



DEPARTMENT OF RESOURCE MANAGEMENT

Planning Services Division

STAFF REPORT

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Agenda Item No. 1

To: Solano County Planning Commission

From: Eric Wilberg, Planning Technician

Subject: Revocation of Minor Use Permit No. MU-13-01 and Appeal of the Zoning Administrator's approval of Minor Use Permit Application No. MU-13-01 of Glashoff Farms for a special event facility (18 events per year, up to 200 attendees per event) located at 5353 Williams Road.

Date: August 15, 2013

Departmental Recommendation

The Department of Resource Management recommends that the Planning Commission:

1. Conduct a noticed public hearing to consider Revocation of Minor Use Permit MU-13-01 and Appeal of the Zoning Administrator's approval of Minor Use Permit Application No. MU-13-01 of Glashoff Farms for a special event facility (18 events per year, up to 200 attendees per event) located at 5353 Williams Road., and
2. Adopt a resolution to **Adopt** the Mitigated Negative Declaration and **Approve** Minor Use Permit MU-13-01, with amendments (Exhibit A).

Introduction

The Planning Commission is being asked to consider a revocation of minor use permit MU-13-01 and an appeal of the Zoning Administrator's approval of minor use permit application No. MU-13-01.

The Planning Commission, after the conduct of a public hearing on this matter may choose one of the following options:

1. Reverse the Zoning Administrator's approval and revoke the permit, or
2. Affirm the Zoning Administrator's approval and leave the permit in effect, or

3. Modify the terms and conditions of the permit based on new information received and further analysis. Traffic calming measures have been identified through the Mitigated Negative Declaration and have been proposed as a condition of approval for this permit (Department's recommendation).

Setting

The Glashoff Farms property consists of three Assessor's parcels totaling 68 acres. The property is situated along Williams Road near the northern end of Suisun Valley, approximately 2 miles northwest of the City of Fairfield. The western portion of the site is relatively flat, exhibiting slopes of less than six percent. Suisun Creek defines the western property line of parcel 0149-090-130. The eastern portion of the site is characterized by rolling hills. Moving eastward from Williams Road, the site climbs in elevation from 180 feet to 540 feet above mean sea level.

The Glashoff farm grows a wide variety of agricultural products on-site, including: walnuts, navel and Valencia oranges, lemons, grapefruit, boysenberries, blackberries, marionberries, raspberries, Concord grapes, and French prunes. In addition, a few head of cattle are raised on the farm.

Development on APN 0149-090-130 is clustered near Williams Road and is comprised of one residence and two agricultural accessory structures. The proposed special events would occur on the open lawn, orchards, and gardens surrounding the development on-site.

Surrounding properties exhibit characteristics similar to that of the Glashoff Farms property. Parcels in the vicinity are generally 20 acres in size with vineyards, orchards, and cattle grazing comprising the predominant agricultural practices in the area. Land along the floor of the Suisun Valley is relatively flat with rolling hills encompassing the valley to the west, north and east. The farmland is interspersed with residential development; addressing records indicate 21 residences deriving access via Williams Road.

Project Description

Minor use permit application MU-13-01 was filed March 12, 2013 by Larry and Maria Glashoff which requested approval of a special events facility for 25 events per year with up to 350 attendees per event. As identified on the attached site plan (Exhibit L), events would take place within the large lawn area, orchards, and gardens surrounding the residence. Existing structures would not be utilized for the events and no new structures have been proposed.

The venue would be available for hire from May through October each year. The applicant anticipated that a majority of the events would take place on weekends, held between the hours of Noon and 11:00 p.m. Types of weekend events would include weddings, graduations, and charitable events. The facility would also host occasional

events during the week; including school tours, children's clubs (ex. 4H, scouts), and small parties. Weekday events would be finished by 10 p.m.

Parallel parking will be provided between the rows of the newly planted walnut orchard at the southeast corner of APN 0149-090-130. Guests would enter the parking area via dirt/gravel driveway along the southern property line and exit via dirt/gravel driveway at the north end of the orchard.

All events will be held outdoors. The applicant anticipates a variety of event types, however most events are expected to involve socializing, ceremonies, celebrations, and include amplified music in the festivities. Music would be turned off no later than 10:00 p.m. for any event.

Food and beverages would be catered by vendors and prepared at off-site facilities. Bottled water and portable restrooms with hand washing booths would be provided on-site.

Zoning Administrator Hearing

During the public noticing period leading up to the Zoning Administrator hearing, various property owners in proximity to the project site contacted Resource Management staff by phone, in person, e-mail, and by submittal of comment letters to express their opinions about the project. Opinions of the neighboring residents showed both support and opposition of the project. Those in support of the project noted that the facility would generate much needed tourism to Suisun Valley. A majority of the residents in opposition noted the volume of traffic, number of events, and excessive noise to be their primary concerns. In addition, dust generation, safety, property security, decline in property values, fire hazards, conflict with farming practices and biological impacts were identified as concerns.

At the Zoning Administrator hearing of May 16, 2013 testimony was received by the project applicants and by 27 of the 45 attendees from the public (Exhibit G). After receiving public testimony and considering each of the concerns identified by the public, the public hearing was closed and the Zoning Administrator implemented modifications to the project which reduced the number of events and reduced the number of attendees per event, therefore reducing the amount of traffic generated by the project. Approval was granted to Glashoff Farms for the operation of a special events facility which authorized up to 18 events per year, with a maximum of 200 attendees per event.

In addition, conditions of approval were added to minimize fugitive dust, to require the applicant to submit a schedule of upcoming events to neighbors as well as the Department and to provide a streamlined noise monitoring system to enforce the 65 dBA noise threshold.

Project modifications made by the Zoning Administrator were intended to ensure that the subject use as conditioned, would not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals,

comfort or general welfare of persons residing or working in or passing through the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

The subject use was also found to be consistent with the County General Plan, Zoning Regulations, and local Williamson Act Rules and Regulations. Further discussion of the project's consistency with applicable land use regulations is contained in the Appeal Consistency Discussion section of this report.

Appeal Request

Within the mandatory ten day appeal period following Zoning Administrator approval of the permit, various neighboring property owners, the project applicant and the County entered into a tolling agreement (Exhibit B). The tolling agreement afforded the project applicant and the neighboring property owners additional time to discuss and resolve any disputes resulting from the project. To date, this Department has not received any documents or information to suggest that the negotiations have resulted in resolution of the issues between the parties.

As a result, on June 18, 2013, Doug and Kate Novotny filed an appeal (Exhibit C) of the Zoning Administrator's approval of minor use permit No. MU-13-01 and requested that the Planning Commission revoke the permit.

Although County Counsel had initially informed the parties that the County's ten-day appeal deadline was flexible, Counsel later determined that the use permit would go into effect if no appeal were filed within the ten-day period (Exhibits J and K). Once a use permit is approved, it can be modified only through a noticed public hearing. Once a use permit becomes effective, the County must initiate revocation proceeding in order to revoke the permit.

Revocation Proceedings

In any case where the conditions of a use permit have not been or are not substantially complied with, or where the use has been abandoned, the Solano County Zoning Administrator may initiate permit revocation proceedings. Specifically, the Zoning Administrator has received information that the special event facility is being operated in non-compliance with minor use permit MU-13-01. Documentation has been submitted to the Zoning Administrator which indicates that an event has exceeded the conditioned maximum number of attendees of 200 persons (Exhibit J, Attachment A). In addition, the Department has received complaints from the property owners of 5336 and 5337 Suisun Valley Road that noise levels were excessively loud at an event held on June 29, 2013 as well as subsequent events. Also, a complaint was received on July 10, 2013 that indicates event lighting has produced excessive glare along Williams Road and that dust control measures were not implemented per Condition of Approval No. 27.

Pursuant to the technical requirements of Zoning Regulations Section 28.106(J), the Zoning Administrator has initiated permit revocation proceedings to address these

issues by delivering the permittee with a notice of intent to revoke minor use permit MU-13-01(Exhibit D). The public hearing before the Planning Commission allows for further evaluation of evidence to determine whether the minor use permit should be revoked, modified or upheld as originally approved.

Nature of This Proceeding

The question of whether this is an appeal hearing or a revocation proceeding is important mainly for determining whether the events already held this summer at the Glashoff property were done under authority of an approved and effective use permit. County Counsel has determined that the use permit became effective when no appeal was filed within the ten-day period, but the appellants argue that the tolling agreement prevented the use permit from going into effect. County Counsel has advised that, moving forward, the question of whether this is an appeal or revocation proceeding is of little importance, and that the Commission should focus on the following two questions:

1. Is a Special Event Facility a generally appropriate land use for this property, given the zoning and site-specific features of the property, any problems caused by past events at the property as well as the Glashoffs' compliance with conditions imposed by the Zoning Administrator, and the conditions existing in the surrounding neighborhood, including the condition of Williams Road?
2. If a Special Event Facility is a generally appropriate land use for this property, what specific conditions should be imposed through the use permit that will give the Glashoffs an economically viable facility while at the same time protect the neighbors and the general public from unacceptable impacts?

Appeal Summary

The appeal contests various aspects of the project, including: Consistency with County Land Use Regulations, Environmental Review, Noise and Transportation. Following are a summary and discussion of each of these project components.

I. Consistency with Land Use Regulations

The appeal claims that approval of the project is inconsistent with County Code and Zoning Regulations.

Consistency Discussion

General Plan

The General Plan Land Use Diagram (General Plan Figure LU-1) identifies the property as Agriculture. In addition, the subject site is located within the Suisun Valley Agricultural Region (General Plan Figure AG-4) as well as the Suisun Valley Special Study Area (General Plan Figure SS-4). The Land Use chapter of the General Plan sets

forth goals and policies that summarize desired land uses within the Suisun Valley designation. General Plan Table LU-8 (Desired Uses in the Suisun Valley Special Study Area) indicates special events facilities (e.g. weddings) to be an allowed and desired land use within the Suisun Valley designation.

Suisun Valley Strategic Plan

The Suisun Valley Strategic Plan, which was adopted by the Board of Supervisors February 1, 2011, provides guidance to the County and stakeholders on actions appropriate for implementing the Suisun Valley Agricultural Region General Plan policies. The Strategic Plan called for rezoning the Exclusive Agriculture parcels within the valley to the Suisun Valley Agriculture district (Ordinance No. 2011-1717) to ensure that future development fits the scale of the Suisun Valley's rural and agricultural context. Page 5-2 of the Suisun Valley Strategic Plan indicates Special Events should be a conditionally allowed land use within this district.

Zoning

The property is zoned Suisun Valley Agriculture 'ASV-20'. The General Plan/ Zoning Consistency Table LU-7 of the Solano County General Plan indicates the zoning to be consistent with the General Plan Designation. Within the Suisun Valley Agricultural Zoning District, Table 28.23A (Table of Allowed Uses and Permit Requirements) lists Special Events as a conditionally allowed land use subject to the specific use regulations contained in Section 28.23.50.50(A)(B)(C4) of the Zoning Regulations.

Incidental Use

The Glashoff Farms property consists of three parcels totaling 68 acres. A wide variety of agricultural products are grown on-site, including: walnuts, navel and Valencia oranges, lemons, grapefruit, boysenberries, blackberries, marionberries, raspberries, Concord grapes, and French prunes. In addition, a few head of cattle are raised on the farm. The project, including the large venue area, cactus garden, small venue area, orange and citrus orchard, and guest parking area encompasses approximately 7 acres. Under minor use permit MU-13-01, the facility is limited to a maximum of 18 events per year. Examining the project both spatially and temporally, the special events land use remains subordinate and incidental to the primary agricultural land use of the property.

II. Environmental Review

The appeal claims that the project does not qualify for a Categorical Exemption from the provisions of CEQA, under CEQA Guidelines Section 15301 – Existing Facilities. The appeal asserts that the project will generate significant adverse environmental impacts to noise, traffic and safety.

Environmental Review Discussion

On March 27, 2013 the project was reviewed at the Department's Development Review Committee meeting. Application materials were provided and comments were solicited from the various Divisions of Resource Management (Planning Services, Environmental Health, Building & Safety, Public Works) as well as other County Departments and outside agencies, including; Agricultural Commissioner, County Counsel, Solano Irrigation District and Suisun Fire Protection District with the purpose of reviewing the project from the perspective of the particular agency's jurisdiction, area of expertise, or interest.

Existing Conditions

As stated in the permit application, over the past few years the Glashoff's have been hosting anniversary parties, weddings, reunions, and fundraisers for family and friends within the large lawn area, orchards, and gardens surrounding the residential development on-site. After receiving positive feedback regarding the venue, the Glashoffs' decided to pursue marketing the venue and offering the site for hire. The County Zoning Regulations defines a special event facility as "*a facility offered for use by third parties for hire for the conduct of social gatherings or similar types of events. A special events facility may be either a single-purpose facility or a secondary use of another type of facility, such as an agricultural processing facility or a winery...*"

No structures, either existing or proposed, are involved with the project. The project does trigger Americans with Disabilities Act (ADA) accessibility upgrades to the site (parking space, path of travel), however this development would occur within the existing footprint and would constitute a negligible expansion of the existing facility.

Based on comments received throughout project review, existing site conditions, and prior use of the site for similar land uses to that of the project, the Zoning Administrator determined that the project qualifies for a Categorical Exemption from the provisions of CEQA, under CEQA Guidelines Section 15301 – Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

III. Noise

The appeal states that the project would expose neighbors to noise levels in excess of standards established in the local general plan. In conjunction with the appeal request, the appellants have supplied a noise survey conducted by Illingworth & Rodkin. The survey was conducted on June 13, 2013 to document existing ambient noise levels and to observe and note the location of the special events facility and its relationship to residences in the vicinity. The survey found that the ambient noise environment was low, characteristic of rural areas. The measured noise level was 36 dBA Leq during the daytime. In addition, noise levels at the nearest property line (APN 0149-090-230) located approximately 300 feet to the north of the large venue area, would be expected to range from 54 to 59 dBA Leq (Exhibit C, Attachment A *Noise Survey*).

Noise Discussion

Agriculture, consisting of pastures, orchards, and vineyards comprises the primary land uses along Williams Road. Residential structures are interspersed throughout the agricultural landscape, with the nearest noise sensitive receptor (occupants of 5404 Williams Road) approximately 900 feet north of the special events area. The special events facility is set back approximately 300 feet from the northern property line and 500 feet from the western property line.

The Public Health and Safety Chapter of the General Plan sets forth performance standards and land use compatibility guidelines for noise. Table HS-2 of the General Plan (General Plan pg. HS-79) shows the acceptable noise levels for various land use categories, and is used when determining a proposed project's noise impact. The table indicates that the community noise exposure between 55-70 dBA Ldn to be conditionally acceptable for low density residential land uses.

In addition, General Plan Table HS-4 establishes noise performance standards for nontransportation noise sources. Average (dBA Leq) and Maximum (dBA Lmax) levels are established for outdoor residential "receiving" land use(s). These standards are reduced by 5 dBA for sounds consisting primarily of speech or music. With the reduced standards, an average of 50 dBA Leq is recommended for daytime and 45 dBA Leq for the night. A maximum of 65 dBA Lmax is recommended for daytime and 60 dBA Lmax for nighttime. In addition, Section 28.70.10(B)(1) of the County Zoning Regulations requires the project to remain less than or equal to 65 dBA Ldn at any property line.

Following the General Plan standards and implementing the land use regulations from the Zoning Ordinance, the Zoning Administrator conditioned the use permit to limit noise levels to 65 dBA Ldn at any property line.

IV. Transportation

The appeal states the project will generate significant environmental impacts to traffic, health, safety, and farming operations based on the influx of project traffic and by the existing design of Williams Road. In conjunction with the appeal request, the appellants have supplied a letter summarizing the professional opinions of Larry Wymer, licensed California Traffic Engineer, on traffic and safety issues associated with the project (Exhibit C, Attachment B *Traffic Opinion*).

Transportation Discussion

Traffic

In order to reduce the amount of traffic generated by the project, the Zoning Administrator approved a lessor number of events and a lessor number of attendees per event than was initially proposed by the applicant. The facility is limited to a maximum of 200 guests for any single event. Events are temporary and seasonal;

limited to 18 events per year between the months of May through October. In addition to guests, a maximum of 6 employees are expected to staff each event.

The parking requirements for the special events land use (Zoning Regulations Section 28.94(A)(8)) requires one space per four persons at capacity. Using this formula, the project is expected to increase traffic along Williams Road by 52 vehicles for events operating at maximum capacity. Under the maximum capacity scenario, an increase of an additional 104 vehicle trips can be anticipated per event.

The Solano County Public Works Division conducted a weeklong traffic count along Williams Road between May 17 and May 23 of 2013. The count showed an average of 221 vehicle trips per day. With the project, the annual per day average of vehicle trips along Williams Road would increase to 226. Williams Road could experience a single day vehicle trip increase of approximately 50% (from 221 to 305 vehicle trips) for days in which maximum capacity events are held.

Safety and Design

The initial proposal (25 events per year, 350 attendees per event) was solicited for review and comment from the Building & Safety Division, Public Works Engineering, and the Suisun Fire Protection District. Comments were received from each of these Divisions/Agencies and incorporated into the permit as conditions of approval.

According to the Solano County Public Works Division, Williams Road is comprised of sub-standard geometry. The roadway has a 20 ft. width near its southerly connection to Suisun Valley Road, and then gradually tapers to a width of 14.5 ft. near the project site. Travelling north along Williams Road, the second curve affords limited sight distance and averages a width of 16 feet. The curve has a limited sight distance of 166 feet at its most restrictive point.

Transportation and Additional CEQA

Subsequent to the Zoning Administrator's decision, the Department has prepared and circulated for public review, a mitigated negative declaration which proposes amendments to the project that address concerns regarding transportation and traffic. Specifically, mitigation is proposed which provides traffic calming measures along Williams Road on event days. Temporary signage cautioning motorists of event traffic shall be installed near the intersection of Williams Road and Suisun Valley Road. In addition, events shall be staffed by traffic flaggers in at least two positions along the roadway: 1) At the second curve travelling north along the road, and 2) at the parking entrance to the facility. This mitigation is designed to provide added caution and safety for motorists along Williams Road as well as to provide for efficient entry and exit of vehicles parking on-site.

Alternatives

Based on the evidence received during the public hearing and submitted in writing, the Commission may wish to consider adding or modifying the terms and conditions of approval of the permit by further reducing the allowable number of events per year and/or the maximum number of attendees per event. Should the Commission approve the project, staff recommends adoption of the Mitigated Negative Declaration.

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