

ORDINANCE NO. 2007-1688

An ordinance amending Chapter 28, Section 28-15 of the Solano County Code to reconfigure and increase the size of an existing parcel zoned Highway Commercial (C-H), reconfigure and reduce the size of an existing parcel zoned Rural Residential (RR-2½), and to impose a Policy Plan Overlay zoning district (PP-02-04) establishing Land Use and Development Standards applicable to the establishment of a produce market, service station/minimart, and general store on the C-H parcel as reconfigured. The property is located at 7335 Oday Road. APN's: 0109-170-140 & 150.

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. 7N 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 Land Use and Development Standards (PP-02-04), 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All ordinance and parts of ordinances in conflict herewith are repealed.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 Solano County Planning Commission has reviewed the proposed Rezoning, Policy Plan Overlay Land Use and Development Standards, and Mitigated Negative Declaration and has recommended Board approval of said Rezoning and Policy Plan Overlay Land Use and Development Standards, and adoption of said Mitigated Negative Declaration.*

On February 1, 2007, the Solano County Planning Commission reviewed the proposed Rezoning, Policy Plan Overlay Land Use and Development Standards, and Mitigated Negative Declaration, and recommended Board approval of said Rezoning and Policy Plan Overlay Land Use and Development Standards, and adoption of said Mitigated Negative Declaration.

2. *The proposed zone change conforms with the Solano County General Plan with respect to land use, population densities and distribution, traffic circulation, public water supply and other aspects of the General Plan considered by the Board to be pertinent.*

The proposed zone change of a portion of the project site from RR-2.5 to C-H and of the remaining portion of the site from C-H to RR 2.5, to correspond to the boundaries of the parcels as adjusted by a Lot Line Adjustment to be subsequently approved by the Solano

County Zoning Administrator, would conform to the existing Highway Commercial and Rural Residential General Plan designations, thereby permitting development of the property with land uses, population densities, and traffic circulation as envisioned by the General Plan.

2. *The proposed zoning amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of Solano County.*

With incorporation of the mitigation measures recommended in the Negative Declaration into the Land Use And Development Standards of the Policy Plan Overlay, and with the addition of a Standard recommended by the Planning Commission that the proposed service station/minimart include restrooms available to the public, and that said public restrooms meet all requirements of Solano County Code Sect. 6.4-87(2), the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of Solano County.

3. *The site is physically suitable for the requested zoning designations and anticipated land use (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints).*

Adequate access will be provided from Oday Road. Domestic water provided by on-site wells will be required to meet the minimum requirements for domestic water supply.

Sanitation will be provide by two septic systems, one serving the general store and gas station/minimart, and one serving the produce market. The Policy Plan Overlay Land Use And Development Standards as approved by the Board requires that on-site sanitation facilities and reserve systems meet the minimum requirements of Chapter 6.4 of the Solano County Code for the maximum anticipated flows.

4. *The project has been reviewed and processed in accordance with the California Environmental Quality Act (CEQA) and the County CEQA Guidelines.*

An Initial Study and Mitigated Negative Declaration have been circulated for this project as a whole. The Mitigated Negative Declaration has been considered by the Solano County Board of Supervisors. The Board finds, on the basis of the Initial Study and the comments received during the public review process, that with implementation of the mitigation measures recommended in the Mitigated Negative Declaration, the project will not cause significant adverse impacts to the environment. All recommended mitigation measures will be imposed on the project as part of the Policy Plan Overlay District Land Use And Development Standards.

5. *The proposed Policy Plan Overlay is in conformity with the general plan and any applicable specific plan.*
 - a. With approval of the proposed rezoning, the proposed Policy Plan Overlay will be consistent with the Highway Commercial land use designations of the site which allow for commercial development at the densities proposed. As recommended, the Policy Plan Overlay is consistent with the Land Use and Circulation Element and the Health and Safety Element of the General Plan.
 - b. The project is in scale and harmonious with existing and future development adjacent to the site and in the vicinity, and with the land forms and vegetation in the vicinity of the site. The applicant proposes to develop the residential portion of the project site

consistent with the surrounding residential developments to the north and west of the subject property, and the commercial portion of the project site consistent with the highway setting of the project site.

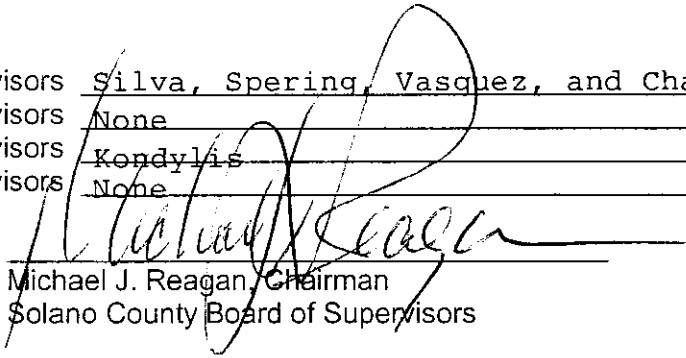
- c. The subject property is designated for rural residential and highway commercial development. The size of the proposed parcels and the provisions for domestic water and wastewater disposal, as implemented by the Land Use And Development Standards required by the Board, satisfy the policies and intent of the General Plan.
6. *The proposed development is designed to produce an environment of stable and desirable character consistent with all applicable goals, objectives, policies, criteria, standards and procedures of the general plan, and any applicable specific plan for the area in which the proposed development is a part.*
- a. Subject to the Land Use And Development Standards of the Policy Plan overlay, the project as proposed complies with all provisions of the General Plan pertaining to highway commercial development. In particular, the proposed General Store as described by the applicant has been found by the Board to be consistent with the General Plan's objective that the C-H classification be "applied to areas contiguous to selected freeway interchanges to provide necessary retail activities to serve highway travelers". Consistency has been determined on the basis of an independent, factual analysis in the Initial Study and the Planning Commission staff report, with specific references to the Land Use & Circulation and Health & Safety Elements of the General Plan.
 - b. The proposed Highway Commercial parcel is 6.48 acres, exceeding the 4 acre minimum suggested by the Land Use and Circulation Element.
 - c. The project area is not a part of any adopted specific plan.
7. *The proposed development meets applicable development requirements and where possible, exhibits creativity and innovation in architectural, engineering, planning, and environmental design.*
- a. The project will meet all development standards of the C-H zoning districts.
 - b. The project will provide stormwater drainage improvements that will mitigate potential off-site flooding that could result from substantial new impervious surface.

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.

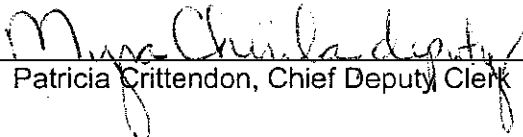
Passed and adopted by the Solano County Board of Supervisors at its regular meeting on April 3, 2007, by the following vote:

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



Michael J. Reagan, Chairman
Solano County Board of Supervisors

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

By: 

Patricia Crittendon, Chief Deputy Clerk

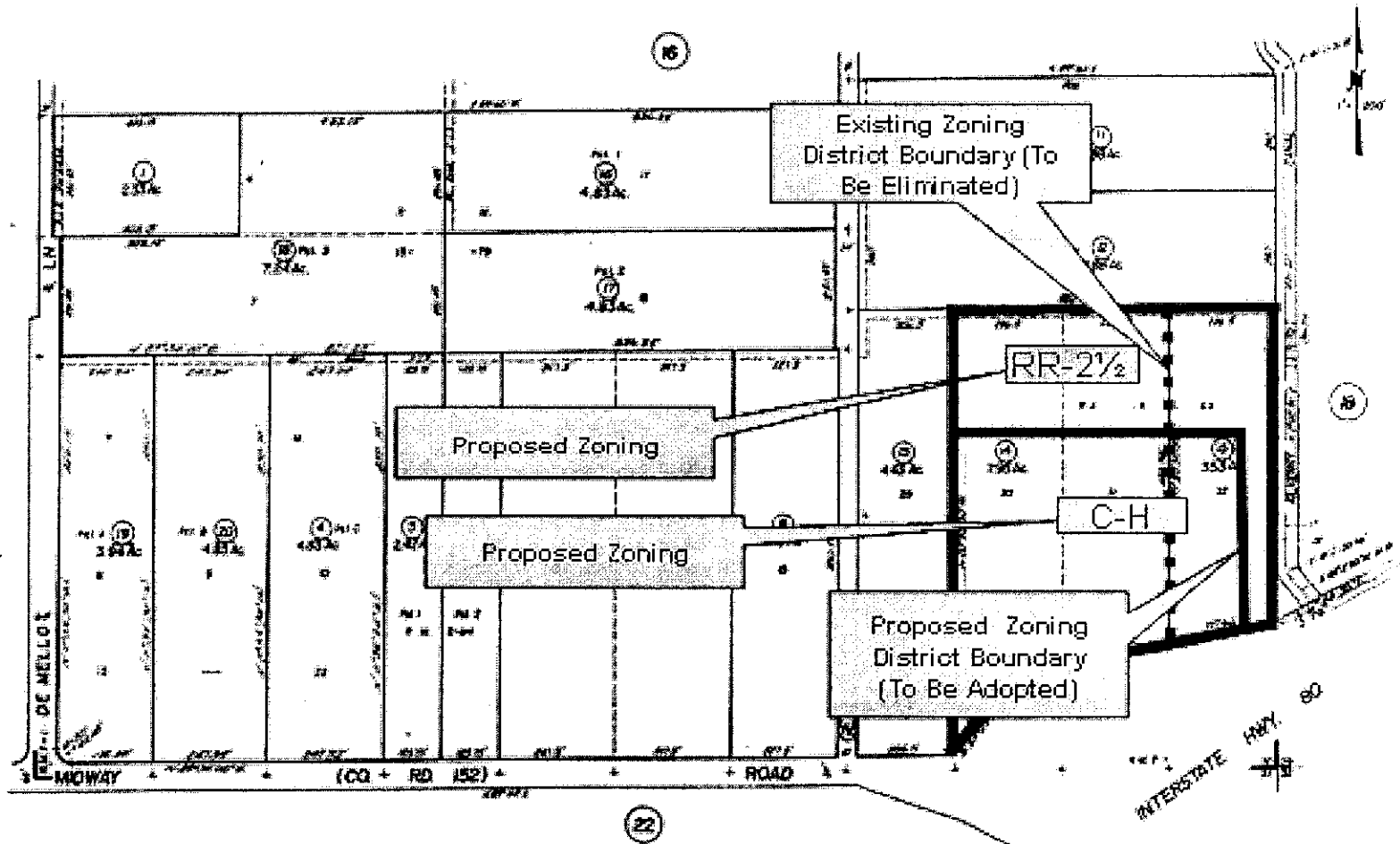
- Exhibits (attached):
- A. Proposed Zoning Ordinance (Z-02-04)
 - B. Proposed Policy Plan Overlay District (PP-01-03) Land Use & Development Regulations

Proposed Rezoning (Z-02-04)
 APNs 0109-170-140 & 150
 Mahmoud Karaouni

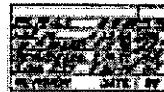
POR. SEC. 30, T.7N, R.1E, M.D.B. & M.

Tax Area Code
 63025

109-17



C Locke Paddock Colony No. 15 - R.M. Bk. 7, Pg. 1



NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 109 Pg. 17
 County of Solano, Calif



Not To Scale

39.01.20

Attachment A, Exhibit 1

MAHMOUD KARAOUNI

POLICY PLAN OVERLAY DISTRICT (PP-02-04)

LAND USE AND DEVELOPMENT STANDARDS

A. Statement of Purpose:

The purpose and intent of this Policy Plan (PP) Overlay District is to provide for the establishment of site development standards applicable to the establishment of a produce market, service station/minimart, and general store on a C-H parcel at 7335 Oday Road, north of Midway Road, and west of Interstate I-80. The Policy Plan Overlay District is required by General Plan (LUCE, Highway Commercial Policy No. 6, pg. 86a) which requires that *"for [Midway north] a Policy Plan overlay District shall be adopted prior to any development, redevelopment or subdivision...The Policy Plan Overlay District will provide for overall site development standards"*. Standards contained herein are as required per Zoning Ord. §28-39(c)(6).

B. Permitted Uses:

1. Produce market (±3,060 sq. ft.)
2. General store/gift shop (±3,200 sq. ft.)
3. Gas station/minimart building (±2,400 sq. ft.)
4. Service station canopy over two pump islands with eight fueling positions.

C. Accessory Uses

1. Barn-style storage building to replace one or more containers between the produce building and the property line to the north.

D. Conditional Uses

1. None allowed

E. Prohibited Uses

1. All uses not specifically permitted under b. above.

F. Architectural and Sign Standards

1. Colors and Materials

- a. All new structures shall be consistent with the existing structures and with each other with respect to style, colors, and materials.
- b. Louvers, pipes, overhead doors, or service doors shall be painted consistent with the color scheme of the building.

2. Sign Standards

- a. One freestanding 60 ft. tall, 60 sq. ft. freeway sign shall be allowed for the site. The shape and size of the freeway sign shall be substantially in accordance with that submitted by the applicant and labeled #1 "Freeway Sign" (Staff Report, Exhibit J). The freeway sign shall identify up to a maximum of three retail businesses oriented to the highway traveler. A fourth user may be permitted to display on the sign by agreement with Solano County pursuant to future approval of an amendment to this Policy Plan Overlay.
- b. One 20 ft. tall, 84 sq. ft. "Center Identification" shall be allowed for the site. The shape and size of the freeway sign shall be substantially in accordance with that submitted by the applicant and labeled #2 Center Identification Sign (Staff Report, Exhibit J)..
- c. Directional, street name, other health and safety or informational signs as approved by the County are permitted.
- d. No roof signs shall be permitted within the Policy Plan Overlay area.
- e. Prior to issuance of a building permit for any sign, the developer shall submit a professionally prepared Master Sign Plan addressing all proposed signs, including the "Freeway Sign" and "Center Identification Sign", in accordance with the requirements of Zoning Ordinance § 28.66.030(C).

Approval of the Master Sign Plan shall be by the Zoning Administrator and, with the exception of the "Freeway Sign" and "Center Identification Sign", approval of the Master Sign Program shall require that the Zoning Administrator first make all of the Findings required by Zoning Ordinance §28.66.030(D).

Approval of the "Freeway Sign" and "Center Identification Sign" shall require that the Zoning Administrator first make all of the Findings required by Zoning Ordinance §28.66.030(D)(2) and §28.66.030(D)(3).

- f. The approval of any illuminated sign shall not be final until thirty (30) days after installation during which time the Director of Resource Management may order dimming if the illumination is found to be excessively brilliant. Sign illumination shall be considered excessive when it prevents the normal perception of objects or buildings beyond or in the vicinity of the sign or impacts nearby residentially developed or zoned properties.

G. Height, Building Coverage, and Yard Standards

1. Buildings shall not exceed 35 feet in height from finished grade, including rooftop utilities, measured at the highest point of the roof.

2. Building coverage, in the aggregate, shall not exceed the building coverage of approximately 8,660 sq. ft. as proposed by the applicant on the Master Plan drawing entitled Master Plan Oday Property (Staff Report, Exhibit G).
3. Impervious surface, in the aggregate, shall not exceed the impervious surface of approximately 1.2 acres as proposed by the applicant on the Master Plan drawing entitled Master Plan Oday Property (Staff Report, Exhibit G).
4. Minimum building setbacks from property lines shall be not less than the setbacks proposed by the applicant as shown on the Master Plan drawing entitled Master Plan Oday Property (Staff Report, Exhibit G).

H. Landscaping

1. The term "Landscape Area", as used here, refers to a portion of the site that is primarily covered with live plant materials, including trees, shrubs, groundcover, or turf. Other improvements that may be installed within a Landscape Area consist of: lighting fixtures, underground utilities, meters and check valves, driveways or pedestrian walkways, benches, sculptures or artwork, and decorative paving or hardscape features.
2. Prior to issuance of any Occupancy or Building Permit, or Notice of Permission to Begin Operation of any proposed use, the applicant shall submit a Master Landscape and Irrigation Plan, including a Landscape Maintenance Plan, prepared by a licensed landscape architect, addressing all on-site perimeter and interior landscaping and irrigation, for approval by the Zoning Administrator.

Landscaping shall be installed within the triangular area designated on the Master Plan along the Oday Road frontage in front of the proposed service station, and within the landscape area designated on the Master Plan along the easterly property line parallel to the "flagpole" portion of the adjacent rural residential lot. The minimum width of on-site landscaping areas parallel and adjacent to the easterly property lines shall be 10 feet. In the event that parking areas are located adjacent to landscaped areas, the required width of landscaping shall be exclusive of vehicle overhang.

Perimeter landscaping as specified above shall at a minimum consist of at least two twenty-four inch (24") box street trees for each 50 feet of street frontage or fraction thereof. In addition, sufficient shrubs or other foliage shall be installed to provide suitable screening of the interior of the project site. Trees and plant materials shall be selected for their screening qualities and their ability to attain full growth within reasonable time periods to achieve these objectives.

Trees proposed in the vicinity of leachfields or in the vicinity of paving shall be selected for the non-invasive quality of their root systems.

The location and height of all landscape improvements in the vicinity of the Oday Road right-of-way shall be in compliance with the "sight distance" criteria contained in the Caltrans Highway Design Manual.

Interior landscaping areas within the developed area shall be equivalent to at least fifteen percent of the total hardscape area. Hardscape includes driveways, parking areas, and other impervious surfaces, excluding buildings. Such landscaping shall be located throughout the hardscape area. Trees, shrubs, and other plant materials shall be selected for their ability to soften the appearance of the buildings and the developed site and their ability to attain full growth within reasonable time periods to achieve these objectives.

Plant materials shall be drought resistant and fire resistant and shall include primarily native species, and the irrigation system shall be designed for water conservation.

3. In the event that applicant desires to begin operation of a produce mart within the existing building prior to construction of any of the remaining buildings, and that development of the remaining portions of the site occurs in phases, the applicant shall submit an Interim Landscape and Irrigation Plan, including a Landscape Maintenance Plan and an installation schedule, based on the Master Plan as discussed above. This landscape plan shall provide for sufficient interior and perimeter landscaping to enhance the appearance of the building and the partially developed site, particularly as viewed from the freeway and from Oday Road, subject to approval by the Zoning Administrator. Trees, shrubs, and other plant materials shall be selected to meet the parameters listed above, and in particular, for their ability to soften the appearance of the built area and their ability to attain full growth within reasonable time periods. Plant materials may be selected for ease of removal at such time as development in the remaining areas of the site is initiated. Alternatively, undeveloped areas may be planted with vegetables intended for on-site sale rather than decorative landscaping, until such time as development of such future phases begins.

Installation of all landscape improvements included in this Interim Landscape and Irrigation Plan shall be completed within six (6) months of issuance of a Notice of Permission to Begin Operation of the proposed produce mart.

4. Prior to approval of any final building permit or occupancy permit for the proposed general store and/or gas station/minimart, the Master Landscape and Irrigation Plan referred to in condition no. 2 above shall be installed in its entirety.
5. All landscaping shall be maintained in an attractive and flourishing manner and replaced when necessary to the satisfaction of the Director of Resource Management. Any areas not landscaped shall be kept free of tall grasses and weeds to prevent fire hazards and maintain a quality appearance. All irrigation shall be maintained so as to ensure the continued viability of the installed landscape materials.
6. Concrete curbs shall be installed at all edges of all landscape planter areas, except where such landscape curbs would interfere with driveway access.
7. Pursuant to Zoning Ord. §28-55(h), a minimum six foot high solid wood or masonry fence shall be constructed on the property line separating the project site from

abutting residential uses or zones, subject to design approval by the Zoning Administrator.

I. Parking and Loading Requirements

1. Forty nine (49) parking spaces shared between general store and gas station/minimart.
2. Twenty eight (28) parking spaces allocated to produce market.
3. Six (6) spaces shared between the produce market and the general store.
4. Automobile parking space design standards shall be pursuant to Zoning Ord. Sect 28-55(b)(c)(d)(e)(f)(h)(i).
5. Adequate private off-street space for the loading and unloading of merchandise and materials shall be provided pursuant to Zoning Ord. Sect 28-29(e).
6. Handicapped parking shall be provided and approved pursuant to the requirements of the Uniform Building Code as administered by the Solano County Division of Building and Safety.

J. Additional Development Standards

1. Lighting

Parking areas shall have lighting capable of providing adequate illumination for security and safety. All illumination shall be downcast and directed away from adjacent properties and the public rights-of-way.

2. Storm drainage improvements

Construction and post-construction storm water improvements and BMPs (best management practices) shall be shown on all grading, drainage, and erosion control plans submitted to Solano County. A hydrology study shall be submitted to determine both the pre-development and post-development run-off rates. Storm water runoff shall be retarded to pre-development levels per the requirements of Chapter 9 and Chapter 31 of the Solano County Code.

3. Sanitation

The proposed service station/minimart shall have on-site sanitation facilities available to the traveling public. On-site sanitation facilities and reserve systems shall meet the minimum requirements of Chapter 6.4 of the Solano County Code for the maximum anticipated flows.

4. Noise

The applicant shall submit a detailed noise analysis of the subject site prepared by a professional acoustical engineer or other qualified professional prior to construction and issuance of a building permit for any proposed indoor retail use per the

requirements of the Health and Safety Element of the General Plan for retail commercial uses. The noise analysis shall include recommendations regarding suitable interior noise reduction standards, and shall include recommended noise reduction measures to be included in the building design.

5. Air Quality

The applicant shall apply for and obtain approval of an Authority to Construct (ATC) and a Permit to Operate (PTO) for the gasoline dispensing facility from the Yolo-Solano Air Quality Management District prior to approval of a grading and site improvement plan from the Department of Resource Management.

7. Access

The proposed main (central) driveway to the project will encroach into the jurisdiction of the City of Vacaville on Oday Road and shall be designed as a commercial driveway according to the City's specifications, and subject to approval of an encroachment permit by the City of Vacaville.

The easterly driveway when developed will encroach onto Solano County's jurisdiction and shall be subject to approval of an encroachment permit by Solano County. The driveway shall be 24 feet in width with 2 foot AC shoulders for a total width of 28 feet, and shall conform to the design specifications of the Solano County Road Improvement Standards and Land Development Requirements.

8. Site Paving

Site paving structural section shall be designed by a civil engineer licensed to practice in the State of California and shall be based on a geotechnical report prepared by a geotechnical engineer licensed to practice in the State of California.

9. Fire Requirements

Roadway design through the entire site shall accommodate Dixon Fire Department requirements for width, turning radius, and load bearing capacity. Conversion of the existing agricultural building to a business that is open to the public shall require that the building be upgraded to meet code requirements as found in the California Building and Fire Codes, including all local amendments. The local Fire Code requires that any building exceeding 3,000 square feet be protected by approved fire sprinkler systems. Regardless of any modification to the proposed buildings an approved water supply shall be provided at the site due to the combined square footage of the buildings.

10. Solano Irrigation District

Agricultural water only will be available from the Solano Irrigation District (SID). Permanent structures shall not be allowed over the District's Rights-Of-Way, nor shall any trees or large shrubs be planted within 6 feet of the centerlines of

pipelines. Other SID requirements are contained in the District's letter of November 8, 2005 on file in the Department of Resource Management.

11. Equipment.

- a. All exterior equipment, including roof-mounted equipment, shall be screened from view from abutting properties and adjacent public rights-of-way. The term "equipment" includes or vents, electrical equipment, gas meters, communication antennas, irrigation valves, storage tanks, or other mechanical equipment.
- b. Except as provided by sub-section (e) below, roof-mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof-mounted equipment or vent. Equipment can be screened by a separate roof screen that is architecturally integrated with the building and when screening by a parapet wall is infeasible or architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a number of units rather than multiple areas. The Director of the Department of Resource Management may approve exceptions for solar equipment.
- c. Communications equipment, including microwave equipment, can remain unscreened if visually integrated with the building design through color, location, and construction.
- d. Water system improvements and electrical and communication utilities may have some above ground equipment, such as check valves, transformer boxes, or other similar equipment, which will need to be located in a public right-of-way or easement. In designing these improvements, every attempt shall be made to locate above-ground equipment in areas of low visibility. All such equipment shall be screened from view through use of shrubs or low walls, to the extent feasible.

12. Accessibility

All development within the policy plan area shall comply with all applicable local, state, and federal regulations regarding accessibility.

K. Performance Standards (e.g., hazardous materials and waste management)

1. Hazardous Materials

The applicant shall

- a. Submit an application and blueprints for the installation of underground storage tanks to Environmental Health Services Division, Hazmat Section before beginning construction of the station (California Code of Regulations, Title 23, Division 3, Chapter 16, §2635(a-d).

- b. Submit a monitoring response plan detailing monitoring procedures for the operation of the underground storage tanks to the Environmental Health Services Division, Hazmat Section before operating the station (California Health and Safety Code, Division 20, Chapter, 6.95, §25503.5).
 - c. Submit a hazardous materials business plan detailing procedures for surface spills at the station to Environmental Health Services Division, Hazmat Section before operating the station California Code of Regulations, Title 23, Division 3, Chapter 16, §2632)
 - d. Obtain a Waste Discharge Permit from Central Valley Regional Water Quality Control Board prior to any discharge of waste water or water encountered during excavation (California Water Code, Sections 13260 – 13265).
 2. Provisions for solid waste disposal shall be provided to the satisfaction of the County. Outdoor storage of equipment, materials, implements, trash, and debris shall be enclosed within a decorative masonry enclosure and screened from view from any street or road and shall not create a fire hazard or promote the breeding of pests.
 - L. Site Specific Policies To Ensure Adequate Protection Of The Public Health And Safety And Consistency With The Surrounding Uses
 1. This Policy Plan overlay zoning district (PP-02-04) regulates the establishment, operation and maintenance of a produce market, service station/minimart, and general store that are designed based on the development plan as submitted. No portion of the project site shall be used for any purpose other than as allowed by this Policy Plan Overlay district. No modification to these uses shall be allowed without prior approval by the County.
 2. All existing on-site storage containers to be retained shall remain behind the existing buildings and shall be shielded by suitable landscaping from the line-of-sight of traffic traveling west on I-80. In addition, the containers shall be painted to match the existing buildings.
 3. Minor variations from these development standards, such as for the possible installation of a water tank required by the Fire District for fire suppression, may be allowed through the approval of a minor amendment to the Policy Plan Overlay Development Standards by the Director of Resource Management when the Director finds that the minor amendment:
 - a. Results in a project whose overall design qualities, including architecture, landscaping and site planning, are equal to or better than required by the standards required herein;
 - b. Is consistent with the purpose and goals of the Policy Plan Overlay and the General Plan;

- c. Complies with Uniform Fire Code, Uniform Building Code, and other applicable local, State, and federal policies and codes which govern development in Solano County; and
- d. Will not be detrimental to the development or use of other properties within or adjacent to the project area.

R:\PLANNING\ALL BOARD TRANSMITTALS\2007\April 3, 2007\Z-02-04 & PP-02-04 (Karaouni)\Policy Plan Overlay District Standards (Attachment A, Exhibit 2).doc: April 4, 2007