

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Special Meeting of November 29, 2007

The special 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: Mike Yankovich, Planning Program Manager; Jim Louie, Senior Planner; Jim Laughlin, Deputy County Counsel; Kristine Letterman, Planning Commission Clerk

Items from the floor - none

The Minutes of the regular meeting of October 18, 2007 were approved as prepared.

1. **REPORT** on the General Plan Update Program and **REVIEW** of the Citizens Advisory Committee recommendations on Land Use Preliminary Goals, Policies and Programs and Draft Land Use Diagram.

Mike Yankovich briefly summarized the staff report and introduced Jeff Henderson and Jeff Goldman from EDAW who would be providing a presentation regarding the process of the land use portion of the General Plan Update. Mr. Yankovich indicated that the ultimate goal is to have this update completed in time for the General Plan to be placed on the 2008 ballot.

Jim Laughlin gave a brief description of how the Orderly Growth Initiative (OGI) relates to this process.

Commissioner Moore inquired as to how portions of the OGI could be a part of the general plan, when certain elements of the Initiative do not expire until the year 2010.

Mr. Laughlin stated that the OGI contains a handful of different policies and some of those policies are being carried forward in the Plan without amendment, while some are being changed. He indicated that the legal question will be if some of these policies are changed but others are not, and the changes are put forth to the voters, will that repeal the entire 1994 Orderly Growth Initiative or just amend those portions that need to be amended. He indicated that this question will need to be dealt with before this is put before the voters.

Commissioner Moore stated that perhaps we are getting ahead of ourselves in trying to update the general plan, and maybe should have waited until there was a clear open dialogue on an issue that is not hampered by an existing initiative.

Mike Yankovich explained that the Board of Supervisors adopted some Guiding Principles with regard to the General Plan Update which allows the county to partially amend the OGI by redesignating certain areas of the county. Those would be the only areas amended if approved by the voters. The OGI would be addressed at the time of its expiration in 2010. He stated that currently the county is focused on city-centered growth.

Jeff Goldman reviewed the procedure and timeline of the general plan update process. Jeff Henderson provided a PowerPoint presentation of the preliminary goals, policies and programs. The areas covered were general preliminary policies, municipal service areas, residential uses, commercial and industrial uses, and land use designations.

Commissioner Barton referred to Policy LU-21 and stated that she felt it would be appropriate to add language to the policy to reflect the inclusion of locations near ferry, rail and ports.

Commissioner Moore inquired about Policy LU-15. Mr. Yankovich stated that the intent of the policy is to provide infill development first, and then to provide to those areas designated for residential.

Commissioner Moore wanted to know if this would mean that a property owner in an area considered third priority would be prohibited from developing his land until a landowner in the first priority area has submitted plans for development. Mr. Yankovich stated that typically the third priority areas are those areas furthest away from the existing residential development and would have more constraints with regard to topography or other types of issues. It does not necessarily preclude them from submitting a development proposal.

Commissioner Moore stated that when the county starts doing something that is going to reduce an individual's property rights by using language such as Phase 1, 2, and 3, he believed it could sound discriminative and he did not agree with segregating property rights within the county. Commissioner Moore suggested language be included that would infer individual property rights would be a high priority in considering development applications.

Jim Laughlin stated that the way this policy will be implemented is it would set a phasing for how properties will be rezoned for more intensive development, and so the first priority would be rezoned first. He stated that it is clear within the law that no one has a property right in future zoning. He indicated that it could disappoint a property owner if they do not get their land rezoned as early as they would like, but it is not a property rights issue.

Jeff Henderson proceeded to review the recommended goals and policies for the Special Study areas. The first area for review was the Middle Green Valley Special Study Area.

Chairperson McAndrew stated that she felt some of the language was vague and suggested combining Policy LU-35 and 36 to make it less confusing. She commented that the plan appears to be a fairly broad plan, one that will need to be interpreted in the future.

The Commission accepted the CAC recommendation for the Middle Green Valley area. Mr. Henderson reviewed the recommendations for the Suisun Valley and Collinsville area.

Bob Hall, 331 Desert Forest Drive, Rio Vista, stated that he owns several parcels of land in the Collinsville area and described their locations. He indicated that a portion of his .88 acre residential property was changed by the CAC to reflect a Marsh designation. He requested that the land use

designation for the entire parcel be the same designation as the residential parcels in Collinsville, and not split the parcel and designate two-thirds as Marsh. He stated that the land is not marshland and he spoke to his plan of building a family residence in the future. Mr. Hall stated that he purchased his property to provide the possibility of creating an environment that will be educational as well as provide an opportunity for the public to enjoy the Delta wildlife. He requested that the existing designation of Commercial Recreation for the inlet of McDougal Cut and the land adjacent to the inlet on the west side of Collinsville Road remain unchanged. He also asked to remove the cemetery buffer recommendation due to lack of a majority consensus and a clear definition of the restrictions it would impose upon his property.

Mike Yankovich explained that Mr. Hall's property to the north is designated Commercial Recreation which is the current recommendation, but he also owns property to the south of the State Lands property, and the majority of that parcel was recommended for marsh. The reason given for the change in designation is that the area to the west is designated marsh and the CAC felt it was appropriate to maintain that designation.

Commissioner Moore commented that the property's uses would be significantly reduced under the marsh designation. He stated that it appears this decision to change the zoning is only going to affect one family. He recommended that the property not be redesignated and to remain as it exists. Commissioner Mahoney concurred with this recommendation.

Mr. Yankovich noted that Mr. Halls' request is for all of his properties to be designated Commercial Recreation rather than Water Dependent Industrial which is the current designation.

Commissioners Barton, Barnes and Chairperson McAndrew also supported the commercial recreation designation.

Mr. Henderson reviewed the recommendations for the Old Town Cordelia Special Study Area.

Commissioner Barton commented that Cordelia is the gateway to Solano County and suggested adding language to help keep the historical feel, and to emphasize the importance of Old Cordelia to Solano County. She felt that bike and walking paths should be an important consideration.

Mr. Yankovich noted that the county does have a plan to construct bike/walking paths for some of the aesthetic improvements with regard to Cordelia Road. He indicated that there were some discussions about this at the community meetings, and language could be added as part of the policies regarding aesthetic improvements.

Daphne Nixon, 2181 Cordelia Road, Cordelia, submitted a letter and parcel map depicting the location of her property. She requested that her property be included in the Mixed-Use designation. She believed that a mixed use designation would be more consistent with the land use pattern that is being established in Cordelia. Presently her property is zoned "RR-2½", and if her property remains that way it would end up being sandwiched between commercial properties on Cordelia Road. She stated that her land is not useable for agriculture because of its size, hilly terrain and poor soil.

Mr. Henderson stated that the CAC received two options for the Cordelia area, one with a more focused mixed use, and the other with a broader focus of mixed use and applied it to more of the

properties adjacent to Cordelia Road. The CAC recommended to move forward with the narrower option, and Ms. Nixon's property would have fit more into the option that the CAC did not recommend.

Commissioner Barton inquired as to the reason for not including Ms. Nixon's property in the mixed use area. Mr. Yankovich stated that at the community meeting there was discussion where half of those in attendance wanted to leave it as is, and the other half agreed that the proposal had merit. He indicated that it is staff's understanding that Ms. Nixon was not aware of the actions that the CAC had taken, and this is why she is here before the planning commission making this request.

The commission unanimously agreed that Ms. Nixon's property be considered for a general plan change from Residential to Mixed Use.

Jeff Henderson reviewed the land use designations. He explained that land use designations are meant to implement the community vision for an area for the ultimate use of the land, and zoning addresses the specific permitted uses on a property along with development standards that apply to the property. He stated that the current general plan features 23 land use designations.

Commissioner Moore referred to page 14 regarding general industrial where it states that this designation is applied to areas with a reasonable degree of separation from residential and agricultural uses, and where necessary services can readily be provided. He believed that there should be some ability to develop those services if necessary and not limit the use of general industrial simply because the services are not presently there.

Jeff Henderson introduced the Preferred Land Use Diagram. Mike Yankovich reviewed each area, the first being the Benicia-Vallejo area. City comments, CAC actions and recommendations were also reviewed for each area.

Commissioner Barnes voiced his support to accept the map as presented for the Vallejo-Benicia planning area. Commissioner Barton also voiced her support for the CAC recommendation.

The next area covered was the Fairfield-Suisun area.

Commissioner Barton inquired about the area referred as Tolenas. Mr. Yankovich stated that while the area is located within the county, it is completely surrounded by the City of Fairfield, and it will be kept as traditional community residential. Commissioner Barton stated that she would like to see this designation recognized on the map. She voiced her support for the CAC recommendation for the Fairfield/Suisun area.

Chairperson McAndrew inquired about the City of Fairfield's reason to prefer the specific project area for Nelson Hill to the Park designation.

Brian Miller, City of Fairfield, Planning Department, 1000 Webster Street, Fairfield, stated that the Nelson Hill area is designated in the City's General Plan as a residential special study area. It will include some open space as well as park, but the city's general plan has always envisioned that area for some residential development as well. He stated that their general plan requires a master plan for the area, but they wanted the county's plan to be consistent with their general plan.

Mr. Miller indicated that the City of Fairfield has submitted a letter to the county listing their concerns. They are recommending that throughout the county the Municipal Service Areas (MSAs) should follow the City of Fairfield Urban Limit Line. The Urban Limit Line best reflects the City of Fairfield General Plan. They also strongly disagree with the recommendation of the CAC pertaining to the Municipal Service Area boundary near Travis Air Force Base and in the Rancho Solano North Special Study Area. Expansion of the base will involve annexation into the City of Fairfield and City services would be required for support facilities. Mr. Miller noted that the City is already discussing development with a property owner in the Rancho Solano North Planning Area.

In reference to the resource conservation overlay, Commissioner Mahoney wanted to know what kind of farming practices are going to be allowed. Mr. Yankovich stated that they would be the current types of farming practices. Commissioner Mahoney wanted to make sure that discing is allowed, and suggested using the words traditional farming practices in the text.

Chairperson McAndrew opened the floor for public testimony.

Jon Fadhl, 8320 King Road, Dixon, stated that he believed the Habitat Conservation Plan (HCP) should be the guiding document verses an Overlay for habitat and conservation practices. He felt that overlays place an extra burden upon property owners and takes away property rights. He also believed that the wind energy resource overlay is short-sided and it should be an energy resource overlay. Mr. Fadhl believed that the agricultural commercial/industrial designation should also be an overlay or a policy if the use is found to be compatible. He stated that this goes to the value added benefit a farmer/landowner could pursue. He believed that ag related industrial should apply to all ag land if the use is deemed compatible for the area. With regard to commercial recreation, Mr. Fadhl believed the current land use omits recreational opportunities that could be someone's vision for acceptable use of the land. He asked if the commission would make the recommendation to have a recreation policy that applies to the land use categories and define what uses are acceptable, but not limiting a person's vision per designation.

George Guynn, Jr. 1109 Pheasants Drive, Suisun, spoke on behalf of June Guidotti. He stated that Ms. Guidotti's family has owned property near the Potrero Hills Landfill for many years, and she believes the county is going to take her property without just compensation. Mr. Guynn commented that the terminology being used to identify some of these different areas is confusing.

June Guidotti, 3703 Scally Road, Suisun, asked the commission to put her proposal identified as P13 back on the General Plan Map. She believed that removing it from the map was a mistake. Ms. Guidotti noted that her parcel is designated as solid waste. She asked for an explanation of the proposal identified as N on the map.

Mike Yankovich explained that when the CAC was given the Workbook for this area, they were given three alternatives. The information took into account the property owner requests that were submitted with regard to changing general plan designations for their properties. It also took into account recommendations from the Economic Background Report as well as staff proposals. In bringing up under consideration the alternatives, some of the proposals were involved and incorporated, Ms. Guidotti's was not. Mr. Yankovich explained that the property identified with an N is the Potrero Hills Landfill. He stated that Ms. Guidotti's proposal was considered and was identified as P13, but it was not recommended and that is why it is not depicted on the map.

Jeff Henderson added that Ms. Guidotti requested a change from the existing designation of Solid Waste to a designation that would accommodate a waste energy project which would require a change to an industrial designation. Mr. Yankovich stated that the reason her proposal was denied was because it would require an industrial designation, and the property is located within the secondary area of the Suisun Marsh. It would also require an amendment of the Local Protection Plan for the Suisun Marsh which would have to go before the Bay Conservation and Development Commission. Staff did not feel the industrial use would be an appropriate use in the secondary marsh.

Commissioner Moore commented that he is satisfied that this has not been an error in map making and that the property owner has not been deprived of any existing uses of her property. She has simply been denied a request to change the designation of the property. Mr. Moore stated that he did not have any reason to question the CAC action with regard to this particular property.

Commissioner Barton inquired about some of the concerns by the City of Fairfield. Mr. Yankovich explained that the CAC decided not to extend the MSA to include north of Rancho Solano, Rockville Hills Park or the Travis Reserve area. They did not see any reason for an MSA in the Travis area. With regard to Rancho Solano, they felt that when the appropriate time comes the city can make the request and it could then be accommodated in the general plan. Commissioner Barton stated that if the city can be accommodated she would like to see that happen.

Rio Vista was the next area to be addressed. The commission made no changes to the CAC recommendation.

The next item up for discussion was the Vacaville area.

Commissioner Barton felt that the commission should honor the City of Vacaville's SOI in the area east of Leisure Town Road and in the Cherry Glen Road area. She stated that the commission has recognized the SOI for other cities and felt the commission should be consistent.

Laura Kuhn, Assistant City Manager, City of Vacaville, 650 Merchant Street, Vacaville, stated that they have not formally commented in writing but intend to do so in the near future. With regard to the city's planning area, she stated that they do not currently have an adopted boundary. She noted that the city has a settlement agreement with the Green Belt Alliance that was associated with the Lagoon Valley project, and that agreement includes a proposal for a boundary that would be set before the voters. They anticipate a petition to be circulated soon. Ms. Kuhn stated that the urban planning area also does not include the piece identified as TT (Pierson property) on the map. With regard to that property, she stated that their biggest issue is not that the property should not be redesignated, it is more of a concern about urban services and the ability to effectively develop the property absent those services. She stated that she believes there could be some language that could be agreed upon on how to apply design standards not only for proposed construction, but also how utilities are addressed.

Ms. Kuhn stated that the area east of Leisure Town Road, while not in their SOI, is in within their general plan planning area and calls of 1,000 feet of Estate Residential with another 500 feet of agricultural buffer. They are requesting that the commission consider providing for that. She stated that they also have an urban planning area, and some of the concerns they have relate to the areas identified as AA and Z on the map which are industrial proposals. She indicated that AA is within

the proposed urban boundary, but not consistent with their current general plan, and Z is not within their urban planning boundary. She stated that the same issues apply such as with providing urban services and the ability to economically develop the land for the intended use without having the adequate services.

Ms. Kuhn stated that they would recommend the commission consider developing some procedure or process for dealing with how areas are developed around cities to ensure that there is compliance with a mutual agreement on aesthetics, landscaping, utilities and the like. With regard to the resource conservation overlay, she stated that they have a proposal in the settlement agreement with the Greenbelt Alliance that if there is any agricultural land that is annexed to the city, that there be one-to-one mitigation for that land. She stated that they would not want to preclude that area from being considered for purchasing mitigation if the property owner desired to do so.

Michael Garabedian, 7143 Gardenvine Avenue, Citrus Heights, spoke with regard to the area identified on the map as BB, and stated that it seemed to have an industrial designation and wanted some background information.

Mr. Yankovich stated that there were some existing uses in that area that were agricultural, but those services have since changed to include more commercial type uses which is why there is now a recommendation for a commercial designation.

Don Pippo, 4142 Cantelow Road, Vacaville, spoke on behalf of himself and the DePianto family. He stated that the DePianto property is identified on the map as X. Mr. Pippo indicated that he also made a proposal involving his own property at the same time he made the request on behalf of Mr. DePianto. He stated that his property is located near the property identified as W and is almost completely surrounded by rural residential. He inquired as to why the properties above and below his land were changed, but his property was omitted.

Commissioner Moore asked the rationale for not approving Mr. Pippo's request.

Mr. Yankovich stated that the CAC was infilling with regard to the existing rural residential, and in some instances there were some late requests that were not a part of the initial review period because they did not meet the window timeline for submitting requests. He stated that the CAC believed that extending the Allendale Road further to the west would fit the rural residential and ag area.

Birgitta Corsello explained that the request Mr. Pippo made on behalf of Mr. DePianto was already contained in the recommendations being considered by the CAC because it was an island surrounded by rural residential land where we were already approving 2½ acre parcels. She indicated that Mr. Pippo came before the CAC when they were considering that area and asked for his property to be redesignated. There were several other property owners who were looking for land between Pleasants Valley and Gibson Canyon Roads who also wanted to be redesignated to rural residential, none of which were approved by the CAC that evening.

Ms. Corsello stated that one of the issues the CAC was reviewing was how many acres were being converted and for what purpose, and if there was a need identified in terms of additional residential.

The CAC had already designated a number of acres for rural residential and chose not to add additional acres.

Commissioner Moore stated that it appears this situation is paramount to the same situation that the commission just addressed in the Cordelia area where there is a piece of property totally surrounded by one use, and it is being identified as not appropriate for consideration. He stated that he did not understand how that decision can be made or why there would be cause to think in those terms. Mr. Moore stated that he believed the request made by Mr. Pippo makes sense and he made a recommendation to change the designation to Rural Residential.

Commissioners Barnes and Mahoney both concurred with Commissioner Moore's recommendation.

John Pierson, P. O. Box 6897, Vacaville, stated that he and his family own three contiguous parcels located at the intersection of Cherry Glen Road and I-80, and Cherry Glen Road and the Lagoon Valley overcrossing. He indicated that the property is currently zoned A-40. Mr. Pierson noted that due to the development of the I-80 freeway they were forced three times through eminent domain to sell portions of their land. In the early 1960's during one expansion of I-80, part of the settlement agreement was to receive a highway commercial designation on their property. In the early 80's the designation was removed by the county. They were told it was removed because it did not conform to county zoning. Mr. Pierson requested that their three parcels be rezoned to return to the commercial designation that was originally taken away. He indicated that currently the property is planted in permanent pasture and used to graze cattle.

It was unanimous among all the commissioners to support Mr. Pierson's request for a commercial designation.

Commissioner Barton stated that she supported the CAC recommendation with regard to area Z as light industrial. She noted that once the City of Vacaville designates their urban limit line the county should recognize and support it, and language should be added to the current working plan to reflect this concept.

Chairperson McAndrew opened the floor for public testimony.

June Guidotti, 3703 Scally Road, Suisun, stated that she felt she was being discriminated against since there have been other requests made at tonight's hearing for redesignation of properties that are surrounded by the same uses, and the commission has granted those requests. Ms. Guidotti stated that the properties to the north, east and west of her property are designated as solid waste. She requested the commission make the recommendation to the Board to put her land use back on the map.

Commissioner Moore wanted to know if Ms. Guidotti made a request to the CAC regarding her property. Mr. Yankovich explained that Ms. Guidotti made a property owner request which was considered by the CAC and the proposal was not recommended. Mr. Yankovich clarified that this has not been an error in the mapping process. He stated that staff has had numerous discussions with Ms. Guidotti to explain to her the situation.

Commissioner Mahoney noted that Ms. Guidotti's property is not like any of the other properties that the commission has reviewed where they were surrounded with another designation. He believed

that every move the commission has made tonight has made sense and believes Ms. Guidotti's request does not make sense.

Mr. Yankovich wanted to clarify the commission's actions for the Vacaville area to include the two areas in the City's SOI along Leisure Town Road and the industrial area north of I-80 to reflect the City's General Plan; to include Mr. Pippo's property consisting of 302 acres as rural residential; Mr. Pierson's property will remain Highway Commercial, as well as the area identified as BB will remain Service Commercial and Highway Commercial to the north.

Jim Henderson presented the final area which was the Dixon area. The recommendation from the CAC is to pursue the limited industrial designation. The commission made no change to the CAC recommendation for this area.

Chairperson McAndrew opened the floor for public speaking.

Arlo Smith, 66 San Fernando Way, San Francisco, spoke in favor of the decision made by the CAC involving deep water industrial.

Michael Garabedian, Critical Mass Agriculture, 7143 Gardenvine Avenue, Citrus Heights, addressed his concern that land use designations and decisions are being made and voted upon by the CAC without land capability analysis such as looking at the soil types, slopes, geological hazards, and service water tables. Mr. Garabedian stated that he made an observation while watching the vote on the Collinsville area land use designations, and stated that the citizens were asked for input but were not given land capability information on which to base their own suggestions. He stated that when the CAC voted on those controversial issues of the continued industrial waterfronts they were not making those decisions based on the capability of the land, and they should have that information before making decisions about what the uses should be and not only for this area but all areas.

Chairperson McAndrew closed the public comment period.

2. **ANNOUNCEMENTS and REPORTS**

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