

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

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## **Meeting of January 20, 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, Karah, and Chairman Mahoney

**EXCUSED:** Commissioner Rhoads-Poston

**STAFF PRESENT:** Mike Yankovich, Planning Program Manager; Karen Avery, Senior Planner; Jim Laughlin, Deputy County Counsel; Paul Weise, Public Works Engineering Manager; David Cliché, Building Official and Diane Buschman, Office Assistant III

Items from the floor - none

**The Minutes** of the regular meeting of January 6, 2011 were approved as prepared.

1. **PUBLIC HEARING** to consider Use Permit Application No. U-08-17 of **Dolores Russell (John's Hauling)** for a hauling business located at 2525 Mankas Corner Road 1.5 miles west of the City of Fairfield in a "C-N" Neighborhood Commercial Zoning District, APN's: 0151-140-050 and 060. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Karen Avery gave a brief presentation of staff's written report. She stated that this project is before the Commission due to the submittal of a business license application by John's Hauling for a hauling/retail sales business within the Neighborhood Commercial Zoning District. She said the project site is located in unincorporated Solano County at the intersection of Mankas Corner Road and Clayton Road. Ms. Avery reviewed the site history stating that the recent uses of the building occupied by John's Hauling and Claystation Art Studio have included a construction office, an upholstery shop, an auto repair business, and a tire center. Both the auto repair and tire center had been granted use permits through the Department of Resource Management. Ms Avery stated that the property owner has submitted a use permit application to legalize the addition of a hauling business to the project site. John's Hauling has been located on the property since 2007. Staff recommended approval of the project.

Commissioner Barnes asked for clarification with regard to the zoning district. He stated that the property is referenced as being located within a Neighborhood Commercial Zoning District, but under the County's General Plan it is listed as a Neighborhood Agricultural Tourist Center (ATC).

Mike Yankovich stated that presently the property is located in a neighborhood commercial district, but will soon be changed to an agricultural tourist center. He explained that the Suisun Valley Strategic Plan is scheduled to go before the Board of Supervisors on February 1<sup>st</sup> and will bring the

zoning into consistency with the General Plan. Mr. Yankovich stated that when the zone changes take place this project will become a legal non-conforming use.

The applicant, John Crossley appeared before the commission. He stated that he was not aware that there would be a 5 year time limit placed on the use permit. He said that he was hoping to continue his business for as long as possible. He stated that he is trying to conform to what is being required by the county, but there are other issues that exist beyond his control because he does not own the property. He noted that the property owner has expressed concern with regard to the new zoning of the property.

Chairman Mahoney asked the applicant if he objects to any of the conditions of approval. Mr. Crossley stated that the 5 year time limit is a big concern, as well as the limitation of 100 square feet of space for his promotional sale items. He said that he would also need more time to address the signage, fence, and landscaping issues.

Chairman Mahoney asked Mr. Crossley what he would consider a deal breaker that would cause him to walk away from this project. Mr. Crossley stated that as a renter he is limited in what he can do. He said that the county can place these requirements on his business, but his landlord would need to agree. Mr. Crossley commented that this whole ordeal has almost been a deal breaker, and if he had enough money he would probably chose to walk away. He said he is trying to build something in the area not only for himself and his family, but for everyone.

The property owner, Dolores Russell, 4950 Gordon Valley Road, stated that she applied for this permit 2½ years ago at a cost of \$6,500. She said that every time she would meet with county staff the requirements would change. Ms. Russell stated that when her father bought the subject property in early 1950 it was zoned commercial, and she believed that the property is grandfathered in. Ms. Russell voiced her objection to all of the conditions of approval and requested that the commission continue this item until after February 1<sup>st</sup> when the Suisun Valley Strategic Plan is adopted. She said that she would like the continuance so that her attorney can review the staff report as well as the Plan.

Commissioner Barnes noted for the record that Ms. Russell is a Wolfskill whose family is one of the pioneers in this county.

Mr. Yankovich explained that February 1<sup>st</sup> is when the new Suisun Valley Strategic Plan will go before the Board of Supervisors for their consideration and could be approval. He said the planning commission recommended approval of the Plan to the Board in 2006. Mr. Yankovich said the plan includes the rezoning of properties in the Suisun Valley from their existing zoning, and in this case from Neighborhood Commercial to Agricultural Tourist Center. He stated that if the supervisors approve the plan it will go into effect 30 days after approval. Mr. Yankovich stated that the idea was to get this project approved before the plan becomes effective so that there is a use that is in existence and it would be considered nonconforming.

Commissioner Boschee wanted Ms. Russell to be aware that this project is not likely to get approved if it does not get acted upon before the Board of Supervisors approves the Suisun Valley Strategic Plan.

Mr. Yankovich noted that the commission could continue this item to either the first or second Planning Commission meeting in February because even if the Board does approve the plan on February 1<sup>st</sup> it will not take effect until March 1<sup>st</sup>.

Commissioner Karah wanted to know if Ms. Russell was aware of the conditions of approval prior to this meeting. Ms. Russell stated that she was not aware of the conditions and that every time she met with county staff they wanted something different. Commissioner Karah commented that she believed that it would be unusual for the process to get to this point and the applicant and/or landowner would not be provided the staff report and other pertinent documentation in advance.

Since there were no further questions or comments, Chairman Mahoney opened the public hearing.

Raymond Streib, One Bel Air Circle, Fairfield, spoke on behalf of a small business organization that represents 50,000 small business men and women through out America. He spoke in support of the project and did not believe that a 5 year time limit should be placed on the business.

Mike Bailey, 710 S. Orchard Avenue, Vacaville, voiced his support for the project stating that he has watched this business grow over the years and that it is a benefit to the community.

Cheryl Reese, 6565 Gordon Valley Road, Napa, stated that the applicant, John Crossley, has helped out at their local volunteer fire department and other non-profit organizations by donating items or services. She voiced her support for the project.

Angela Faulkner, 2030 Twin Sisters Road, Fairfield, stated that she is a small business owner in downtown Fairfield. She stated that she supports the project and believes that a longer time period should be allowed. Ms. Faulkner stated that Mr. Crossley's business is a green business and reuses and recycles unwanted equipment that he acquires from area landowners. She stated that the business offers a variety of items such as antiques, sculptures, and glassware, and shopping at his store is an enjoyable experience especially for outside visitors. Ms. Faulkner stated that Mr. Crossley displays old farming equipment on the property which she views as a part of the preservation of the heritage of Suisun Valley.

Sue Berry, 1373 Oliver Road, Fairfield, stated that she is an area realtor and as a business woman she needs someone who is reliable and Mr. Crossley is there when you need him. She stated that he helps keep the city clean and doesn't take everything he collects to the dump. She commented that he has donated wood to the local high school shop class. Ms. Berry said that Mr. Crossley is a great community person, has integrity, and has always followed through on his word. She said he provides a valuable service and brings business to Mankas Corner.

Scott Bradley, 6685 Gordon Valley Road, Napa, stated that he is a neighbor of John's Hauling. He stated that the business is environmentally friendly and the monthly sales bring in a lot of products and helps to keep these items out of the local landfill. Mr. Bradley stated that he knows from having conversations with Mr. Crossley that he is not just bending over backwards to comply with county regulations, but he is agonizing over how to do that and still make a living and bring tax revenue into the community.

Sergio Rogoff, 6505 Gordon Valley Road, Napa, stated that a major problem these days is the disposal of electronic devices in the county's landfills. He stated that he has helped Mr. Crossley

refurbish and make minor repairs to some of these electronic devices so that they could be resold and kept out of the landfill. Mr. Rogoff stated that Mr. Crossley is a community supporter and donates his time to those in need. He noted that Mr. Crossley adopted a portion of Mankas Corner Road as a community service to help keep it clean.

Diane Paulson, 2929 Eucalyptus Court, Fairfield, stated that she is Delores Russell's daughter. She stated that tenants on this property have had problems for years in trying to follow the guidelines imposed by the county. She stated that her concern is if the county has the right to take this property or to require the property owner change the zoning within 5 years in order to build a hotel or restaurant when there are no funds to do so. She stated that in this economy it does not even seem possible within 5 years. Ms. Paulson said that she did not agree with the time limit and requested that this use be allowed to continue beyond the 5 years, providing the applicant's good quality of work and his business survives that he may stay at that corner with reasonable improvements. Ms. Paulson commented that John Crossley is a valuable tenant as well as a good Samaritan.

Commissioner Barnes asked Ms. Paulson if she agreed with her mother's request for a continuance. Ms. Paulson stated that she did agree. She stated that the intent for the continuance is to get everything together so that it is known exactly what is going on with the property. Ms. Paulson reiterated that they object to the 5 year time limit. She also voiced her concern that the county could take the property by eminent domain. She said she could not understand how this can be zoned for hotels and restaurants after 5 years if the property owner does not elect to do this.

Chairman Mahoney commented that in all of his time on the commission, eminent domain has never come in to play. He stated that there has been discussion over the years on what to do in the Suisun Valley area as far as promoting the agricultural industry out there. He said the landowners came together and brought forward a plan which is now going before the Board of Supervisors. Mr. Mahoney said that he found it odd that Ms. Russell was not aware of this endeavor.

Ms. Paulson stated that she did attend some of those community meetings, but is only now finding out that things have changed and those current businesses at Mankas Corner will no longer be able to operate because the county wants to build hotels and restaurants.

Mr. Yankovich explained that a hotel and restaurant are only two of a number of uses that would be allowed in that zone district and does not necessarily mean those uses will be placed there.

Ms. Paulson stated that those are the only uses that she has heard staff talk about. She stated that it is her understanding that after 5 years Mr. Crossley's business would no longer be allowed to remain under any circumstances.

Mr. Yankovich explained that retail uses would still be allowed, but outdoor storage would be prohibited. He said that it is up to the property owner whether or not they want to pursue any type of uses that are allowed in that zone district. He commented that a hotel has never been mentioned as being a part of that property.

Ms. Avery indicated that other uses allowed in the ATC zone would be a retail shop and local produce store. She stated that the applicant would be required to conform to the Suisun Valley

Strategic Plan. She said that a retail store under the plan includes indoor sales only so there would need to be changes made to the site.

Mr. Yankovich stated that it is the outdoor storage that is at issue. He stated that at the end of the 5 year term Mr. Crossley would be required to remove his outdoor storage area. He noted that the landowner could also apply for a zone text amendment at that time.

Ms. Paulson stated that it did not appear likely that the county would change the zoning at that point and was afraid that the property would be locked in permanently.

Mr. Yankovich explained that zoning changes are not permanent. He stated that the county has made numerous changes with regard to zone text amendments in terms of usage of property and in terms of development standards. He stated that the county has been making efforts with regard to opening that process so that it is not static. He said that zoning does change and it has been changed specifically for this particular property to allow the current outdoor storage.

Commissioner Karah asked staff if the applicant could apply for a permit to continue this particular use. Mr. Yankovich replied in the affirmative stating that the applicant could apply for a use permit after the 5 year time period.

In response to Commissioner Boschee's inquiry, Mr. Yankovich stated that outdoor storage is allowed in agricultural zones but it would not be tied to the commercial activity on the property, it would be tied to the agricultural use.

Larry Sandberg, 5057 Clayton Road, Fairfield, stated that he has resided in the Suisun Valley for 40 years. He stated that the retail in the Valley mainly exists because of the traffic going to and from Lake Berryessa. He said that this traffic has supported the Pioneer Fruit stand as well as other fruit stands along the way. Mr. Sandberg stated that Mr. Crossley's business brings in about 1/3 of the draw of people out to the valley. He stated that Larry's Produce, when open for business, brings in the biggest draw. He stated that this could be a big boom to other establishments that locate in the area.

Derrick Lum, 2506 Mankas Corner Road, Fairfield, stated that he would like to see Mr. Crossley's business remain at that location. He stated that there needs to be clarification on how the applicant can conform to the county's regulations in the future. He commented that this plan up-zones his property to agriculture, but the question is, does it downzone other properties in the area within the ATC zone? He stated that the property owner is asking for a continuance for two weeks so her attorney can determine if her land is compatible to the plan and if her tenant can conform to those requirements. Mr. Lum stated that this plan is not meant to deter business, commenting that he was involved in the process of putting this plan together. He stated that he would like to see the commission grant the continuance so that the landowner can be allowed to work on continuing his business.

Bruce Dorrough, 5225 Williams Road, Suisun, stated that Mr. Crossley's business has made it through this tough economy and not many businesses in Fairfield can say that. Mr. Dorrough wanted to know what prompted this item to come before the planning commission.

Mr. Yankovich stated that this matter was brought to staff's attention as a code compliance issue. He

He said the property is not in compliance with the zoning ordinance or building code requirements. He commented that staff has been working with the applicant for over two years in trying to resolve the issues at hand.

David Cliché, County Building Official, stated that the original complaint came from the Suisun Fire Protection District. He said the business was in violation of fire codes and state law. He stated that staff has been working with Mr. Crossley, but there are still some issues that need to be worked through. Mr. Cliché commented that the applicant has complied with everything that has been required by the county.

*(Since the speaker did not submit a speaker card, the spelling of the name and address may not be correct)*

Monica Drake 827 Greenhead Way, Suisun, stated that she had never visited Mankas Corner until coming across some flyers advertising John's Hauling. She stated that her and her family went out to the site and discovered the restaurants and retail stores. She commented that when she goes to Mr. Crossley's shop there are more people at his business than in the restaurants that are currently there.

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Amber Blank, 2800 Sails Lane, stated that she is a member of the Suisun Fire District and used to perform all of their fire prevention inspections, as well as business inspections, new inspections, and new building construction inspections. She stated that the fire district supports John's Hauling 100%. Ms. Blank stated that in looking back, every business within their district would probably have to be closed down because they are all operating out of old buildings. She stated that it is important to work with the landowners to help keep these businesses in operation. She stated that she did not agree with the use permit requirement for the planting of vines on the bamboo fence, commenting that when she drives down her own neighborhood there are many unsightly properties. Ms. Blank stated that Mr. Crossley is helpful and keeps the property in good condition and is a good community member. She commented that before the site was John's Hauling it was a tire store. She stated that the tire store never passed fire inspection and she does not recall the business ever having to come before the planning commission because it was in violation.

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Don McClain, 835 Bay Street, Suisun, stated that he has been a customer of John's Hauling for 5 years and would sorely miss the business. He said that when he works on his own remodeling projects Mr. Crossley helps him recycling his materials. Mr. McClain stated that Mr. Crossley is one of the best businessmen in the area. He stated that he would like to see the business remain beyond the 5 years, and felt that the county should do everything in their power to let that happen.

*(Since the speaker did not submit a speaker card, the spelling of the name and address may not be correct)*

Amy Bradley, 6685 Gordon Valley Road, stated that Mr. Crossley gave her son the opportunity to open a lemonade stand on the site to teach him the value of a dollar. She said that while that doesn't seem to be a big deal, it is because her son is a future business man.

Since there were no further speakers, Chairman Mahoney closed the public hearing and announced that the commission would take a 10 minute recess.

The meeting was reconvened by the chairman calling the meeting back to order. Chairman Mahoney asked staff to address the issue of the request for a continuance as it relates to the Board of Supervisors meeting.

Mr. Yankovich stated that on February 1<sup>st</sup> the Board is expected to consider the Suisun Valley Strategic Plan, and with that plan some zone text amendments, as well as rezoning of property within the Suisun Valley. He stated that the action does not take effect until 30 days after the first reading of the ordinance, which would be March 1<sup>st</sup>. Mr. Yankovich stated that if this item is continued to the February 3<sup>rd</sup> planning commission meeting and approved it would take effect before the actual ordinance goes into effect.

Chairman Mahoney stated that he would be in favor of granting the continuance, but he would like staff to meet with the applicant and landowner to discuss what is the best solution for solving those issues that are at hand.

Commissioner Boschee stated that he would also be in favor of a continuance. He stated that there needs to be some further discussion between the parties involved of what the long term plans are for John's Hauling. He commented that the applicant provided the commission with a brochure and based on that information, his retail business certainly complies with the new zoning. He stated that this is certainly something tourists want to come out and see and is a part of the environment that would attract tourism to the area. Mr. Boschee stated that it sounds like Mr. Crossley has a fine business and the county needs to encourage and help him enhance and grow his business.

Commissioner Barnes stated that he was in favor of continuing this item when it was brought up at the beginning of the meeting.

A motion was made by Commissioner Boschee and seconded by Commissioner Barnes to continue this item either to the regular meeting of February 3, or February 17, 2011, whichever allows enough time for staff and the applicant to gather the appropriate information. The motion passed 4-0 with Commissioner Rhoads-Poston being absent.

For the benefit of the audience, Chairman Mahoney stated that the public hearing has been closed and the next time this item comes before the commission public testimony will not be taken. He stated that staff has been asked to go back and work with the applicant and the landowner and come back with a resolution to move this project forward. Mr. Mahoney stated that he appreciated the comments made by all the speakers present.

## 2. ANNOUNCEMENTS and REPORTS

There were no announcements and reports.

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