

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of July 19, 2007

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 Moore, Barnes, Mahoney, Barton and Chairperson McAndrew

EXCUSED: _____

STAFF PRESENT: Ron Glas, Principal Planner; Karen Avery, Associate Planner; Nick Burton, Public Works, Harry Englebright, Contract Planner; Jim Laughlin, Deputy County Counsel; and Kristine Letterman, Planning Commission Clerk

Items from the floor - none

THE MINUTES of the regular meeting of June 21, 2007 were approved with a change on page 13 to reflect the acronym regarding the waste treatment plant as MBR. The Minutes of July 5, 2007 were approved as prepared.

1. **CONTINUED PUBLIC HEARING** to consider Use Permit Application U-04-01 of **Venoco (original applicant: Oxy Resources California LLC)** to utilize an existing abandoned drilling pad to drill two exploratory natural gas wells over a two year period and, if gas is found, to establish a permanent production facility. The project is located near Grizzly Island Road, approximately 6 miles south of the City of Suisun in the Primary Management Area of the Suisun Marsh and in the Marsh Preservation (MP) Zoning District; APN: 46-260-120 The Planning Commission will also be considering adoption of a Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resources Management. (Project Planner: Matt Walsh) **Staff Recommendation:** Continue to October 18, 2007

Ron Glas explained that this item was set to be heard by the Planning Commission on March 1, 2007, but was continued to April 19, 2007 at the request of the applicant to allow additional time to come to an agreement with the property owner. Both the applicant and the property owner then requested a three month continuance to the July 19, 2007 Planning Commission meeting date to allow for further discussion.

Again, both the property owner and the applicant have submitted letters requesting another continuance of the agenda item. The property owner states that he will be out of town during July and is unable to attend the meeting. The applicant states that they have a new partner for this project and are further evaluating the project at this site, in addition to continuing to work

with the property owner. The applicant is requesting another three month continuance. Staff supports continued attempts at cooperation between the applicant and property owner.

A motion was made by Commissioner Moore and seconded by Commissioner Barton to continue this item to the regular meeting of October 18, 2007. The motion passed unanimously.

2. **PUBLIC HEARING** to consider Variance Permit Application No. V-06-01 of **Robert Marcott** to allow a 50' front yard setback in place of the required 60' front yard setback for a detached garage/workshop and mechanical building, and building envelope modification for Lot "6" of Caliguiri Subdivision (S-92-01). The property is located on Caliguiri Canyon Road, in an "RR" Rural Residential Zoning District, 1 mile north of the City of Vacaville, APN: 0123-450-080. 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

Karen Avery reviewed staff's written report. She stated that applicant is requesting a variance from the front yard setback requirements of the Solano County Code to permit the construction of two accessory buildings, a garage/workshop (650 square feet) and a mechanical building (150 square feet), with a front setback of 50' where a front setback of 60' is required by the Code for accessory buildings. As proposed, this 50' front setback would place the garage/workshop and mechanical building at the edge of the 50' access and utility easement that traverses the front of the subject property. The applicant intends to use the garage/workshop to store lawn equipment needed to maintain the property and recreational vehicles. The mechanical building will house the electrical and mechanical equipment needed for the future development of the parcel.

Ms. Avery noted that in addition to the Variance, the applicant is also requesting a building envelope modification to allow the construction of the two accessory buildings outside of the building envelope previously approved per Major Subdivision Application No. S-92-01. The applicant is proposing to construct the buildings approximately 180' west of the approved building envelope. The applicant does intend to build a single family dwelling with an attached garage within the approved building envelope.

Ms. Avery also noted that letters were submitted by two adjoining property owners concerning drainage. She indicated that the drainage on the parcel will be reviewed upon the receipt of the building permit application and prior to approval of the building permit. She stated that this issue is not a part of the variance or building site modification application.

Commissioner Moore inquired as to why the applicant proceeded to work on the project without the benefit of county permits.

Nick Burton, Public Works, engineering division, stated that the applicant was issued a grading permit in 2004. He indicated that the delay in the project has been due to issues with the

building design, and so the process was held up in at the building permit stage. He noted that also during this time there was a change in project architect.

The applicant, Robert Marcott, explained that he submitted all of the required plans prior to conducting any work on the property. While the project was in the process of being reviewed and approved, he was told by his engineer that within a matter of days they would be issued a building permit and he could proceed with the project as long as he did not do substantial work. Mr. Marcott stated that if he had known he was in violation of any ordinance or law, he would not have started the project. He indicated that it was a misunderstanding between himself, the grading contractor, and the engineer. Mr. Marcott stated that as soon as he found out there was an issue, he stopped the construction.

Commissioner Barnes told the commission that he had the opportunity to go out and visit the site. He said he did not believe the 50 foot setback to be invasive. He commented that the road leading up to the property looks well developed. Mr. Barnes spoke with regard to drainage and stated that he felt the applicant has done a fantastic job. He stated that the way the drainage is set up, he did not see a problem with flooding.

Commissioner Moore stated that for properties with contours such as with this site, he wanted to know what kind of certification there is going to be that the drainage and grading plans for the project are going to safeguard the lower properties in the subdivision from any effects of runoff.

Mr. Burton stated that along with the grading plan, a Hydrology Report was submitted that depicts final buildout and shows all the impervious surface at the final state, and calculates the pre-development and post-development flows. He indicated that the ditches are plenty deep and have been constructed to the design.

Commissioner Moore wanted to know what the current status is on the development of the project, and if all the lots have been built on. Mr. Burton indicated that there are two lots that are still undeveloped.

Commissioner Moore wanted to know what safeguards the county will impose for future erosion and unforeseen drainage issues that come from this project modification. Mr. Burton stated that the applicant has gone above and beyond what the county typically requires. The applicant has not only seeded the entire slope and hillside, but has set up sprinklers to keep vegetation alive throughout the summer. The applicant has also rocked every ditch line to prevent erosion with minimum 3 inch cobbles that have been well placed and inspected.

Chairperson McAndrew asked for the justification on the 60 foot setback. Mr. Glas explained that the Zoning Code states that accessory structures must either be on the rear half of the lot or at least 60 feet from the front property line. Exactly how the 60 foot was chosen he believes was basically a method of keeping clutter out of the front parts of lots. He said the primary residence is allowed closer to the front property, but the intent was to keep the accessory

structures out of the front yard and further back. Ms. McAndrew asked why the setbacks were not addressed when the lots were being divided or when the subdivision was being conceived.

Mr. Glas explained that he did not believe it was foreseen at the time that a homeowner would be building in this area. He stated that the easterly half of the lot was designated by the subdivider as the proposed building site and it was set aside as part of the subdivision map. He explained that it is a fairly flat area at the top of the lot where the view would be and it was envisioned this would be the development area. Mr. Glas stated that with Mr. Marcott's proposal, the flatter area at the top of the lot is not very large, and between the size of the proposed house and the requirement for a turnaround, it takes up most of the space. It is because of that the applicant does not have enough room to put up the accessory buildings. It is a better location for him to put the buildings at the bottom of the lot by the road, but unfortunately that flatter area is constrained by the driveway on one side, and the necessary leachfields and road on the remaining two sides. Mr. Glas noted that if the applicant is forced to push these buildings up the hill to meet the 60 foot setback, it will reduce the available feasible area even more.

Chairperson McAndrew referred to Condition No. 2 on page 6 of staff's report and noted that there seems to be some information missing in the last sentence. The sentence should read: Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements. Ms. Avery noted the correction.

Mr. Marcott stated that he has made an effort to be a good neighbor. He indicated that he has talked with area residents, especially the homeowner who would be the most affected by the project, and those homeowners did not have any objections. Mr. Marcott noted that the individuals who wrote the complaint letters that were submitted to the commission always seem to have an issue. Those landowners were very upset early on when the subdivision was developed. Mr. Marcott referred to the reference in one of the letters regarding hay bails, and explained that he lined the area with bales because it was the best thing to help protect the surrounding properties where silt could drift from his property onto theirs.

Mr. Marcott referred to one property owner's reference in their letter regarding how they have installed V ditches to protect their property. Mr. Marcott stated that the contractors he has been working with have indicated to him that some of the existing problems have been created due to those ditches. Mr. Marcott indicated that he does not want to create any problems for his neighbors and wants to make the project safe.

Chairperson McAndrew opened the public hearing.

Bob and Pauline Lavond, who reside on Lot #9 which is adjacent to the project, stated that Mr. Marcott is the first landowner to ever address the issue of water and erosion control. Mrs. Lavond stated that they have visited Mr. Marcott's property and feel he is doing everything right.

Since there were no further speakers, Chairperson McAndrew closed the public hearing.

A motion was made by Commissioner Barnes and seconded by Commissioner Mahoney to adopt the Negative Declaration and the mandatory findings and approve Variance Application No. U-06-01 and the requested building site modification to Lot 6 of Major Subdivision Application No. S-92-01, subject to the conditions of approval. The motion passed unanimously. (Resolution No. 4476)

3. **REPORT** on General Plan Update Program and review of Citizens Advisory Committee recommendation on economy, water resources, air quality and noise preliminary goals, policies and programs. (Contract Planner: Harry Englebright)

Harry Englebright gave a brief progress report on the General Plan Update which included the project timeline, Citizens Advisory Committee (CAC) goals, CAC meeting schedule and special studies.

Jeff Goldman, project consultant, EDAW, explained the process that staff has taken to get to this point of having some preliminary goals, policies, and implementation ideas. He indicated that the topics under discussion include Economic Development, Water Resources and Water Quality, Air Quality and Noise. He reviewed each topic individually by discussing each goal statement, preliminary policies, and potential implementation programs.

With regard to economic development, Commissioner Moore wanted to know if there has been any discussion with respect to what the economic opportunities might look like 30 years in the future. He noted that some economists are saying that Solano County may very well find themselves in the middle of the economical center, which begins in Reno and ends in Monterey. Mr. Goldman stated that the CAC members have had many discussions about the future, and have tried to factor this into the recommended goals, policies, and implementation programs. He noted that a few ideas were in looking ahead to see, for example, what the future of agriculture might be, the needs and economy, and how certain kinds of uses might help support agriculture that are different than the way it is practiced today. Finding places where those uses can occur and how the county might accommodate them. Mr. Goldman stated that another aspect deals with new kinds of commercial or industrial uses or other kinds of economic activity that does not exist in the county today, and to look forward into where those uses might be placed, and what kinds of general standards or policies in the general plan are needed to ensure enough flexibility to permit those kinds of uses. Another idea relates to resources and conservation in terms of looking at the new frontier with respect to energy resources and sustainability in green building and the like.

Harry Englebright indicated that there has been a fair amount of discussion of what should the county's role be, vis-à-vis the cities role, in terms of providing for economic development. He stated that some of the policies are designed to compliment what cities are doing. He said that some of the committee members have talked about how large sites are not available in the cities, and that maybe the county needs to make provisions so they have greater flexibility in

terms of what the county can attract.

Commissioner Moore stated that there have been published figures relative to population that is anticipated for Solano County. He recalled one newspaper predicting that the number could be close to 800,000 in 50 years. He stated that from an economics point of view, having places to live is only one part of the problem, having places for people to work is another. He wanted to know if those kinds of discussions are taking place in the study groups. Mr. Englebright stated that it is a combination of the county and cities working together. Mr. Moore asked if the county is continuing to promote Prop A. Mr. Englebright stated that the Vision Statement still talks about city center growth, but they are looking at some modification to what this really means. He stated that the CAC has not yet approached the subject of land issues where this subject would be analyzed.

Commissioner Barnes stated that it seems to him like the county is heading in a direction of old Prop A, and he stated that he is not in favor of old Prop A. He believed that Solano County could have economic development, such as farmers wanting to have some of their parcels at 2½ or 5 acres where they can still sell their wares. He spoke to areas like Denverton which have wide open spaces for some kind of development. Mr. Barnes stated that the county should not push Fairfield or Vacaville to try and expand and having development all within the city. He stated that it is important to improve the county's strong diversified economic base. Mr. Goldman stated that in the discussions with the CAC, they have been looking beyond not only time wise, but just substantively beyond Prop A. The special study areas in places such as Middle Green Valley, Suisun Valley, Collinsville or Cordelia, are looking far into the future beyond the construct of Prop A, as well as other areas, to see what the county can do to help chart its own destiny, and not just focus on what happens within the cities.

Commissioner Barnes spoke about the desire to protect Travis Air Force Base, but questioned how the county can get involved when the land is owned by the City of Fairfield. Mr. Englebright indicated that the land located on three sides of the Base are within the unincorporated area of the county. Mr. Barnes asked if the issue of making TAFB a civilian and a military Base, has come up in the discussions. Mr. Englebright stated that the CAC has not talked about this idea specifically because the topic of airport compatibility has not been discussed. He stated that the committee is combining the issues of noise and land use compatibility so it will be talked about later in the discussions on land use. Mr. Englebright indicated that the county has, in conjunction with the City of Fairfield, purchased additional land to hold in reserve for potential expansion of TAFB, which could accommodate both military as well civilian operations.

Commissioner Barton stated that she felt the economic policies were great, but that they seemed a little inwardly focused. She stated that she would like to make sure that the regional piece remains part of the focus, especially in looking at Policy LE-3 and LE-4 in working with cities and regional agencies to locate new commercial development. She stated that the county is part of the Bay Area region, and she believed that it is important to bring in those forces and resources that are available regionally as well.

Commissioner Barton spoke to Item a. of the Economics Implementation Program where it lists some of the organizations the county will use to seek continuing feedback related to the county's regulations and development process. She stated that she would like to see labor and education resources included in that list. She requested to include the Congressional Delegation to Item h. with regard to seeking and pursuing funding to support the economic role and mission of TAFB.

Commissioner Barnes spoke with regard to water resources and water quality and inquired about the Peripheral Canal. He wanted to know if this is going to be considered as a water resource. Mr. Englebright explained that the canal is more designed in terms of dealing with the fragility of the Delta and ensuring the water supply moving south. He stated that the City of Fairfield has been successful in getting their water rights recognized, which has helped them in securing a supply. He stated that if the county gets more into economic development, the CAC is going to have to, as they go through the land use discussion, look at the analysis of what is going to be proposed and how water is going to be supplied.

Commissioner Barton referred to Water Resource Implementation Measure h. and asked for an example. Mr. Englebright stated that if there were a developed project such as a subdivision and there was a watercourse running through it, as part of the process, just like dedicating land for roads, the applicant could dedicate the creek or access to that frontage to an agency who would be responsible in helping to maintain it. He stated that one of the problems the Solano Water Agency (SWA) has in terms of their responsibility with regard to flood control is that they do not have access to some of the waterways that they should theoretically be maintaining in order to address flooding, so the idea is that there is the opportunity at the same time through the development process to get the dedications to the watercourses so that they can be maintained. He indicated that this would fall within the development approval process.

Commissioner Mahoney stated that a lot of these natural watercourses that exist in the county currently are not natural. He stated that in and around Dixon the water is irrigation water. He stated that the Sacramento River and surrounding levees is not a natural watercourse. Mr. Englebright stated that in the area on the east side of Vacaville, most of those drainages have been channelized. He said there is activity going on upstream to help maintain water quality and to maintain flows in the more natural areas. He said that they have not had specific discussions in terms of the channelized facilities.

Commissioner Mahoney stated that he understands the county wants the ability for flood control to have access to some of these waterways, but how far is the county going to go to protect the natural watercourses when there location is not known. Mr. Englebright stated that Suisun Valley, Green Valley, the Upper English Hills area and parts of Pleasants Valley still do have natural watercourses. He noted that the land on the east side of Vacaville, east of I-505 have been channelized in past years.

Chairperson McAndrew inquired about the sharing of water supplies between agencies or cities. Mr. Englebright stated that some water sharing does occur. He explained that each jurisdiction has dedicated water sources. The City of Vacaville receives their water from the North Bay Aqueduct and they get an allocation from Putah South Canal. He indicated that the City of Vallejo has its own water system, plus they receive water from the Delta, from Lake Curry and Madigan and Frey. He noted that Green Valley gets a portion from North Bay Aqueduct and Putah South Canal. Mr. Englebright stated that there have been cases when there were water quality issues like with Lake Curry where a deal was reached with the City of Fairfield to provide water. He indicated that there have been some exchanges between the cities of Vallejo and Fairfield. Fairfield and Vacaville do share a treatment facility for the North Bay Aqueduct allocation at the North Bay facility on Peabody Road.

Chairperson McAndrew spoke to the future and the water wars that will most likely occur as the area gets more and more populated and there is less and less supply and larger demand. She inquired if there is any way to institute or create some kind agency to address this issue. Mr. Englebright stated that any coordination that goes on is through the SWA.

Commissioner Moore noted that the cities of Benicia and American Canyon have water contracts with the City of Vallejo, but it is his understanding that these are emergency contracts only.

Commissioner Mahoney spoke to salt water intrusion and wanted to know if there has been any discussion with regard to this, noting that salt water will endanger the water supply. Mr. Englebright stated that discussion has not taken place at the CAC level.

Commissioner Barton stated that since the Solano Irrigation District (SID) is a separate entity from Solano County, what other opportunity does the county have in obtaining water. Mr. Englebright stated that SID and the Maine Prairie Water District are separate independent special districts. He said SID has provided domestic water to certain areas of the county such as Pleasants Valley, Peabody Road area and the Blue Ridge Oaks subdivision. He noted that in Gibson Canyon there is a SID treatment plant that provides water to the unincorporated area. In the rest of the areas service is typically through point of entry treatment systems which have been an issue because of new water quality standards. Mr. Englebright stated that the City of Vallejo also provides water to the unincorporated areas of the county. Upper Green Valley is served by the City of Vallejo for domestic water and SID for irrigation water. Old Town Cordelia and the Homeacres area get their water from Vallejo. He noted that the City of Vacaville also provides water to a small area in the unincorporated portion of the county called Vine Street and Winding Way by Midway Road. Mr. Englebright stated that the county would be dependent upon another water agency to provide water services at this point in time.

Commissioner Barton stated that the water issue is very important and that it seems that the discussion regarding future water buys should be listed under the implementation program.

Mr. Englebright referred to how the county has addressed water issues in the past. He explained about the English Hills area and how the county chose to form a new water district to provide that service. He indicated that up until this year, the Board of Supervisors acted as the governing board to that district.

Commissioner Mahoney spoke with regard to water quality and the preservation of riparian vegetation along waterways. He stated that he recently read that the Army Corps of Engineers want the levees stripped. Mr. Goldman indicated that the Corp is taking another look at that because there is some science to suggesting that riparian vegetation can play a beneficial role if it is managed correctly.

Mr. Englebright stated that along natural drainages there are benefits to utilizing natural vegetation. There is a natural filtration process that goes on with the vegetation that is not obtained simply from channelizing watercourses.

Commissioner Mahoney stated that with agriculture, farmers are always cleaning out their ditches. Mr. Englebright stated that it is the county's intent to look at the natural watercourses that are still in their natural state, and ensuring and trying to protect that riparian corridor so that it has some beneficial use for water quality. It is also desired to maintain it for flood issues.

Commissioner Mahoney inquired if there will be a map depicting the riparian habitat that the county will want or not want to promote. He commented that due to flood control, farmers want those ditches to stay clean so the water flows, specifically in the wintertime. Mr. Englebright stated that the draft Habitat Conservation Plan identifies what they consider to be the principal watercourses in terms of habitat protection and those would typically be the same ones the county would be reviewing, typically Green Valley, Suisun Valley, and the Pleasants Valley area.

Commissioner Barnes inquired about air quality. Mr. Goldman stated that more and more communities are doing their part, and if every community did the same, at the regional level one would start to see changes, as well as the inter-regional level.

Chairperson McAndrew inquired about the air quality implementation program and wanted to know if there was a way to offer incentives to developers or individuals to build with energy efficient systems such as solar. Mr. Goldman stated that it is something that could be researched to see what other jurisdictions are doing. Ms. McAndrew stated that for example, with the Rockville Trials Estates project, there is a policy implementation for the developer to build homes with the capability so that a homeowner can implement solar if they so desire. She felt that the county should go ahead and require this instead of leaving it up to the homeowner to make the decision. Mr. Englebright stated that there are other factors, even in the subdivision design, to ensure that the building sites can be oriented appropriately to take advantage of solar energy.

Commissioner Mahoney spoke with regard to noise. He commented that people who reside in

the country can come to appreciate sound walls and he wanted to make sure the implementation program was not eliminating the option for sound walls. Mr. Goldman stated that it is more of not looking at sound walls as always the first and only option, but to look to other ways that are somewhat more natural and more aesthetically pleasing. He did note that sometimes sound walls are the best option. Mr. Englebright stated that staff can clarify the language with regard to that policy.

4. **ANNOUNCEMENTS and REPORTS**

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