## MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

## Meeting of August 6, 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: Mike Yankovich, Planning Program Manager; Matt Walsh, Principal

Planner; Eric Wilberg, Planning Technician, Jim Laughlin, Deputy County Counsel; Nick Burton, Grading Engineer; and Kristine

Letterman, Planning Commission Clerk

Items from the floor - none

1. **PRESENTATION** of the Preliminary Draft of the **Middle Green Valley Specific Plan** and request for comments.

Matt Walsh stated that on May 7, 2009, staff and consultants presented the Reconnaissance Analysis and Community Design Workbook for the Specific Plan to the Planning Commission. These documents laid the groundwork for the development of the Specific Plan itself. Mr. Walsh explained that the purpose for the Specific Plan is to provide policy direction and guidance on how the Middle Green Valley area will grow, integrating both rural residential land use and agricultural uses.

Brenden Kelly, Hart Howerton, gave a PowerPoint presentation on the Preliminary Draft Plan. He explained that the Plan is made up of five primary chapters: Vision; Plan Purpose, Authority, and Context; The Neighborhood Plan – Patterns, Concepts and Character; Implementation – Finance, Infrastructure and Execution; and The Neighborhood Design Code.

Commissioner McAndrew wanted to know if any studies have been done with regard to the night sky effect from these kinds of developments. Mr. Kelly stated that the Plan specially calls for dark sky protocols for all 400 units. Ms. McAndrew referred to the Public Utilities Sections of the document, particularly the energy conservation measures, and inquired if they are going to be addressed in the Environmental Impact Report (EIR). Mr. Kelly stated that they will be completed prior to the EIR. He stated that every home will be required under the plan to have at least 500 square feet of solar panels. He noted that page 557 of the draft plan describes the energy conservation. Ms. McAndrew inquired if this is fueled by state and federal rules or county design. Mr. Kelly stated that it is to accommodate the county General Plan.

Mr. Yankovich also noted that these issues will be addressed in the county's Climate Action Plan which is starting to get under way. He indicated that those types of measures were included in the general plan which is reflected in this specific plan.

Commissioner McAndrew spoke with regard to traffic flow and how traffic is a problem in this area. Mr. Kelly stated that there are some short term mitigation that the EIR will describe for Mangels Boulevard and Business Center Drive. He stated that the plan is to actually slow down traffic on Green Valley Road. He stated that there is no cause to add an additional lane to Green Valley Road. Ms. McAndrew stated that she was not as concerned with the speed or the slowness of the traffic as having alternate routes in and out of the development. Mr. Kelly indicated that the development will have two access points to Green Valley Road.

Commissioner Barton noted that she has heard positive feedback from people about this process, and that it is a good neighbor plan with the availability of using open space. Mr. Kelly stated that the plan right now has far more publicly accessible areas than currently exist. He noted there is a village green and play field, and that all the roads are public roads.

Commissioner Boschee spoke with regard to traffic. He voiced his concern of calling this a destination and focusing on commercial uses that will bring people to the valley. He did not believe the plan should encourage additional development of commercial use that would bring additional vehicles. If this is the case, he believed there should be a compromise to bring the 400 units to something less. He believed that this is going against the general plan which is to limit the amount of cars, people, and impact on this particular part of the valley.

Mr. Kelly stated that the peak traffic for the residents of 400 homes will be different from peak traffic from a 25-room bed and breakfast. He stated that there is no resort proposed in the plan and none are planned for the Middle Green Valley area. He said the general plan is emphatic about showcasing local agriculture and raising the viability of agriculture. The only way to make the economics of agriculture viable is to have this area identified with high quality fruit, vegetables, and experiences. Mr. Kelly noted that there are less than 10,000 square feet of retail proposed under the specific plan. He stated that even if it was viable, it is not a big enough number to impact the traffic studies.

Commissioner Boschee stated that he did not mind promoting agriculture and having fruit stands out on the road, but if he were going to look at buying a home in this area he would want to buy a home without a lot of traffic coming in to visit a winery or commercial nursery, sports field, etc. That is not the quality of life he believes people are looking for when they move to a place like Green Valley. He said he sees this more as a residential neighborhood where there could be some small commercial retail that would serve the community, but to expand that and invite other people into the community and provide congestion on Saturdays and Sundays would not be something he would be happy with if he were living there.

Commissioner Boschee voiced another concern about the possibility of some of the properties having rental and in-law units. This would also add additional traffic. He believed that this should be looked at and addressed, and if it is something that is going to be allowed then again the county should look at reducing the number of total units.

Mr. Kelley stated that the Citizens Advisory Committee (CAC) spent a lot of time discussing the number of units. He stated that this is not a housing project and is about preserving a landscape, making it viable, and making it viable in agriculture. He explained that 85% of the 2,000 acres were put into conservation and open space in an area that right now is a declining agricultural area. The 400 units is at a point at which this becomes economically viable so that the homes can support the

open space and subsidize some of the agricultural landscape to start to cultivate the artisan agricultural pieces. He said there is nothing in the plan that states that any one of those additional secondary dwelling units have to be built, or who they have to be rented to. He explained that the EIR will address traffic, water, and all other impacts. Mr. Kelly stated that every one of those units is depended on for an endowment that goes into a conservancy that supports the conservation easement monitoring, and with every less unit there is more of a likelihood of this area continuing to fail in agricultural viability. He said this area cannot survive short term on an agricultural basis. The specific plan policies for this area make it so that the compatible development needs to not just support it, but so that the existing landowners are not paying for the amenities. The 400 new homeowners support the open spaces. He said this is about preserving open space, and the way this is done is by having the right number economically.

Mr. Yankovich stated that resort uses were considered in the general plan when the Middle Green Valley Special Study area was being reviewed. Even though at that time there was trepidation with regard to some of those that attended the meetings about having a resort too intensive a use, that was still something that was put in the general plan although it is not reflected in this specific plan. He stated that if one looks at the type of uses that are being proposed for the Middle Green Valley area, it eliminates some of the trips that would be required by some of the residents by providing basic services for those residences. He said that the project is agriculturally based and the county wants to be able to use this project for the agricultural and open space component of the plan.

Commissioner Boschee stated that he appreciates the agricultural emphasis, but his concern is where the amenities are located within the development. He stated that he appreciates what the county is trying to do by maintaining, at least visually, by making this feel like open space away from Green Valley Road. At the same time he did not want that road so impacted that folks can not enjoy the view because of the traffic congestion. He stated that his concern is if the existing area can support all of the traffic and other types of development that might be within the development itself, and are the people who are going to be looking at these homes going to feel comfortable buying them if all of a sudden they realize there are commercial businesses in the area.

Chairman Barnes wanted to know who is funding the Draft and Final EIR. Mr. Kelly explained that the people who will pay the bill will be the 400 homeowners by way of permit fees that the developer will pay back to the county. He said there will probably be less than 1 million dollars spent by the county by the time this specific plan and EIR go through the process. He stated that one of the tools is the development agreement between the landowners and the county. That agreement will stipulate that all of these fees will actually come back to the county as the project successfully implements.

Chairman Barnes opened the public hearing.

Sarah Lindemann, 1744 Mason Road Fairfield, stated that she is a landowner in Green Valley and a member of the CAC. She thanked Hart Howerton for all their hard work and expertise. She stated that they are at the stage in the project that includes a specific plan, the EIR, development agreement, utility agreements, easements, and responding to issues presented by state and federal agencies. She stated that Hart Howerton is dealing with all of these issues and agencies in a timely and efficient manner. Ms. Lindemann said that this plan stays within the guidelines set forth by the new general plan. She commented that her family has had every question answered and every concern addressed promptly and to their satisfaction. She said they realize the myriad of issues that

lay ahead and they are committed to moving forward. She said that she is proud of the plan, it compliments the area and offers something for everyone with its varied style and size of homes and lots; it is unique in its conservation and sustainability; it shows an appreciation of the land, and a respect for those who made their living from it.

Anthony Russo, 1804 Mason Road, Fairfield, stated that he is a landowner and a CAC member. He stated that this is not a subdivision, it is not a residential project, and it is not for everyone. He stated that they have been in discussion with the Green Valley Landowner's Association (GVLA) for a number of years. He said that every lot, every stitch of open space, every tree on the creek has been discussed between the landowners and the neighbors in great detail for the past 6 months. He stated that if there were landowners in the neighborhood who were concerned about the plan, they should be at this hearing tonight to voice their concerns. Mr. Russo stated that he believes that they have worked out a tremendous compromise. As far as traffic is concerned, Green Valley Road has capacity all the way up through Rockville Road. He stated that adding 400 units will add some level of traffic to the roadways, but no one knows yet if they trip them into a level of service that requires mitigation. If they do they will be mitigated.

Mr. Russo stated that the people who own land in Green Valley have felt for a number of years that they have been condemned to farm the land, and it is not working. The general plan encourages agri-tourism and this area was designated for that. He stated that they have worked hard with the members of the GVLA to determine what level of commercial is required or needed, and where it should go. He stated that the landowners fully expect if land is placed into conservation easements of one form or another either for habitat or agriculture, it will stay that way. He stated that this is the commitment that has been made, and it is what the conservancy is meant for because agriculture will not make it without subsidy, and the only way it can be subsidized are by the residences. Mr. Russo stated that as far as the over reaching goals and what it does, the kind of community it creates, the kind of neighborhoods and camaraderie that could be developed is incredible.

Commissioner Mahoney spoke with regard to conservation easements and voiced his concern with the possible interest by developers in the future. He wanted to know what would prohibit a developer from paying enough money to get the members of a conservation easement to allow development if that developer is interested in a piece of this property.

Mr. Russo stated when placing a conservation easement on a piece of property it is done with a non-profit agency that is authorized to hold conservation easements. He stated that there are restrictions placed on the property, and it would be illegal to develop the land unless every party involved agreed. Mr. Russo stated that the chances of breaking a conservation easement are slim to none.

Commissioner Mahoney pointed out that Solano Land Trust is a non-profit agency who sold property that was to remain in a land trust, so it is not an impossible feat. He stated that he has done some research and it is not unique for these sales to occur later on down the line. He said that he did not want the people of Green Valley to enter into this thinking that it is automatically not going to happen because if the wrong circumstances emerge, pieces will be developed if it is profitable enough.

Mr. Russo stated that what a person is also doing when they put land into a conservation easement is giving up their development rights. Commissioner Mahoney stated that what they are doing is

giving their rights to an organization, and that organization can turn around and sell those development rights. Mr. Russo disagreed, stating that they are restricted by the terms of the easement and he was sure that the easement that is developed in this plan would prohibit it.

Herbert Hughes, 4317 Green Valley Road, Fairfield, spoke as a member of the GVLA Board of Directors and member of the CAC. He stated that there have been years of acrimony between people positioning themselves to advocate development or strategically try and stop it. He stated that they have all worked together in a way that he believes is hard to imagine unless you were a part of it. He said it has been remarkable, and is built on goals not on numbers. He said it is built on the objectives and interest of each of the individual landowners and on the belief, the understanding, and the experience of those who live in the valley to try and protect it. Mr. Hughes stated that the problems that have been laid out have already been reviewed and discussed. The land is going to be protected in perpetuity and will be a viable community that is built around agriculture that has the values that will support it. He said the people who move to this area are going to become part of the same ideology, and in the long run will be neighbors that participate with the rest of us to protect this valley.

Nancy Nelson, 1800 Cravea Lane, Fairfield, stated that this project will have impacts, but compared to what the alternatives are and what is gained in conservation, there is no question that this is a superior project. She stated that if this land were allowed to be developed at its current zoning the county would lose prime agriculture and soil, and not have a low impact development that is based on permeable lands; streams would not be restored to their native states; there would not be any of the conservation and the gains that is gained in this project. She said that the landowners have joined arms in concert with the GVLA to understand the whole of this project and it is something that no individual landowner could achieve, nor could the neighbors achieve the kinds of things that are going to be gained from this project. She stated that there will be more planted agriculture than there has been in the valley in 50 years.

Ms. Nelson commented that she agreed there is the possibility that the easements that are recorded on the land to be held in perpetuity are something that could possibly change, but she stated that she would rather take her chances with the conservancy than with the landowners because the landowners are going to be far more vulnerable to developers. She stated that there is nothing more personal in this country than landowner rights, and the fact that they have come together in cooperation to do something like this, she believed that most of these people have a historical legacy with their property and do care about what happens. She believed that protections have been added in meeting most of, if not all, of the general plan goals of maintaining the aesthetic value along with resource management, recycled water, solar generated power, and sustainability. She stated that all of the agencies that have jurisdiction are impressed, and these things would never and will never occur if this land is developed individually in a scatter shot method.

Ms. Nelson stated that she could not overstate what an amazing accomplishment has been made over the last 8 months. She stated that she believes this is their last shot to preserve the very special aspects of Middle Green Valley. She stated that there is so much talk about the physical development and the physical building, but there are subtle aspects of the plan of creating a village that has interconnections that people will interact with each other unlike with conventional subdivisions. She said there are numerous paths and connections into the open space and agriculture, and these amenities are not only taking care of people's physical needs, but their emotional needs as well.

2. **PUBLIC HEARING** to consider an appeal of the Zoning Administrator's approval of Sign Permit Application No. SGN-09-02 of **Mahmoud Karaouni** for three signs at 7335 Oday Road in a "PP" Policy Plan Overlay Zoning District, north of the City of Vacaville, APN: 0109-170-220. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Eric Wilberg) **Staff Recommendation:** Deny appeal and approve the project

Eric Wilberg provided a brief description of the project. He stated that an appeal was filed by Mr. Sharma, a neighboring property owner, after the project was approved by the Zoning Administrator on June 25, 2009. The appeal claims that the proposed signage, in particular the 60' freeway sign, will negatively affect Mr. Sharma's property. Specifically, the appellant addresses the concern that drainage from Mr. Karaouni's property will now flow onto his property as a result of the proposed signage.

Commissioner McAndrew referred to the memorandum from the county public works division and stated that it appears from that memo that Mr. Sharma is the one who caused the drainage problem.

Nick Burton explained that in 2007 Mr. Sharma was issued a permit to bring in fill material. Mr. Sharma placed some of that fill material in the small triangular piece at the corner of the property. Mr. Burton stated that there has been a lot of dispute over what the historical drainage has been for that area. He indicated that he met with Mr. Sharma and Mr. Karaouni and reviewed old maps, and interviewed several road maintenance supervisors to try and figure out what the drainage was in the past. Mr. Burton stated that his conclusion was that the drainage existed on the small triangular piece of land where Mr. Sharma placed the fill. He stated that after he brought this to Mr. Sharma's attention, Mr. Sharma did remove some of the fill material. Mr. Burton stated that this is where this dispute has been laid to rest for the past year up until now. He said the violation still exits and has not been fully mitigated.

Commissioner McAndrew referred to the letter from the City of Vacaville and inquired if staff is in agreement with their comments regarding illegal signage. Mr. Wilberg stated that staff does agree with the City of Vacaville's comments, and has informed the applicant on several occasions that the signage on the two vehicles with billboard type signs need to be removed.

Commissioner McAndrew proposed adding a condition to the permit that all illegal signs need to be removed before the permit can be issued.

Commissioner Barton wanted to know what the penalty is for not removing the signs. Mr. Yankovich stated that this issue would need to go through the code enforcement process and after some time could end up in court. He restated that staff has informed Mr. Karaouni that the only signs that are permitted would be what is included in the policy plan overlay which is a part of this permit.

Chairman Barnes wanted to know why Mr. Sharma filled in the triangular piece of property.

Mr. Burton stated that the only thing he could suggest is that at the time he inspected the property and discussed it with the landowner, there were quite a few signs posted on the property, and the fill gave them a higher elevation and a bit more recognition from the freeway.

Chairman Barnes asked for clarification as to which landowner is using the fill material and why.

Mr. Burton explained that each landowner had a fruit stand and signs on their property. This particular location, the triangular piece, catches the eye of many drivers on the freeway, so that was a prime location to put up a sign. Mr. Sharma did this on his own property to draw people into his business which is in no way part of this appeal, but makes sense as to why he would fill in the property.

Chairman Barnes wanted to know how many signs are located on the applicant's property. Mr. Wilberg stated that the proposal is for a 60' tall freeway sign, a center identification sign, and three wall mounted signs for an existing building and future buildings for a total of 5 signs.

Raj Kumar Sharma, P.O. Box 1107, Wheatland, CA 95692, stated that two years ago he received a phone call from Nick Burton telling him that a complaint was received by the county from a neighboring property owner that he was disturbing natural drainage. Mr. Sharma stated that he met with county staff and discovered the complaint was actually filed against Mr. Karaouni. Mr. Sharma stated that he noticed at that time that Mr. Karaouni was bringing in a lot of dirt and poured a fresh driveway, and had plans to make a second driveway. Mr. Sharma stated that Mr. Karaouni started building up the area which is adjacent to his parcel. He stated that when he noticed the water being diverted because of the added dirt, he called the county. Mr. Sharma stated that Mr. Burton informed him that Mr. Karaouni received approval to rezone his property from agriculture to commercial and was planning to build a gas station, mini mart and produce stand.

Mr. Sharma stated that two months later he applied with the county for a permit to put in an entrance to his parcel which required him to install a 20 inch covered pipe. He stated that after he finished this installation, Mr. Karaouni opened his SID outlet and poured a tremendous amount of water into the public drain. Mr. Sharma stated that since his pipe was freshly installed, the weight of the water made it sag. Mr. Sharma stated that used his backhoe to stop the water that was constantly gushing into the public drain. Mr. Sharma stated that he received a call from Mr. Burton, and instead of helping to resolve the issue, he was issued a letter of violation.

Mr. Sharma referred to the staff report where it states that a site inspection confirmed there is an SID canal separating applicant's parcel. Mr. Sharma stated that there is a separation by the canal, but it is a separate parcel. He stated that there are a lot of items that have been overlooked, and he believed that Mr. Karaouni should be obligated to provide the drainage to the public area.

Mahmoud Karaouni, 7335 Oday Road, Vacaville, stated that the water in the area runs from west to east and north to south. He stated that the water from his land previously flowed onto Mr. Sharma's land until mid 1960 when SID put in a canal. Mr. Karaouni stated that he bought his property in 1994 and it was zoned highway commercial.

Mr. Karaouni stated that in 2005, he observed Mr. Sharma dumping dirt on the aforementioned triangular piece of land and inquired about it. Mr. Sharma told him that he just found out that the parcel belonged to him. Mr. Karaouni stated that he did not have a problem with this, but his water exited through that area and this was a concern. Mr. Karaouni stated that in August of 2007, Mr. Sharma started dumping dirt after Mr. Karaouni refused to be his partner or give Mr. Sharma his building to open a fruit stand or close his business to eliminate the competition. Mr. Karaouni stated that he called the county and Mr. Sharma was told to move the dirt.

Kristine Karaouni, 7335 Oday Road, Vacaville, stated that Mr. Sharma placed the dirt on that triangular piece of land to affect the drainage, and he is trying to blame them. She stated that Mr. Sharma graded his property higher than anyone else in the area. She spoke to past flooding issues. Ms. Karaouni spoke to their frustration that this process has taken over 3 years, and that without being able to work it has been a very difficult, expensive, and stressful time. Ms. Karaouni stated that Mr. Sharma has been harassing her husband for the last 2 years and is giving their business a bad image. She said the water from their property has been exiting through the corner between the two properties since the 1960's, and it will continue because that is a historical exit for the water. Ms. Karaouni stated that Mr. Sharma thinks in order to be a good neighbor to him that they should close their business during peak season so that he can sell his produce without any close competition. She said that Mr. Sharma is the one who dumped the dirt to disrupt the drainage flow.

Commissioner McAndrew inquired about the timeline for this permit. Mr. Wilberg stated that a Policy Plan Overlay was initially applied for in 2002, and was approved by the Board of Supervisors in April of 2007. Ms. McAndrew wanted to know if the business is at build out. Ms. Karaouni stated that while everything was approved, they have only put in the produce stand.

Chairman Barnes wanted to know how many illegal signs exist on the property. Ms. Karaouni stated that she did not know. She said that her husband took down all of the signs on the property in December. He was told by staff that as long as the sign was not a permanent sign and was movable it was okay.

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

Commissioner McAndrew stated that it appears that there are several issues that need to be addressed, and hoped that they could be resolved by the applicant and his neighbor.

A motion was made by Commissioner McAndrew and seconded by Commissioner Barton to deny the appeal and uphold the decision of the Zoning Administrator approving Sign Permit Application No. SGN-09-02, subject to the recommended conditions of approval including the added condition that all illegal signs must be removed before the permit is issued. The motion passed unanimously. (Resolution No. 4524)

## 3. ANNOUNCEMENTS and REPORTS

Mike Yankovich informed the commission that the EIR for Middle Green Valley is underway. He stated that it is anticipated that staff will have a working copy sometime in late September or early October. He said that some of the issues brought up at this hearing will be addressed in the EIR.

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