

ORDINANCE #2010-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON
EXEMPTING FROM CEQA AND APPROVING ZONING ORDINANCE AMENDMENT
PL10-0006, REVISING CHAPTERS 19.05, 19.10, 19.11, AND 19.14
TO ADDRESS STORAGE TANKS**

WHEREAS, pursuant to Section 65850 of the State Planning and Zoning Law, the City of American Canyon adopted a Zoning Ordinance in 1996 to implement the General Plan and regulate the use of land, buildings and structures, the size and use of lots; the intensity of land uses; and to establish other requirements to provide a clear and concise guide for the physical development of the City and to protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare; and

WHEREAS, Zoning Ordinance Chapter 19.48 provides that the City Council may amend the Zoning Ordinance after the amendment is referred to the Planning Commission for review and recommendation to the City Council; and

WHEREAS, The addition of large storage tanks to industrial sites are often an indicator of increased business activity which may cause new and significant environmental impacts that should be assessed and mitigated through a discretionary review process; and

WHEREAS, the zoning code classifies uses that have the potential for significant environmental impacts as "Conditional" uses that require approval of a Conditional Use Permit; and

WHEREAS, large storage tanks are currently not classified in the Zoning Ordinance; and

WHEREAS, the proposed amendment to the city of American Canyon Zoning Ordinance establishes a new Use Classification for large storage tanks and provides that such uses will be subject to a Conditional Use Permit in industrial districts; and

WHEREAS, in accordance with Title 14 of the California Administrative Code, Division 6, Section 15061 (b)(3) this amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment; and

WHEREAS, the Planning Commission of the City of American Canyon unanimously recommended City Council approval of the draft ordinance on March 18, 2010; and

WHEREAS, a duly-noticed public hearing was held by the City of American Canyon City Council on April 20, 2010, at which time all those in attendance were given the opportunity to speak on the proposal; and

WHEREAS, the City Council considered all of the written and oral testimony presented at the public hearing in making its unanimous decision.

NOW, THEREFORE, BE IT ORDAINED that the City Council does hereby approve and adopt Zoning Ordinance Amendment PL10-0006 based on the following:

SECTION 1: The Recitals set forth above are true and accurate and incorporated herein by this reference.

SECTION 2: Compliance with California Environmental Quality Act

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section Title 14, Division 6 of the California Administrative Code, Section 15061 (b)(3) as the project has no potential for causing a significant effect on the environment.

SECTION 3: Findings. The City Council finds, based on the following evidence and as required by Zoning Ordinance Section 19.48.040 C, that:

1. The amendments are consistent with the goals and policies of the General Plan.
The proposed amendments are consistent with the goals and policies of the General Plan, including Policy 1.22.9 that calls for controlling through the permit process development of industrial uses that use, store, produce, or transport hazardous materials...or result in other impacts that adversely impact American Canyon.

2. The amendments are consistent with the purposes of the Zoning Ordinance, as set forth in Chapter 19.01, *Authority, Purposes, and Effects of the Zoning Ordinance.*
The amendments are consistent with the purpose of the Zoning Ordinance to provide a clear and concise guide for the physical development of the City, establish clear, understandable and applicable land use regulations consistent with the City’s police powers, and protect and promote the public health, safety, peace, comfort, convenience, aesthetics, prosperity, and general welfare. The amendments clarify regulations for storage facilities and ensure consistency of development with the General Plan.

SECTION 4: Zoning Amendment. The City Council of the City of American Canyon hereby amends Chapters 19.05, 19.10, 19.11, and 19.14 of the Municipal Code as follows:

1. **Chapter 19.05 Use Classifications**

19.05.060 Industrial Classifications.

Storage Tank(s): private on-site natural or artificial places and structures where liquids or material is collected, accumulated, and stored and the cumulative sum of all on-site storage capacity equals or exceeds 25,000 gallons.

2. **Chapter 19.10 Residential Districts**

19.10.040 Permitted uses; Table 19.10.040, Permitted and Conditionally-Permitted Uses, Residential Districts; Industrial Use Classifications:

RESIDENTIAL DISTRICT	ZONING DISTRICTS					Related Provisions
Use Classifications	RE	RR	RS	RM	RH	
Industrial						
Hazardous use	-	-	-	-	-	
Industry, general	-	-	-	-	-	
Industry, limited	-	-	-	-	-	
Mineral extraction	-	-	-	-	-	
Recycling center	-	-	-	-	-	
Research and development	-	-	-	-	-	
Storage Tank(s)	-	-	-	-	-	
Vehicle/equipment services	-	-	-	-	-	
- Vehicle/equipment repair	-	-	-	-	-	
- Vehicle storage	-	-	-	-	-	
Wholesaling, distribution and	-	-	-	-	-	

storage						
- Small scale	-	-	-	-	-	
- Trucking terminal	-	-	-	-	-	

3. **Chapter 19.11 Commercial Districts**

19.11.040 Permitted Uses; Table 1, Permitted and Conditionally-Permitted Uses, Community Commercial and Neighborhood Commercial Districts; Industrial Use Classifications:

Use Classification	Zoning District		Related Provision
	CN	CC	
Industrial			
Hazardous use	-	-	
Industrial, general	-	-	
Industrial, limited	-	-	
Mineral extraction	-	-	
Recycling center	-	-	
Research and development	-	-	
Storage Tank(s)	-	-	
Vehicle/equipment services	-	-	
Vehicle/equipment repair	-	-	
Vehicle storage	-	-	
Wholesaling, distribution and storage			
- Trucking terminals	-	-	
- Small scale	-	-	

4. **Chapter 19.14 Industrial Districts**

19.14.050 Permitted Uses; Table 19.14.050, Permitted and Conditionally-Permitted Uses, Industrial Districts; Industrial Use Classifications:

Use Classifications	Zoning District		Related Provisions
	LI	GI	
Industrial			
Hazardous use	-	C	
Industry, general	-	P	
Industry, limited	P	P	
Mineral extraction	-	C	GP Policy 8.15.3 - 8.17.3
Recycling center	-	C	
Research and development	P	P	
Storage Tank(s)	C	C	
Vehicle/equipment services			
- Vehicle/equipment repair	-	P	
- Vehicle storage	-	C	
Wholesaling, distribution and storage			
- Small scale	C	P	
- Trucking terminal	-	P	

SECTION 5: Effective Date.

A summary of this Ordinance shall be published once in the Vallejo Times Herald, a newspaper of general circulation serving the City of American Canyon, within fifteen (15) days after its passage and shall become effective thirty (30) days after the date of its adoption.

SECTION 6: Severability

The City Council hereby declares that if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 7: The Ordinance amendment in Section 4 was introduced and read at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 20th day of April, by a vote of 5-0, and was passed and adopted at a regular meeting of the City Council of the City of American Canyon held on the 4th day of May, 2010.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of American Canyon on May 4, 2010, by the following vote:


AYES: Council Members Bennett, Callison, Vice Mayor West and Mayor Garcia
NOES:
ABSTAIN:
ABSENT: Council Member Coffey



Leon Garcia, Mayor

ATTEST.


Rebekah Barr, CMC, City Clerk

APPROVED AS TO FORM:


William D. Ross, City Attorney