MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of February 19, 2009

The regular meeting of the Solano County Planning Commission was called to order at 7:00 p.m. in the Board of Supervisors' Chambers, Fairfield, California.

PRESENT:	Commissioners Mahoney, McAndrew, Boschee, and Chairman Barnes
EXCUSED:	Commissioner Barton
STAFF PRESENT:	Birgitta Corsello, Director; Mike Yankovich, Planning Program Manager; Jim Laughlin, Deputy County Counsel; Jim Leland, Principal Planner; Karen Avery, Senior Planner; Eric Wilberg, Planning Technician; and Kristine Letterman, Planning Commission Clerk

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Vice-Chairman Barnes introduced and welcomed Rod Boschee as the newest member of the planning commission.

Items from the floor:
June Guidotti, 3703 Scally Road, Suisun, voiced her concerns with regard to her water rights and protection of the marsh.

The Minutes of the regular meeting of January 15, 2009 were approved as prepared.

1. **NOMINATION and ELECTION** of Chairperson and Vice-chairperson for the ensuing year.

   A motion was made and seconded to nominate Commissioner Barnes as chairman and Commissioner Mahoney as vice-chairman. The motion passed unanimously.

2. **CONTINUED PUBLIC HEARING** to consider Use Permit Application No. U-08-15 of **Jose DeLaTorre** to establish a Rural Residential Enterprise which consists of a septic system construction and service business located at 7000 Leisure Town Road in the “RR-2.5” Rural Residential Zoning District, 0.1 mile east of the City of Vacaville, APN: 0133-040-010. The Planning Commission will also be considering adoption of a Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Jim Leland) **Staff Recommendation:** Approval

   Jim Leland explained that this item was continued to allow staff the ability to work with the applicant and to present some possible solutions for consideration by the commission. He stated that staff has identified three key policy considerations which need to be addressed

prior to granting an approval of this use permit. He reviewed the policy discussion for each of these items as contained in the written staff report.

Commissioner McAndrew wanted to know if by adopting these policies it will open the door to a number of enterprises that will want to take advantage of this unique situation. Mr. Leland stated that these policy decisions do not constrain properties from filing similar use permit applications.

Mike Yankovich informed the commission that staff is reviewing the policies for rural residential enterprises, as well as other home occupation types of businesses throughout the county. He noted that staff will be bringing to the commission several ways of dealing with the different types of businesses that the county is expecting to see and have been seeing in the rural residential and agricultural zoning districts. In most instances there are unique situations, and staff hopes that the revised standards will address a majority of the situations that the county will be confronted with.

Jim Laughlin stated that the word “adoption” is probably too strong a word for what the commission is being asked to do. He explained that staff is just asking for direction. They are proposing interpretations that are consistent with the existing zoning ordinance. Mr. Laughlin stated that if the commission gives staff the direction they are requesting, it will not amend the ordinance, but it will give staff some guidance to help them interpret the guidelines in the future. Mr. Laughlin stated that staff may come back in the future with proposed ordinance amendments that more closely match the direction the commission gives this evening, but the commission is not expanding the ordinance or allowing any new uses that could not already be approved under the existing ordinance.

Commissioner McAndrew asked for clarification on Condition No. 12 regarding annexation. Mr. Yankovich stated that this condition has been placed on use permits in the past, particularly in the Peabody Road area, because it is within the city’s Municipal Service Area (MSA). He said that this has been a standard condition imposed by the county when a city anticipates future annexation of a property within an MSA. Mr. Yankovich stated that this puts the applicant on notice that they are in an area which is slated to be annexed and that once they are annexed they are under the city’s jurisdiction. The city can then make a different determination for the use of that property.

Commissioner Boschee stated that he was in attendance at the January 15th meeting when this item was originally heard, and he is prepared to vote on the matter. He inquired if the applicant is in agreement with the conditions of approval.

Jim Leland stated that he discussed Condition Nos. 1 through 12 with the applicant. He explained that Condition Nos. 13, 14, and 15 are provided in case the commission agrees with all of the provisions of the policy that are suggested by staff. He indicated that if the commission makes changes in the policy, these three conditions may or may not apply. He noted that he did not discuss these three conditions with the applicant.

The applicant, Jose DeLaTorre, stated that he did not agree with Condition No. 12. He said that he was under the impression that his use would be grandfathered in. He stated that he needs some kind of a guarantee that he can continue to operate his business after the city

takes over. Mr. DeLaTorre stated that he agrees with Condition No. 13, but questioned Condition No. 14 requiring him to provide his vehicle license plate information.

Mr. Leland stated that in a case like this, the commission may want to consider a policy where 3 specific trucks are approved and identified, and are the only vehicles that can be stored on the property. If the owner of the business has a larger fleet where there are other trucks located throughout the county, it does not create a situation where the operator can switch those trucks, and in effect conduct maintenance activity on the site.

Mr. DeLaTorre stated that he owns 1 back-up and one service truck and will not be rotating the vehicles on and off the site.

Commissioner Boschee stated that when the City of Vacaville annexes this property the proposal will need to go through the public hearing process. He stated that Mr. DeLaTorre can present his case to the hearing body at that time. Mr. Boschee stated that the county cannot carry over zoning into the city; once the city annexes, a new zoning is established.

Mr. Yankovich commented that at this point the city should have already pre-zoned the property, and that Mr. DeLatorre can contact the city and inquire about the zoning and regulations for that area.

Mr. DeLatorre stated that he would agree with Condition No. 12 knowing that at the time annexation is proposed he can challenge it in public hearing.

Chairman Barnes opened the public hearing.

Javier DeLaTorre, 8338 Tubbs Road, Winters, stated that his brother will be in the same position he is in now if the commission does not grandfather in his use.

Commissioner Mahoney stated that the commission does not have any control over annexation, and once the city annexes the property it is within their purview. Mr. Mahoney noted that it is not necessarily a negative situation because when the city annexes the property there may be potential for the property to be subdivided.

Since there were no further speakers, Chairman Barnes closed the public hearing.

A motion was made by Commissioner Boschee and seconded by Commissioner McAndrew to request development by staff of Policy Refinements for the Rural Resident Enterprise. The motion passed 4-0.

Chairman Barnes mentioned to Commissioner Boschee that the commission does not need to take a separate vote on each recommendation. He indicated that the language for approval is provided on page one of the staff report.

Commissioner Boschee stated that while he recommends the policy refinements with this application, he also is asking staff to come back with additional recommendations as was described the staff report. Mr. Boschee stated that he believed each item should be voted on separately. He stated that the motion he made only included the policy refinements.

A motion was made by Commissioner Mahoney and seconded by Commissioner McAndrew to adopt the recommended Policy Refinements, adopt the Negative Declaration, and approve Use Permit Application No. U-08-15. The motion passed 4-0. (Resolution No. 4515)

Commissioner Boschee stated that he believes each of the recommendations should be voted on as separate action. He stated that a negative declaration is an important piece of the process and it needs to be discussed, reviewed, and voted on before moving on to a decision of the issue at hand. Mr. Boschee gave an example such as where one might support the negative declaration, but not support the project. He stated that one should have the ability to make those separate decisions. He said that he believed this to be a better approach than to just bundle the recommendation into one action.

Jim Laughlin stated that the county considers a negative declaration to be a finding to support a project approval. He stated that if there is no project approval then there is no need to take an action on a negative declaration because it is essentially an environmental finding as part of the project approval. He noted that some jurisdictions adopt the negative declaration separately, and at times even at separate meetings from an actual project action, but this has not been the practice in Solano County.

3. **PUBLIC HEARING** to consider an appeal of the Zoning Administrator's approval of Lot Line Adjustment Application No. LLA-08-08 and Certificate of Compliance No. CC-08-11 of **URS Corporation/SMUD** to adjust the configuration of 3 parcels located at Talbert Lane near Collinsville Road in an Á-160" Exclusive Agricultural Zoning District, 5 miles southwest of the City of Rio Vista, APN's: 0090-100-080, 280, 290, 300, 310; 0090-180-060, 120, 130, 150, 170, 200; 0090-220-200, 270. This consideration has been determined not to have a significant effect on the environment and is categorically exempt from the California Environmental Quality Act. (Project Planner: Eric Wilberg) **Staff Recommendation:** Deny the appeal

Eric Wilberg briefly reviewed the staff report. He explained that during the course of the 10-day appeal period, an appeal request was received by staff from Douglas Samuels. The appeal addresses two issues, the first concern questions what the environmental implications of the lot line adjustment will be, the second concern questions the lack of public notice given for the project.

The applicant's representative, Keith Shorey, URS Corporation, 8312 Mercer Way, Fair Oaks, California, 95628, appeared before the commission. He stated that this application proposes a readjustment of the internal parcel lines of the property. The realignment of the lot lines follow the proposed zoning and land use that was developed for this property when the new General Plan was adopted. Mr. Shorey noted that he contacted Mr. Samuels in January and offered to meet with him and answer any questions he might have. Mr. Samuels was unavailable to meet because he was on his way out of town. Mr. Shorey stated that he again tried to meet with Mr. Samuels in February when he returned from his business trip, but Mr. Samuels stated that he would need to speak with the people in the Collinsville area first. Mr. Shorey stated that he contacted Mr. Samuels two days ago and Mr. Samuels stated that he was unaware that this issue was being heard tonight before the commission, and that he had no decision as to what he was going to do.

Mr. Shorey stated that it appears from Mr. Samuels' appeal, and in conversations that he has had with Mr. Samuels that his concern is with environmental impacts and the lack of public notice. Mr. Shorey stated that the lot line application changes the internal lot lines and does not approve any type of a project. He also noted that no project currently exists on the property. Mr. Shorey stated that he is at a loss as to what information he can provide to Mr. Samuels that would answer any questions he might have.

Commissioner McAndrew wanted to know how this will affect Mr. Shorey's operation if this item is continued.

Mr. Shorey stated that it would have no impact on the operation. He explained that SMUD is in the process of selling the piece of land referred to in the staff report as Parcel A. He said that there have been a number of delays which creates a problem for the purchaser who is trying to arrange for financing. Mr. Shorey stated that it has been a 4 year process getting to this point because of one delay after another. Mr. Shorey stated that they do not see what would be gained by putting this off because Mr. Samuels' questions relate to environmental impacts and technically there are none. He reiterated that they have had conversations with Mr. Samuels and it does not appear that there is any information that they can provide.

Mr. Yankovich noted that staff did send out public notification for this hearing and also mailed Mr. Samuels a copy of the staff report.

Steve Hacka, President, One Vision Park, 166 Harriet Drive, Pleasant Hill, California, 94523, stated that One Vision Park is the company in the process of purchasing Parcel A. He urged the commission to deny the appeal.

Ted Aksnes, 3424 Astoria Court, Fairfield, California, 94534, stated that he has been working with Mr. Hacka and is proposing a solar farm on approximately 70 acres of the land being purchased by One Vision Park. He stated that when he learned this item was being appealed by Mr. Samuels, he contacted Mr. Samuels and talked with him on two separate occasions. Mr. Aksnes stated that they discussed that this item was going to be coming before the planning commission. Mr. Aksnes said that he tried to find out what Mr. Samuels' concerns were, but the only comment that Mr. Samuels made was that he just wanted the public hearing. Mr. Asknes urged the commission to deny the appeal so that they can move forward.

Since there were no further speakers, Chairman Barnes closed the public hearing.

Jim Laughlin stated that one of the appellant's concerns is that the county has not done environmental review, but it is the county's interpretation that a lot line adjustment is a ministerial action, and therefore, not subject to environmental review. He said that it is the commission's obligation to review the application for consistency with zoning and the general plan, and as long as it is found to be consistent, the commission has the ministerial duty to approve the lot line adjustment. Mr. Laughlin noted that there is evidence contained in the staff report to support this action.

A motion was made by Commissioner McAndrew and seconded by Commissioner

Mahoney to deny the appeal and uphold the decision of the Zoning Administrator approving Lot Line Adjustment Application No. LLA-08-08 subject to the recommended findings and conditions. The motion passed 4-0. (Resolution No. 4516)

4. **PUBLIC HEARING** to consider Minor Revision No. 3 to Use Permit U-81-19 and Rezoning Petition No. Z-08-02 of **Vineyard RV Park** to renew and amend a conditional use permit to add 248 new RV sites and 8,776 sq. ft. of buildings for a total of 358 RV sites and 13,244 sq. ft. of buildings. To request a zoning amendment to the Solano County Zoning Regulations to include "recreational vehicle parks" as a conditional use in the "P" Park Zoning District. The property is located at 4985 Midway Road in a "P" Park Zoning District, less than 1 mile north of the City of Vacaville, APN: 0106-210-470. The Planning Commission will also be considering adoption of a Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Mike Yankovich stated that staff is recommending a continuance of this item due to ongoing negotiations with SID and the applicant with regards to storm water drainage.

A motion was made by Commissioner McAndrew and seconded by Commissioner Boschee to continue this item to April 2, 2009. The motion passed unanimously.

5. **ANNOUNCEMENTS and REPORTS**

Commissioner Mahoney spoke regarding former Planning Commissioner John Moore. He stated that John did an excellent job as a commissioner. He commented on John's ability to allow one to see issues from a different perspective. Commissioner Mahoney said that John was well schooled every time he attended a meeting, and it was a pleasure to serve with him.

Mr. Yankovich stated that staff will be putting together an appreciation dinner for Mr. Moore.

Mike Yankovich described for the commission the two studies that are taking place as part of the General Plan update: Middle Green Valley and the Suisun Valley Strategic Plan. He stated that the Green Valley Citizen's Advisory Committee has had several meetings so far and are moving right along. He noted that the first meeting for Suisun Valley took place earlier this month and staff will continue to hold workshops in the future. Mr. Yankovich commented that some of the items in the General Plan are currently being implemented. As part of that implementation, staff will be putting together a baseline inventory for green house gas emissions. Mr. Yankovich noted that the commission will be seeing some of these implementation plans at future meetings.

6. Since there was no further business, the meeting was **adjourned**.