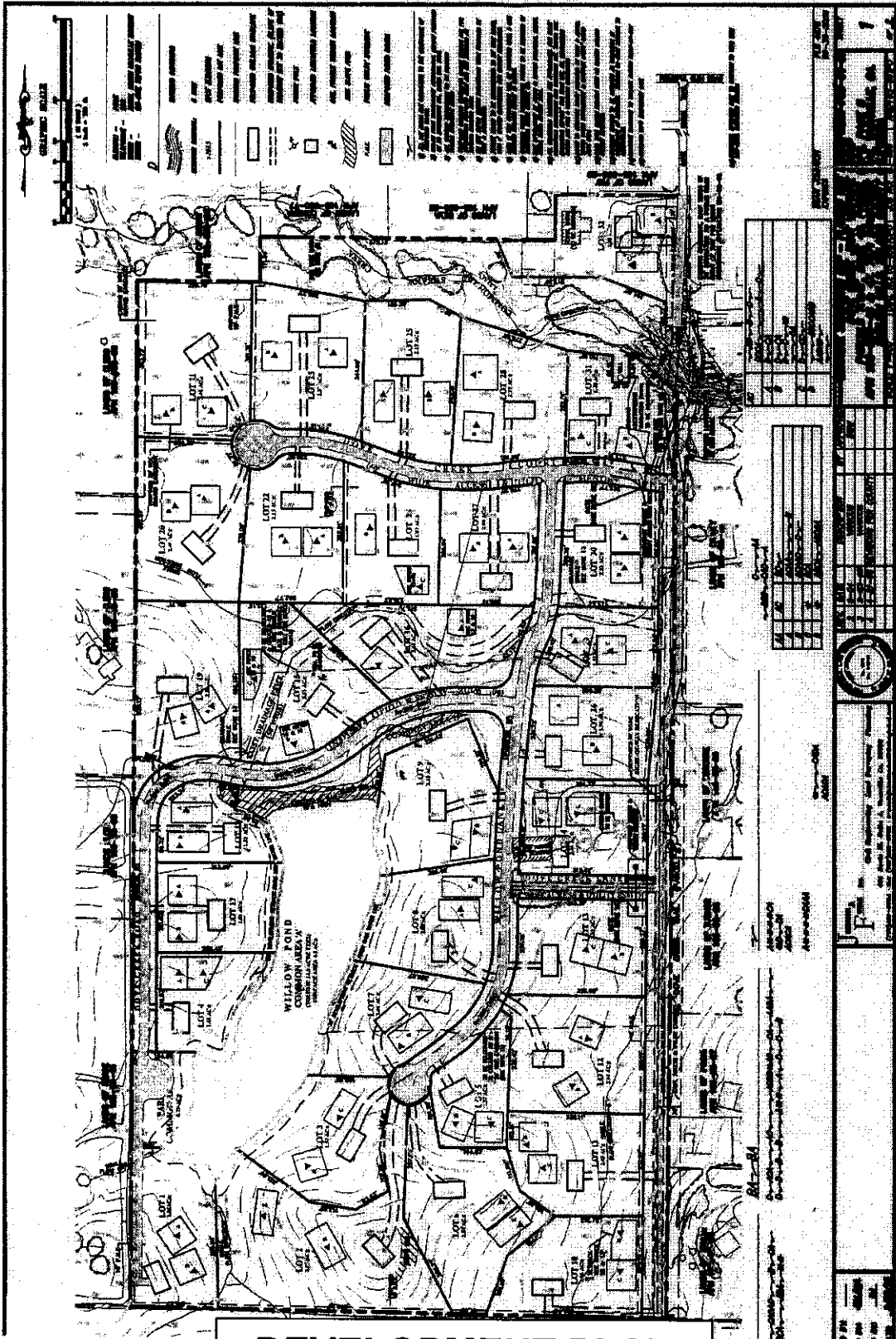
- d. Residential lots - All single-family residential lots shall be used exclusively for principal or accessory uses listed in these overlay district regulations, except that storm drainage improvements located on these lots shall be protected and maintained by the subdivision homeowners association.
- e. Parcel A - The pond shall be used for stormwater retention, sedimentation control, swimming and wading, boating including construction of small boat docks, as approved in advance by the County, and fishing by subdivision residents and their guests, unless restricted by the U.S. Army Corps of Engineers and/or other environmental regulatory agency. All pond improvements and facilities are to be maintained by the subdivision homeowners association.
- f. Parcel B - The Sweeney Creek riparian corridor shall be preserved and protected in its natural state and shall be maintained by the subdivision homeowners association. Permitted activities include riparian restoration and maintenance, bridge maintenance restricted to the Dove Creek Trail bridge location, and biological habitat education. Prohibited activities are listed in section (m)(3) of these overlay district regulations.
- g. Parcel C - The neighborhood park may be used for recreational purposes by the subdivision residents and their guests only, based on the County approved improvement plans, as maintained by the subdivision homeowners association.
- h. Parcel D - The landscape slope and dam spillway shall be used exclusively for pond related operations, as maintained by the subdivision homeowners association. No buildings or above ground structures shall be allowed in this area.
- i. Wells located on common area parcels - The homeowners association may use one or more wells located in any common area to provide water to all common areas, unless otherwise prohibited in these regulations. Such wells shall not be used to provide water service to private lots.
- j. Drought conditions - The use of well water to recharge the subdivision pond shall cease upon the existence of drought conditions, and shall not recommence until the County's Department of Resource Management determines that drought conditions no longer exist. Drought conditions, for purposes of these regulations, shall exist if any of the following occurs:
 - 1. The static groundwater elevation of the well is 29.5 feet (AMSL) or lower; or
 - 2. The average annual rainfall (July – June) for the preceding three-year period is less than 75% of historical rainfall averages, based on data collected at the Vacaville Fire Station #73 or equivalent; or

3. A state agency or official declares that a statewide drought condition exists.
- (2) Maintenance of roads, pond, storm water drainage systems, landscaping, and Sweeney Creek corridor.
 - a. The subdivision homeowners association shall be responsible for long-term maintenance, monitoring, repair and/or replacement, as applicable, of the following on-site features and improvements:
 - i. Private streets and right-of-way.
 - ii. Subdivision entrance features (sign, security gates, lighting, landscaping, etc...).
 - iii. Pond, embankment, spillway, and related drainage improvements.
 - iv. Storm water drainage improvements.
 - v. Common area landscaping, water well and irrigation systems.
 - vi. Neighborhood park and amenities.
 - vii. Fire buffer along Dove Creek Trail within the boundaries of the subdivision.
 - viii. Trees and irrigation within the Dove Creek Trail public right-of-way, for a minimum of five (5) years after installation and until the responsibility for maintenance is accepted by County Public Works Maintenance.
 - ix. Sweeney Creek riparian corridor (Parcel B); maintained and protected in its natural state, including any required restoration.
 - b. Maintenance of the pond embankment, as required above, shall include annual inspections of the embankment by an independent engineer to verify that the embankment and spillway are in sound condition. A copy of the inspection report shall be furnished to the Solano County Public Works Engineering Division.
 - c. All maintenance of the above shall conform to the maintenance manuals and standards prepared by the subdivider and filed with the Solano County Department of Resource Management, except that street maintenance shall additionally conform to the road maintenance agreement with Solano County that may be separately recorded on the subdivision property.
 - d. The County Planning Division shall be furnished at all times with the name and phone number of the currently designated general manager of the homeowners association.
 - (3) Protection of non-development areas - The subdivision homeowners association shall be responsible for maintaining and protecting the following biologically sensitive areas within the subdivision:

- a. Uses within the Sweeney Creek riparian corridor (Parcel B) shall be restricted as follows:
 - i. No fill, dumping, or storage of any kind including, but not limited to, household or construction materials, equipment, machinery, vehicles, oil, chemicals, trash, or lawn clippings shall be placed within Parcel B, either temporarily or permanently.
 - ii. No development of any kind including buildings, leach fields, structures, other construction, or grading shall be allowed within Parcel B.
 - iii. All vegetation within Parcel B shall be protected. Removal, disturbance, or alteration of vegetation is prohibited except when necessary if associated with a creek restoration and/or maintenance program approved by the County and California Department of Fish & Game as may be necessary.
 - b. The pond (Parcel A), Sweeney Creek riparian corridor (Parcel B), and other areas may be subject to other restrictions imposed by the U.S. Army Corps of Engineer, U.S. Fish & Wildlife Services, and/or California Department of Fish & Game, as determined through the environmental permitting process
- (4) Groundwater Level – Monitoring and Reporting.
- a. The subdivision homeowners association shall monitor groundwater on the subdivision property twice annually and provide a report to the County annually.
 - b. Groundwater monitoring and reporting as required above shall be performed in accordance with the groundwater monitoring and reporting program prepared by the subdivider and filed with the Solano County Department of Resource Management.

Attachments

- 1. Development Plan
- 2. Master Landscape Plan



Revised 4/17/15

DEVELOPMENT PLAN

Attachment 1

Dove Creek Ranch Subdivision
 Policy Plan Overlay District (PP-01-03) - Land Use and Development Regulations

