

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

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## **Meeting of May 21, 2009**

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 Mahoney, McAndrew, Barton, Boschee and Chairman Barnes

EXCUSED: \_\_\_\_\_

STAFF PRESENT: Birgitta Corsello, Director; Mike Yankovich, Planning Program Manager; Jim Laughlin, Deputy County Counsel; Matt Walsh, Principal Planner; Jim Louie, Principal Planner; Karen Avery, Senior Planner; Eric Wilberg, Planning Technician; Nick Burton, Civil Engineer; Kristine Letterman, Planning Commission Clerk

Items from the floor - none

1. **CONTINUED PUBLIC HEARING** to consider Minor Revision No. 3 to Use Permit U-81-19 and Rezoning Petition No. Z-08-02 of **Vineyard RV Park** to renew and amend a conditional use permit to add 248 new RV sites and 8,776 sq. ft. of buildings for a total of 358 RV sites and 13,244 sq. ft. of buildings, and to request a zoning amendment to the Solano County Zoning Regulations to add a new Zoning District, Commercial Recreation ("C-R") and to rezone the 24.54 acre parcel from "P" Park to "C-R". The property is located at 4985 Midway Road in a "P" Park Zoning District, less than 1 mile north of the City of Vacaville, APN: 0106-210-470. The Planning Commission will also be considering adoption of a mitigated Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

At the May 7, 2009 Planning Commission hearing, staff recommended the Commission defer final action on the minor revision to the use permit so that issues raised by the applicant's consultant could be addressed. These issues were raised in a letter sent to staff on May 5, 2009, by IPA, Inc., and related to length of stay, improvements to RV's, compliance reviews, and grading permit determination. Staff was also requested by the Commission to address concerns raised by Mr. Joseph Privatte, a property owner living adjacent to the RV project site. Mr. Privatte spoke during the public hearing regarding his concerns about the proposed screening of the park, specifically from his property on Leisure Town Road, and his concerns about the proposed hours of construction.

Karen Avery gave a brief presentation of the written staff report and reviewed the amended conditions of approval. She noted that meetings were held between county staff and the applicant, and that the conditions of approval have been agreed to.

Chairman Barnes spoke with regard to the occupancy issue and asked if staff would object to changing the time period to 9 months. Mr. Yankovich stated that at the last meeting there were two different time periods listed in the report; 12 months taken from the existing use permit, and 9

months as recommended by staff. In speaking with the applicant, Mr. Yankovich stated that the applicant was unsure about the 9 months, but after some discussions came to the conclusion that the 12 month period would be best because it was a part of the existing use permit.

Chairman Barnes wanted to know how this requirement would be enforced. Mr. Yankovich stated that there is a condition in the permit requiring a compliance review every 5 years. He said that most of the conditions that are applied to the permit would leave it in a transitory state so that there are no periods of permanent residency. He said the purpose is to keep this use temporary in nature.

Commissioner McAndrew commented that in the staff report there was some discussion about the 9 month time period being the frame of reference. She asked if the 12 month time period is going to apply to every project across the board. Mr. Yankovich responded that this will provide the basis for any other similar use that comes before the commission for expansion. The same conditions would apply. Mr. Yankovich explained that when staff was looking at the 9 month period, it was based upon a tenant achieving a certain residence status. The ability to have that person removed from the park gets more difficult because of the rights that are obtained after a 9 month period. Mr. Yankovich stated that in speaking with the applicant, the applicant did not foresee a problem. The applicant knows about these different rights with regard to time periods in terms of residency, and felt that it was not something that would be onerous to the operations and maintenance of the RV park. Mr. Yankovich noted that the applicant has been operating under this 12 month period up to this point, and know the process for any type of problem where it requires the removal of a tenant.

With regard to the fencing and landscaping requirement, Commissioner McAndrew asked if Mr. Privatte was in agreement. Mr. Yankovich stated that he believed the applicant and Mr. Privatte have come to some kind of an understanding. He noted that language was included in the permit to give the county Zoning Administrator the ability to make minor changes, if required, with regard to landscaping and fencing.

The applicant, George Bertram, stated that he will continually work with his neighbors to provide screening, and to make sure the park is a nice place.

Chairman Barnes opened the public hearing.

Cyndi Maxwell, 4961 Wadkins Lane, Vacaville, stated that she resides directly behind the park. She said her main concern is with aesthetics. She also was concerned about drainage, long term residency, and fire. She noted that the applicant has been forthcoming and has kept her and her husband abreast of what is taking place on the site. Mrs. Maxwell stated that there are several residents in the park who have lived there for over 25 years. She voiced her frustration that those residents do not pay property taxes, and their children receive front door school bus service.

Mike Maxwell, 4961 Wadkins Lane, Vacaville, voiced his concern with the number of RVs and their close proximity to his home. He suggested that the fence be raised and trees and bushes be planted to help with aesthetics. He was also concerned with drainage, noise, and dust from the construction.

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

Karen Avery displayed a drawing showing what the applicant is proposing for screening along Wadkins Lane. She reiterated that there is also a condition in the permit allowing the Zoning Administrator to require improvement to the fencing, and to make changes to the landscaping as well.

Chairman Barnes commented that he believed the county should have an architectural approval committee or design review board as an ad hoc committee to address these kinds of issues.

Nick Burton spoke with regard to drainage and grading. He stated that the property will be leveled. He explained that it will be raised up and created from the large detention basins that will be on site. The material will be used as fill to create a level area for the RV spaces. Mr. Burton stated that there are flooding issues in that watershed, and staff has been aggressive in their review and requirements to mitigate any increased run-off. He stated that an extensive study has been done showing how the water behaves, and detention basins have been sized adequately to receive that water. Mr. Burton stated that some additional improvements have been required, and there will actually be a reduced flow leaving the property, somewhere in the range of 15% reduction in stormwater flow. Mr. Burton stated that this is a good project and it will provide a benefit to the watershed.

Commissioner Mahoney wanted to know how the county is going to address the issue of residents who have resided in the park for over 25 years. Mr. Yankovich stated that the idea, based on the 12 month residency stay, is that this is a temporary facility and not intended for permanent residency.

Commissioner Mahoney stated that this is part of the same problem that the county ran into with the Gandy Dancer RV Park down the street. He said trying to get long time residents to leave takes a lot of time. He wanted to know if staff will have a way of checking on the length of stay. Mr. Yankovich stated that staff will conduct compliance reviews every 5 years.

Karen Avery noted that there were no required compliance reviews in the previous use permit. She said that the requirement was added to this permit revision to allow staff to go out and make site visits. Ms. Avery commented that she has been out to the site and stated that it was very clean and there were no attached porches or awnings to any of the trailers.

Commissioner Mahoney stated that if the commission approves this application tonight he would like an additional condition placed in the permit that there be a compliance review conducted in 1 year, and if the residents who are currently residing in the park are still there, then the applicant is in violation of their use permit.

A motion was made by Commissioner McAndrew and seconded by Commissioner Boschee to adopt the Mitigated Negative Declaration for the Vineyard RV Park project and recommend the Board of Supervisors adopt the amendment to Chapter 28, Solano County Code Zoning Regulations, adding a Commercial Recreation District, and approval of Z-08-02 rezoning the parcel to "CR", and approve Use Permit No. U-81-19 mr3 of Vineyard RV Park contingent on the Board adoption of the Commercial Recreation Zoning Amendment, with the revised conditions of approval as noted in the Addendum dated May 21, 2009, with an additional condition requiring a compliance review be conducted in 1 year, and thereafter, every 5 years. The motion passed unanimously. (Resolution Nos. 4517, 4518 and 4519)

Commissioner Boschee requested that staff meet with Mr. and Mrs. Maxwell to explain to them the proposed drainage plan.

2. **PUBLIC HEARING** to consider Use Permit Application No. U-08-04 of **Fielding Kennel** for a dog kennel and cattery at 5810 Nicholas Lane in an "A-40" Exclusive Agricultural Zoning District, 2 miles east of the City of Vacaville, APN: 0141-090-230. 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: Eric Wilberg) **Staff Recommendation:** Approval

Eric Wilberg gave a brief presentation of the written staff report. He stated that the project will be built in three phases: Phase I will consist of the construction of a gravel roadway to the kennel, parking area, kennel building, office and septic system improvements. Outdoor areas will also be developed during this phase that will facilitate dog walking, exercise/play and eliminating; Phase II will add a ClearSpan Poly Structure approximately 2,000 square feet in size. This open air, tarp roof structure will be utilized for dog walking, play, and provide a place for dogs to relieve themselves outside of the kennel building; the last phase of the project will add another kennel building to the project site. The proposed ~2,000 sq. ft. kennel will be located to the south of the Phase I kennel building and to the east of the Phase II ClearSpan poly building.

Commissioner McAndrew referred to page 5 in relation to the subject of utilities. She referred to the upgrade of the septic system in Phases I & II and questioned an additional upgrade in Phase III, and wanted to know why one upgrade is not done to cover all three phases. Mr. Wilberg deferred the question to the applicant.

Commissioner McAndrew referred to the mention of a letter in the staff report voicing an objection from a neighboring property owner, and she wanted to know what the objection was. Mr. Wilberg stated that a note was submitted from a neighbor stating that he objects to the project, but no reason was given. He passed the note to the commission for their review.

Mr. Wilberg noted a correction in the staff report to Condition No. 8 stating that it should say Dixon Fire Protection District, and not Vaca-Elmira Fire Protection District.

Commissioner McAndrew referred to page 59 regarding the collection of dog feces and the placement of the collection in trash receptacles. She inquired about environmental health regulations. Mr. Wilberg stated that the Environmental Health Division reviewed the project and made no recommendations. Mr. Yankovich explained the process stating that the applicant would put the collection in an area to dry before taking it to the landfill. He noted that horse facilities follow these same procedures.

Commissioner Mahoney spoke with regard to his concern with flooding and wanted to know if the land is located within a 100-year flood plain. He commented that he has been involved in rescuing cattle and sheep from floods and it is very difficult. Mr. Yankovich stated if the property is located within a flood plain the applicant would need to meet FEMA standards with regard to the raising of the structures. He said that this issue would be addressed at the time of building permit application.

Commissioner Mahoney inquired if there are any livestock in the area. Mr. Wilberg confirmed that there is livestock on the property. Mr. Mahoney commented that dogs can be extremely damaging

to cattle. He told of a personal experience where 52 of his sheep were killed by 3 dogs. He said that if a dog kills livestock the charge is triple the damages, and he just wanted to make sure that the applicant is aware of this.

Commissioner Barton referred to the statement in the staff report that landscaping plans are to be submitted. She wanted to know when they will be submitted and what the landscaping will look like. Mr. Yankovich stated that at the time of building permit application the applicant would be required to submit their plans for review. He said that there is no set design or landscape standards for this type of use so it will be something that will be proposed by the applicant and the staff would review.

Chairman Barnes commented that the county should have an architectural review or design review board in place to look at design plans.

The applicant, Ward Fielding, spoke with regard to the septic system upgrade. He stated that at the time they filed their application with the county, planning staff wanted them to project into the future at how big the operation will become, and so that is why he included Phase III. Mr. Fielding said that the economy will dictate whether they will eventually construct the third phase. With regard to livestock, Mr. Fielding stated that they presently have 30 cattle on the property. He stated that presently his wife breeds a special kind of dog and so one reason they have proposed this project is to provide a more secure, safer, quieter more sanitary condition for the dogs. He commented that any other livestock is quite a distance away. Mr. Fielding stated that the property does flood, and noted that when he built his home he raised the house pad 3 feet so anything else he puts on the property will be elevated.

Chairman Barnes opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

A motion was made by Commissioner Mahoney and seconded by Commissioner Barton to adopt the resolution, adopt the Negative Declaration and recommended findings, and approve Use Permit Application No. U-08-04, subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4520)

3. **STATUS REPORT** on the **Housing Element Update** process, and solicit input concerning housing needs in unincorporated Solano County. (Project Planner: Matt Walsh)

Matt Walsh provided an overview of the most recent ongoing work on updating the county's Housing Element. He explained that the Housing Element is one of seven elements mandated under state law to be included in the General Plan. The purpose of the Housing Element is to establish a comprehensive plan to address housing needs in the unincorporated area of Solano County. The Element addresses the housing needs of all economic segments of the county including low and moderate income households and populations with special housing needs. Solano County is required to submit its updated Housing Element to the State for certification by June 2009.

Mr. Walsh stated that the objective of this study session is to consider the updated housing needs assessment, constraints, and resources, and provide direction for retooling the Housing Element policies and programs.

Jennifer Gastelum, Consultant, Pacific Municipal Consultants, reviewed the key policies and programs that may need to be updated as a result of changing community needs, new legislation and regional housing needs allocation.

Ashley Schaefer, Consultant, Pacific Municipal Consultants, provided a presentation addressing demographics and needs assessment.

Commissioner McAndrew inquired about the county's requirement of 99 units and wanted to know if it refers to ownership, rental, or a combination of both. Ms. Gastelum stated that it refers to capacity, and so it can be ownership or rental or a combination. She stated that in the extremely low, very low, and low income categories, it shows a default density of 20 units an acre, or whatever the highest density is, showing that the county has enough land to meet those needs. She said it is not asking the county to plan for what types of units, it is asking the county to show that there is a capacity on sites zoned appropriately to meet that need, in case the development market picks up and the units actually do get built.

Commissioner McAndrew stated that in terms of the breakdowns between the different income categories, she was struck by how many more units are required on the higher income levels as opposed to the lower. She inquired as to what this is based upon. Ms. Gastelum stated that it is first based on the population projection and then a calculation is done based on median income. She stated that the Regional Housing Needs Allocation (RHNA) is intended to create a balanced community across the board.

Commissioner McAndrew stated that a lot of county residents work in surrounding counties that they can not afford to live in and so it seems that there is quite a discrepancy between the higher income vs. the lower income housing need percentages.

Matt Walsh stated that proportionate wise Solano County is not quite as bad off as more affluent communities like the cities of Marin County. He stated that their number is lower because they do not have the population, but because historically they have grown and they are fairly above moderate income households they get a slightly higher proportion of lower income units to try to adjust the balance.

Commissioner Barton asked about money promised by the county to the homeless shelter and wanted to know how that fits into this plan. Ms. Gastelum stated that it will fit into county programs as something that the county is providing. The land use piece still needs to be accounted for, but the capacity shows that the county allows emergency shelters. Ms. Gastelum stated that the cities of Vallejo, Suisun and Fairfield are working on updating their housing elements and they are actually providing the shelters, and so based on what the needs are in the unincorporated area, the plan will be saying that that county is meeting their needs within the shelters that are going to be available countywide.

Commissioner Barton inquired about capacity for farm worker housing. Ms. Gastelum stated that the county is meeting their needs, noting that the City of Dixon runs a migrant farm labor camp program. She stated that this just provides for the development of farm worker housing showing that the county allows it. Mr. Walsh stated that other than the migrant farm labor camp outside of Dixon, the county did amend the zoning ordinance to provide for farm labor quarters in the ag district, and allows accessory dwellings by right that can be occupied by farm labor or relative, and also allows a

provision for a 3<sup>rd</sup> or 4<sup>th</sup> unit as appropriate with use permit approval specifically for farm labor housing.

Commissioner Mahoney referred to page 29 of staff's report with regard to agricultural housing. He questioned the temporary status of a manufactured dwelling. Mr. Walsh stated that the county would approve a conditional use permit that would allow time extensions on 5 year intervals. He said the dwelling would have to be placed on a state approved foundation system, typically a tie down system.

Ms. Gastelum stated that the word temporary refers to the workers, such as a seasonal workers where this is not their permanent residence. She said the structure is permanent, but the people living there are temporary.

Commissioner Mahoney inquired about the mobilehomes that were used the past. Mr. Yankovich stated that the county has made some changes to the zoning ordinance, and mobilehomes have been phased out and manufactured units are now required. He stated that in the past the use required a permit to have a 2<sup>nd</sup> unit whether it was for ag housing or for a relative. He stated that changes were made several years ago that allow a 2<sup>nd</sup> unit by right as long as it meets certain standards.

Commissioner Mahoney was concerned about the fate of the rancher who uses a mobilehome to herd sheep, where the mobilehome is moved around to different areas of the property.

Birgitta Corsello stated that there have been exemptions granted in the past, in particular with regards to the mobilehome that follows the sheep herding. She said that it does not happen very often because most of the herders that are moving the sheep are not in remote areas, but the county has made accommodations to make sure that where it is necessary it can be accommodated. She said the primary concern with mobile trailers and/or RVs is where the occupants are dumping their waste and if they have potable water. Ms. Corsello stated that an exemption remains in the county to accommodate this because it exists in remote areas.

Commissioner Mahoney commented that a number of these older trailers are not on foundations, and inquired if the owner would be required to place them on a concrete foundation. Ms. Corsello stated that the way the building codes read today, existing structures are fine until they come in for a major remodel or upgrade, expansion or replacement. At that time it would be evaluated if the unit would need a permanent foundation, electrical upgrade, plumbing, and fire suppression capabilities. She stated that the county code enforcement is not out looking for substandard housing and requiring upgrades. Typically it happens because there has been a fire or some damage has been done to the home, or it is no longer habitable and there is a desire to replace it. Those are what would trigger the new requirements for foundations.

Mr. Yankovich stated that the county has current programs to help with the rehabilitation of structures, which are a part of the Housing Element.

Commissioner Mahoney referred to the chart on page 19. Ms. Gastelum explained that the chart describes the transfer of the county's RHNA to the cities. She explained that during the last update of the county's housing element, the county had a very large number of RHNA, and so the chart is showing what the cities took from the county.

Mr. Yankovich noted that the formula that was used in the previous update was basically flawed, and what happened was that the cities and the county entered into negotiations ending up with the cities taking most of the share. Ms. Corsello explained that the last element update coincided with several major annexations by the cities of areas that were identified in their sphere of influence where the county could have allocated housing units, but because of the annexation, the county lost the ability to allocate housing units to that area for future build out.

Ms. Corsello stated that as part of the annexation process, the county negotiated with the cities and entered into agreements with them in exchange for them taking housing units. She explained that the first agreement was with the City of Vacaville where they took a lot of the very low units, a couple of the cities took few units, whereas others took many more. The City of Fairfield was one of the latter agreements and they were willing to take the rest based on the amount of land they were annexing, and the ability to accommodate it within their housing element. Ms. Corsello commented that the difficulty with the transfer agreement with the City of Fairfield is what delayed the county's housing element ultimately being certified.

Ms. Corsello stated that in this element update there was no discrepancy between the Department of Finances population projections, and the population projections that ABAG were using which resulted in a mathematical calculation mistake at the time of the previous update. In response to Commissioner Mahoney's inquiry, Ms. Corsello stated that for purposes of the housing element the county is covered by ABAG as part of that council of governments. They are the regional entity for the 9 Bay Area counties that negotiate with the state and then take those units and redistribute them through their formulas.

Commissioner Mahoney asked if the county would be fined if they did not reach these numbers. Ms. Corsello stated that the county's risk is more likely through litigation, such as a challenge on something else that the county approves that results in the creation of housing that is either exclusionary, or a failure to implement the General Plan. She said that the greater emphasis that is anticipated in this update is on the county being able to demonstrate they have programs to create an incentive to create housing.

4. **REPORT** on General Plan Implementation Program – Suisun Valley Strategic Plan (Project Planner: Jim Louie)

Jim Louie presented to the commission a progress report on the Suisun Valley Strategic Plan. He reviewed the background and implementation process. Jeff Henderson of EDAW gave a PowerPoint presentation further detailing the progress of the Plan.

Commissioner Barton stated that she attended a Suisun Valley workshop in January and commented that county staff has done a great job so far. She inquired about the Iwama Market that is located on Rockville Road. Mr. Louie stated that the building was previously a grocery store that served the area, but has been closed for a number of years. He noted that it is a historical structure and has the potential to be restored and put back into use one day.

Commissioner Barton spoke with regard to the Cordelia area. She stated that she does not want this area to be forgotten because it has a lot of potential, and even though it has been addressed in the plan, she did not believe it has the stakeholder interest as other areas of the county. Mr. Yankovich noted that there has not been any participation from the Cordelia residents in these Suisun Valley

meetings. He did point out that when the county was updating the General Plan, Cordelia was one of the special study areas. He indicated that funding has been secured by the Public Works Department to move forward with some of the improvements planned for that area.

Ms. Corsello stated that the Cordelia area is in a different general plan designation. It is traditional community, it has a different feel, and a different vision in terms of what that community wanted for mixed use. She said that it appears sufficient funding has been secured to complete the walking pathway, and that will trigger the desire to then start working on the zoning district and the vision for the other components.

5. **ANNOUNCEMENTS and REPORTS**

Commissioner McAndrew stated that she attended the county sponsored road trip on Tuesday, May 19th. She said that it was very informative. Chairman Barnes stated that he also enjoyed the trip

Birgitta Corsello commented that the county fairgrounds project should be going before the Board of Supervisors and the Vallejo City Council in June. She said as soon as staff receives the document it will be forwarded onto the commission.

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