

# ***MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION***

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## **Meeting of December 16, 2010**

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 Barnes, Boschee, Rhoads-Poston, Karah and Chairman Mahoney

**EXCUSED:** \_\_\_\_\_

**STAFF PRESENT:** Mike Yankovich, Planning Program Manager; Jim Laughlin, Deputy County Counsel; Eric Wilberg, Planning Technician; David Cliché, Building Official; Kristine Letterman, Planning Commission Clerk

Items from the floor - none

**The Minutes** of the regular meetings of November 4, and November 18, 2010 were approved as prepared.

1. **PUBLIC HEARING** to consider Use Permit Application No. U-10-08 of **Chris Lunardi** to permit a recreational facility (fishing club) located 4 miles north of the City of Rio Vista in an "A-80" Exclusive Agricultural Zoning District, APN: 0042-210-060. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Eric Wilberg) **Staff Recommendation:** Approval

Mr. Wilberg gave a brief presentation of staff's written report. He stated that in 2009 the home owned by the Lunardi's was completely destroyed by fire. Subsequently, the Lunardi's inquired about replacing the destroyed dwelling. The Department of Resource Management informed the Lunardi's that their application for a building permit to rebuild the dwelling would be denied. The Lunardi's appealed the decision and the Planning Commission, in December of 2009, considered the appeal and advised staff to further analyze the unique circumstances of the situation and exhaust all possible remedies under the current Zoning Regulations.

Mr. Wilberg stated that the proposed land use will remain the same as it has since development occurred on the island in the late 1940's. He said the cabins will continue to serve as a home base for the property owners to pursue recreational, leisure, and fishing activities in and around the delta. Mr. Wilberg stated that in addition to authorizing the land use, the use permit will also establish minimum development standards for the recreational facility. The facility will consist of a maximum of five vacation homes (cabins) as well as a few small accessory structures (storage sheds, out buildings, etc.). He indicated that four

cabins exist on-site today, and a fifth is being proposed that will replace the Lunardi's cabin which was destroyed by the fire.

Mr. Wilberg noted that staff received a letter from the Hastings Island Land Company. The letter voiced support for the project to the extent that the overall future use of the property remains consistent with the property's historical use as a site for private recreational residences. The Hastings Company requested that an additional condition be added to the permit that states that the recreational fishing club be restricted to a private, not-for-profit club and that any public, for-profit fishing club be prohibited. A copy of the letter was distributed to the commission.

Commissioner Barnes inquired about fire protection and if the applicant will be able to obtain fire insurance. Mr. Wilberg stated that the property is located within the CAL FIRE responsibility area. He stated that CAL FIRE submitted comments stating that the site is inaccessible and any response would be slowed due to the lack of roadway access to the island. Mr. Yankovich stated that there is no county requirement that requires a homeowner to obtain fire insurance.

David Cliché, county building official, explained that the Montezuma Fire Protection District would be the first responders in that area. He indicated that the applicant has been working with the district and proposes to install a pump system on the island to help maintain protection within the homes. Mr. Cliché stated that previous to that, what saved the other homes is that county staff had gone out and done a site inspection and recommended some of the trees between the dwellings be removed. Those trees were removed just prior to the fire which helped save the remainder homes. Mr. Cliché stated that the fire district is in agreement if the residents continue to keep the vegetation low and maintain the fire pump system.

The applicant, Tab Stiles, appeared before the commission and stated that they currently have fire insurance.

Chairman Mahoney opened the public hearing. Since there were no speakers either for or against this item, the public hearing was closed.

Chairman Mahoney and Commissioners Barnes and Boschee expressed their appreciation toward staff for taking the time to work with the applicant to find a way to allow them to rebuild their home on the property.

A motion was made by Commissioner Barnes and seconded by Commissioner Boschee to approve Use Permit Application No. U-10-08 subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4546)

## **2. ANNOUNCEMENTS and REPORTS**

Mr. Yankovich noted that the Board of Supervisors at a recent meeting was provided an update by staff on the Middle Green Valley Specific Plan project. He also noted that the Development Agreement for the project was executed by the landowners. Mr. Yankovich stated that this project is ongoing and will be developing over the next several years.

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Mr. Yankovich stated that on December 7<sup>th</sup> the Board of Supervisors considered the implementation of SB 863 modifying Williamson Act contracts. He indicated that the bill was suppose to be a way for local jurisdictions to be able to recover some of the lost property tax monies that the Williamson Act provides to participating landowners. He noted that the Board decided that they did not want to go ahead and implement the bill. He said the Board wanted to continue to participate in the Williamson Act program and hopefully be able to weather the loss of property tax until better economic times. He commented that the Board will continue to review this matter on an annual basis.

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Commissioner Barnes stated that as a representative of the planning commission he has been an active member of the Solano County Arts Council. He noted that since he will soon be leaving his position as a planning commissioner, he hoped that another commissioner would be interested in taking his place in serving on the council. Mr. Barnes stated that he has enjoyed his time on the council and found it very interesting. He mentioned that the two projects he worked on was in choosing the monument that sits out in front of Lake Solano, and the choosing of the paintings that hang in the new Events Center.

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Chairman Mahoney inquired further about the Board meeting with regard to SB863. Mr. Yankovich stated that the bill would increase the property tax for landowners and that return would go to the county coffers. He stated that there were a lot of members from the public in attendance at the Board meeting who were in opposition to the bill. Mr. Yankovich believed that the Board felt they could try and weather the storm for at least another year.

Staff clarified that the purpose of the Williamson Act is to retain agricultural property in its commercial agricultural state. Mr. Mahoney stated that the Williamson Act program has been very successful.

Mr. Mahoney spoke to the subject of land trusts. He stated that a property can be put into a land trust and also be placed under Williamson Act contract. He said that he can see a lot of effort being put in that regard and he was not sure if taxpayers realize what is happening as far as a landowner being able to put their ground in land trust and also under Williamson Act contract at the same time. He said that financially he was not sure if that is the direction taxpayers would want to go. He spoke about land trusts and the amount of money that the

State of California is spending on purchasing ground and buying development rights from farmers. He referred to Lynch Canyon. He said that when land is put into a land trust everyone believes that it is held in perpetuity and is never going to be developed. He said the most recent example is where PG&E purchased a portion of Lynch Canyon and then developed it. Mr. Mahoney stated that he wanted to make sure that people are aware that to say the land will never be developed is not necessary true. He said if the pressure to develop is great enough a landowner is going to sell their development rights, even if it is in a land trust. Chairman Mahoney stated that the major overriding concern is private land ownership of agricultural ground with the Delta Vision and the possibility of having thousands of acres of Solano County land flooded.

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