

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

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## **Meeting of January 6, 2011**

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, and Chairman Mahoney

**EXCUSED:** Commissioner Karah

**STAFF PRESENT:** Mike Yankovich, Planning Program Manager; Jim Leland, Principal Planner; Jim Louie, Principal Planner; Stan Schram, County Surveyor; Jim Laughlin, Deputy County Counsel; and Kristine Letterman, Planning Commission Clerk

### **Items from the floor:**

June Guidotti, 3703 Scally Road, Suisun, commented on the new timer that was installed in the Board Chambers. She did not feel that the public is being treated fairly by having their time limited when addressing the Board or the Planning Commission. Ms. Guidotti was also concerned about the cost of the installation of the new system.

George Guynn, Jr. 1109 Pheasant Drive, Suisun, also commented on the new timer system. He did not believe that the county should be spending their money on such frivolous items especially in these tough financial times. He stated that county government should be encouraging public participation, not discouraging it.

**The Minutes** of the regular meeting of December 16, 2010 were approved with one correction. Chairman Mahoney referred to a specific sentence in the last paragraph on page 4 which read: He said the most recent example is where PG&E purchased a portion of Lynch Canyon and then developed it, and it was purchased with money from the land trust." Mr. Mahoney asked that the words "and it was purchased with money from the land trust" be stricken from the sentence since it did not accurately reflect what he was trying to say.

1. **DETERMINATION** of General Plan consistency for the vacation of a portion of the southerly end of Scally Road (County Road No. 279) southeast of the City of Fairfield. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Contact: Stan Schram) **Staff Recommendation:** Approval

Stanley Schram gave a brief presentation of staff's written report. He stated that on December 14, 2010 James Dunbar on behalf of the Potrero Hills Landfill made application to the County of Solano requesting that the county vacate a portion of the southerly end of Scally Road. He explained that the area to be vacated is a portion of an old right-of-way that currently does not have a physical road within its boundaries and is not currently maintained by the county. He said Scally Road dead

ends prior to the area to be vacated, the right-of-way does not connect to any other roads, and there are no plans to extend Scally Road. Mr. Schram noted that the landowners adjacent to the old right-of-way to be vacated have given their consent and support the action. He said Goodrich Propulsion Systems is an adjacent landowner to the east of the proposed vacation, and although they would not be affected by the proposed vacation, they also are not opposed.

Since there were no questions of staff, Chairman Mahoney opened the public hearing.

June Guidotti, 3703 Scally Road, Suisun, stated that she objects to the abandonment of Scally Road because the road is already abandoned. She referred to the comment letters contained in the staff report and stated that it appears they were written by the same individual. Ms. Guidotti wanted to know why she was not notified of this request. She asked that the commission not approve the request until a valid map is provided that shows the abandonment.

George Guynn, Jr., 1109 Pheasant Drive, Suisun, spoke in opposition to the request stating that he also believes that a map is necessary. He said that it would be helpful if a CEQA document was prepared with regard to the subject parcel. Mr. Guynn stated that it seems that everything that has happened lately in the county is not for the benefit of the marsh. He said that the marsh is supposed to be preserved forever. He said that development is being allowed to take place and if this continues to happen there will be no marsh left.

Tina Hughes, Suisun, questioned the comment letters provided in the staff report. She said that it appears the letters all have the same or similar verbiage and questioned if the letters were written voluntarily.

Jim Dunbar, Manager, Potrero Hills Landfill, P. O. Box 68, Fairfield, stated that the Landfill hired their own surveyor to validate the information that was submitted to the county, and they stand behind that information. He stated that the purpose of this request is due to the expansion of the landfill.

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

Commissioner Boschee stated that this appears to be a simple abandonment of an easement. He asked staff to clarify that the easement is located on the same piece of property that is owned by the Potrero Hills Landfill, and that the landfill is the one who requested the abandonment. Staff responded in the affirmative. Mr. Schram reiterated that the property is a public right-of-way and not a road.

Commissioner Boschee stated that he did not understand what the opposition is concerned about. He did not understand any of the debate that was presented as to why the county would not want to abandon this easement. He said there is no public use of this piece of land and that it is an encumbrance to the property. He said he is at a loss for why it is the county needs to continue to hold on to or maintain that easement for no purpose. With regard to CEQA, Mr. Boschee stated that there is no reason why the county would want to spend thousands of dollars to prepare a CEQA document on a simple abandonment. Commissioner Boschee asked Ms. Guidotti to restate her concerns.

Ms. Guidotti stated that the landfill was paid \$54 million dollars to show that they have an easement. She said that a deal was made, and now the property owner has to show where the

easement is and they do not have one. She stated that an attorney for Solano Garbage Company indicated in her absence at a meeting that she accepted the same easement as Mr. Dittmer. She stated that she does not accept the same easement. Ms. Guidotti stated that Mr. Dunbar received a marsh development permit from BCDC and now he has a limited amount of time to prove where his PG&E line is and where his road is, and so he is now scrambling to get this road because within two years it becomes null and void.

Commissioner Boschee stated that the issue before the commission has nothing to do with the expansion of the landfill. He stated that the county is trying to help a landowner clear his property and remove an encumbrance that is or is not there, and as far as the county is concerned there is no need for a public access or a need for that easement.

A motion was made by Commissioner Boschee and seconded by Commissioner Rhoads-Poston to find the proposed vacation of a portion of Scally Road (County Road No. 279) located southeast of the City of Fairfield is in conformance with the Solano County General Plan. The motion passed 4-0 with Commissioner Karah being absent. (Resolution No. 4547)

2. **PUBLIC HEARING** to consider Zoning Text Amendment No. ZT-10-03 amending Chapter 28 of the Solano County Code to revise Section 28-10, Definitions; add Section 28.13 establishing the "A-SV" Agriculture-Suisun Valley and "ATC" Agricultural Tourist District; revise Section 28-15 amending Zoning Maps 9S, 10N and 12N – to change all "A" Districts within the Suisun Valley to "A-SV" District, and selected Neighborhood Agricultural Tourist Centers sites to ATC District: Mankas Corner ATC, Gomer School ATC, Morrison Lane ATC, Rockville Corner ATC, Iwama Market ATC, Rockville Road ATC, Thompson Lane ATC, North Connector ATC-NC; and add Section 28.41 Agriculture-Suisun Valley (A-SV) District and Agricultural Tourist Center (ATC & ATC-NC) Districts. (Project Planner: Jim Louie) **Staff Recommendation:** Approval

Jim Louie gave a brief overview of the item. He stated that on October 7, 2010 the Planning Commission considered zoning amendments along with the Suisun Valley Strategic Plan and forwarded a recommendation for approval to the Board of Supervisors. He explained that since that hearing, it has become apparent to staff that some further changes to the zoning regulations proposed for Suisun Valley need to be considered by the commission. As a result, staff has prepared a new set of zoning regulations amending Chapter 28 of the county code.

Jim Leland provided a brief summary of the proposed modifications. He indicated that staff is working with the Commissioner of Agriculture, the Farm Bureau, and the Agriculture Advisory Committee on comprehensive changes to the Exclusive Agriculture District. He said that staff expects these changes to come before the Commission in early 2011. Mr. Leland stated that it became apparent that some of this work was appropriate for inclusion in the Suisun Valley zoning districts. In addition, while preparing the Suisun Valley zoning districts for incorporation into the county code, it became apparent that formatting changes were required, additional definitions were necessary and some provisions required reconsideration. Consequently, staff prepared proposed revisions to the Suisun Valley zoning regulations and has scheduled this public hearing in order that the commission may consider these additional changes for Suisun Valley, prior to the ordinance proceeding to the Board of Supervisors for final disposition.

Since there were no questions of staff, Chairman Mahoney opened the public hearing. There were no speakers either for or against this matter and so the public hearing was closed.

Commissioner Barnes thanked staff for their hard work and felt it was a good plan.

Commissioner Boschee inquired about crowing fowl. He stated that he understood the effort to limit those fowl to reduce the potential of having someone enter into the county to raise roosters for the purpose of illegal sport activity, but he inquired as to how staff came up with the number 5 as the limit.

Mr. Leland explained that currently in the county a poultry ranch is a regulated land use that requires a use permit. He said a poultry ranch is currently defined as 100 birds or more. If a farmer had less than 100 birds he would be allowed by right in the Ag District, and would not require land use regulation by the county. Mr. Leland explained that what is being added is the definition of a crowing fowl, and then indicating 5 crowing fowl or more would be a trigger for the requirement for a use permit. He said it is not that a farmer can not have more than 5, but they would have to apply for a use permit to demonstrate what is being done with 5 or more crowing fowl.

Mr. Leland stated that the number was chosen after many months of discussion between staff and the Ag Commissioner. He noted that there is no scientific basis for the number, but there is the experience of other jurisdictions that have used 5 in recent years as a trigger for when there should be review of what an operator is doing with 5 or more roosters. Mr. Leland stated that cock fighting is a growing industry in the county, which is why staff will be coming back before the commission with amendments to the Ag District regulations.

Commissioner Boschee referred to page 17 of Exhibit A in staff's report with regard to pastured poultry. He noted that it also limits the number to 5 roosters. He wondered if that is an appropriate number since the operation is allowed 3,000 birds. He said that it would suggest to him that 100 birds would not need 5 roosters. He stated that his concern is with the noise that would affect surrounding residents.

Jim Leland stated that the way the pastured poultry regulations are proposed is an operator can have up to 3,000 birds, but if there are 5 roosters or more a use permit would be required. He said that he has met with the Ag Commissioner about reducing that threshold and it was felt by both the Ag Commissioner and staff that the lower the threshold the less easy it is to justify when looking at what other jurisdictions are doing.

Chairman Mahoney commented that he raises chickens. He stated that it really depends on what an operator is trying to do. He stated that he does not have a rooster, but there are times when he does. He said that a lot of roosters are not needed for a lot of chickens. Mr. Mahoney stated that the 5 rooster limit sounded very reasonable to him. He stated that if a person is planning to have a commercial operation they are going to need to obtain a use permit anyway, and so they will have the extra roosters they need. Mr. Mahoney commented about a piece of property that is located between American Canyon and the City of Vallejo where there appears to be a thousand roosters, and he believed that this is what the overall target is for this regulation. He commented that if this matter was reviewed by the Farm Bureau and the Ag Commissioner he felt very confident with that number.

A motion was made by Commissioner Barnes and seconded by Commissioner Rhoads-Poston to approve Zone Text Amendment No. ZT-10-03, amending Chapter 28 Zoning Regulations of the

Solano County Code, implementing the Suisun Valley Strategic Plan. The motion passed 4-0 with Commissioner Karah being absent. (Resolution No. 4548)

3. **ANNOUNCEMENTS and REPORTS**

Mike Yankovich noted that the use permit that came before the commission at their last meeting with regard to a horse stable was appealed to the Board of Supervisors and will be heard by them on Tuesday, January 11<sup>th</sup>.

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