

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of August 19, 2010

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 Barnes, Boschee, Rhoads-Poston, Karah and Chairman Mahoney

EXCUSED: _____

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Jim Leland, Principal Planner; Matt Walsh, Principal Planner; Jim Laughlin, Deputy County Counsel; Kristine Letterman, Planning Commission Clerk

Items from the floor:

June Guidotti, 3703 Scally Road, Suisun.

The following is Ms. Guidotti's verbatim testimony:

"Channel 13 did a news article the you might be interest in hearing, channel news says, 13 says, on the money lean land leases, state agencies accused of collecting just pennies on the dollars. Guess what, the pipeline from the steel company it sits on nearly 500 acres in Pittsburg. The state rented it to them for \$235,000 until the lease expired in 1994, after that the State Lands Commission which is supposed to collect the rent failed to do that. For 12 years they failed to do it. CBS 13 demanded an explanation from the state lands. After 12 years none of the money was collected. The state lands commission eventually collected \$66784(sic) in back rent, lost 3% of the monies. Martinez, where this pipeline....Pittsburg where this pipeline is going....the state lands commission failed to collect full rent for an oil line company for 6 years. Instead 1.4 million was collected. The state lands settled the case for \$522,000, 37% of the back rent. Certainly we ought to get money for property for public's money....Senator Dave Coalding (sp?) the Fresno republican is demanding an audit and he got it. The state auditor will explore why the state land has in some cases not collected rent and others failed in for years how much is it costing us. The states brought....call Governor Arnold at the governor's office and said hey call up shell oil, call up your boys have them write you a couple checks and pay off the budget. Millions of dollars...and then I find out Fish and Game, the only one that Mike Yankovich is saying that turned in a paper to you....he is leasing the land for this pipeline. He's leasing it, he has a conflict of interest. All these years all of you have been knowledgeable of this that this has been going on and no money is coming in on public land, so \$350 million was turned for last year for the State of California. Now what was really upsetting to me was Harry Price over the mayor...I went over there and here is Morgan Kinder just gave SRD 5 million dollars, they gave Birgitta 4 million and back because the pipeline has been leasing. I stopped and talked to the boys over there, one was from Texas, he just got there he didn't even know what he was going to do...Nevada and Oregon...guess what, we are running a pipeline right down past Travis AFB right down to Calpines a fuel line and it runs right in....come on. Why doesn't the public know what you are doing? Is it because we've got this much papers or this is the real

documents over here? This is the paper from the Corps of Engineers, but we actually got Jane Hicks slapped on the hands because she has done some things, but now it got to somebody in the corps that's gonna maybe help stop pipelines. They're not paying their way and people that are doing things in Collinsville all the way, all the way around, maybe some of you will get exposed. That's my comment for today."

The Minutes of the regular meeting of July 15, 2010 were approved as prepared.

1. **PUBLIC HEARING** to consider Use Permit Application No. U-10-02 of **CPN Pipeline Company** to build a permanent 30' x 200' pad and facilities to support the installation of a gas pipeline and to transport gas into CPN's existing pipeline. The project is located near Grizzly Island Road 4.5 miles south of the City of Suisun in an "MP" Marsh Preservation Zoning District, APN's: 0046-230-040 and 0046-240-030. 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: Eric Wilberg) **Staff Recommendation:** Approve

Eric Wilberg gave a brief presentation of staff's written report. He stated that the proposal is for the construction of a pipeline connection between CPN's existing pipeline and Venoco's pipeline. The purpose is enable Venoco to deliver natural gas to CPN's gas line and to enable inspection and maintenance repair of CPN's pipeline. Mr. Wilberg provided the location of the site by use of a PowerPoint presentation. Staff recommended approval of the project.

Chairman Mahoney opened the public hearing.

June Guidotti, 3703 Scally Road, Suisun, stated that she believed Chairman Mahoney to have a conflict of interest with regard to this item. She requested that an environmental impact report be prepared for the project, and was concerned that the existing environmental document was not provided to all pertinent agencies for review.

George Guynn, Jr., 1109 Pheasant Drive, Suisun, stated that the marsh needs to be protected. He was concerned about the county not getting the full value on government property. He stated that until this project goes through proper agency review it should be removed from the agenda.

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

Mike Yankovich pointed out that the negative declaration for this project was sent to the State Clearinghouse. He explained that the purpose of the Clearinghouse is that they submit the environmental document to the appropriate state agencies for review. He noted that those agencies included the Department Fish and Game, Department of Parks and Recreation, Central Valley Flood Protection Board, Bay Conservation and Development Commission, Department of Water Resources, Caltrans, Air Resources Board, as well as a number of other state agencies. Mr. Yankovich stated that the only commenting agency was the Department of Fish and Game. He indicated that they made suggestions in terms of altering some existing mitigation measures which staff included in the project's conditions of approval.

Commissioner Boschee inquired about the ownership of the property. Mr. Wilberg stated that it is owned by the State of California, and the Department of Fish and Game is the responsible agency overseeing the property. Mr. Boschee commented for clarification that this project only encompasses

approximately 10,000 square feet of property at the junction where the two pipelines cross.

A motion was made by Commissioner Boschee and seconded by Commissioner Barnes to adopt the Mitigated Negative Declaration, the mandatory and additional findings, and approve Use Permit Application No. U-10-02 subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4537)

2. **PUBLIC HEARING** to consider County-initiated **amendments to Chapter 28**, Zoning Regulations, of the Solano County Code regarding the following: Revisions to the Home Occupation Requirements; Addition of the Cottage Industry use in the Exclusive Agricultural (A) and Rural Residential (R-R) Zoning District; Revisions to the Commercial-Service (C-S) Zoning District to permit C-N neighborhood commercial uses with a use permit; Addition of Farmer's Markets as a use permitted in the Exclusive Agricultural District with a use permit; Revisions to the Roadside Stand regulations in the Exclusive Agricultural District; Revisions to the Use Permit Provisions and Establishment of an Administrative Use Permit Procedure; Revisions to the Exclusive Agricultural (A) District to permit special events on agriculturally zoned properties; Addition of the storage of dirt, gravel, and aggregates as a use permitted in the Exclusive Agriculture (A) District with a use permit; Revisions to the Neighborhood Commercial (C-N) Zoning District to permit outdoor sales with a use permit. 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: Jim Leland)

Jim Leland stated that in 2008 the Board of Supervisors engaged the CityGate consulting firm to conduct a management audit of the Resource Management Department. As a part of their review, CityGate identified the Zoning Ordinance as a significant impediment to the provision of excellent customer service. CityGate recommended that the County undertake bi-annual revisions to the Zoning Code in order to keep the provisions current and relevant and that additional over-the-counter administrative permits be created to make the process easier on applicants. Mr. Leland reviewed staff's written report which included the regulations reviewed and the specific zoning code amendments.

Chairman Mahoney inquired if these amendments were submitted to the county's agricultural committee. Mr. Leland stated that he spoke with Jim Louie who is the county's agricultural planner, and Jim stated that he had run these proposals by the ag advisory committee and he did not expect there would be any opposition.

Since there were no further questions, Chairman Mahoney opened the public hearing.

George Guynn, Jr., 1109 Pheasant Drive, Suisun, spoke in opposition to the proposed amendments. He stated that Ms. Guidotti has been a long time resident and she does not feel that she is being represented in this process. He felt that Ms. Guidotti should be accommodated as far as being able to conduct a business on her property.

June Guidotti, 3703 Scally Road, Suisun, stated that she feels that these changes are being done piecemeal. She stated that her parcel continues to be excluded from the General Plan and she is being denied water. She stated that the general plan needs to be amended and voted on by the citizens of Solano County. She stated that everyone in the county has the right to conduct a business on their property.

Dee Dee Linderer, 4513 Putah Creek Road, Winters, spoke with regard to neighborhood commercial and commercial service uses. She stated that she operates a bar and grill in Winters and is looking forward to this being adopted so that her business can survive and she can employ more people and bring more to the community.

Bryant Stocking, 227 Fair Oaks, Vacaville, spoke with regard to the issue of roadside stands. He said a roadside stand is not defined as a use in the ag district, and it is confusing if a use permit is required. Mr. Stocking suggested eliminating the need for a use permit and possibly using the business license requirement to provide the county their inspection opportunities with regard to health and safety.

Jim Leland explained that a use permit is required if a roadside stand is greater than 1,000 square feet in size, and if non-ag product sales are greater than 10% of all sales volume. Mike Yankovich also noted that it applies for the sale of items not grown on the property or on property the farmer owns nearby.

Mr. Stocking stated that the confusion lies when you start taking away the incentive to grow a business. He stated that with a successful roadside stand one would want the flexibility to bring in products that may not be grown on site, and then they run the risk of being in conflict with this ordinance. He said the county needs to try and protect agriculture and increase agri-tourism and make it viable. To allow a roadside stand in conjunction with a farm regardless of the different requirements be it seasonality, success, changes in crop, or a bad growing season. Mr. Stocking also questioned the reasoning behind the limitation of the number of employees in a cottage industry. He commented that employment is what we are all looking for and if a property owner has a successful cottage industry he did not understand the limitation on the number of employees.

Derrick Lum, 2506 Mankas Corner Road, Fairfield, spoke on behalf of Joseph Martinez who is the president of the Solano County Farm Bureau. He read into the record a letter dated August 19, 2010. The letter requested that the planning commission delay these amendments to allow adequate time for the farm bureau to review and respond to the changes.

Ian Anderson, area property owner, referred to Exhibit C regarding the proposed commercial service district and wanted to know how it correlates to the General Plan, particularly in the "A-40" and "A-20" zones. He commented that the "CS" district appears to allow quite a few things that have not occurred on agricultural lands in the past. Mr. Anderson stated that he agreed with the request from the farm bureau in regard to continuing this matter, especially if they have not had the opportunity to research the information. He stated that he is not against or in favor of the proposed amendments, but that it appears quite a bit more activity can occur on ag lands than occurred before.

Jim Leland explained that the "CS" district implements the commercial land use designations in the General Plan. He explained that these zoning districts are generally located along the I-80 corridor. He explained that in Exhibit C are amendments to the county's commercially zoned lands and would not apply to any agricultural zoning districts. Mr. Leland stated that the "CN" district stands for Neighborhood Commercial and is another one of the county's commercial districts. He stated that the changes being made in some of the neighborhood commercial districts is to allow outdoor uses and does not affect the agricultural district.

Mr. Leland commented that all of the changes being made to the agricultural district were requested by individual farm operations. He said the changes are to add uses to the district and in no case are limiting the current regulations.

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

Chairman Mahoney noted that he has received a couple of phone calls informing him that the Ag. Advisory Committee as a whole has not seen these revisions, and he felt that the commission should consider the Farm Bureau's request for a continuation since they are the county's agricultural leaders.

Commissioner Rhoads-Poston inquired about the number of employees for a cottage industry. Mr. Leland explained that it is currently interpreted as a head count regardless of the number of hours. He said the nuisance that the county is trying to guard against with respect to employees coming onto residential property is traffic trips. He stated that this only applies to non-resident employees, and that there is no limitation on the number of residential employees.

Commissioner Rhoads-Poston's asked about input from the ag advisory committee. Mr. Leland stated that he referred this information to the county's agricultural planner for review, but was not sure how it was presented to the ag committee. Mr. Leland stated that if the commission is leaning toward deferring the implementation of the ag changes staff would ask that the other changes, if suitable to the commission, be forwarded onto the Board of Supervisors. He commented that the Board is rather anxious for these changes to go through because they provide remedy to a lot of code enforcement and compliance issues throughout the county.

A motion was made by Commissioner Barnes to adopt the suggested findings and resolution recommending the Board of Supervisors certify the Negative Declaration and adopt the 2010 Amendments to Chapter 28 (Zoning Regulations) except for Exhibits D, E, G and H and defer them for 60 days. The motion died due to a lack of a second.

A motion was made by Commissioner Barnes and seconded by Commissioner Boschee to continue Zoning Ordinance Amendments D, E, G and H for 60 days. The motion passed unanimously.

A motion was made by Commissioner Barnes and seconded by Commissioner Rhoads-Poston to adopt the suggested findings and resolution recommending the Board of Supervisors certify the Negative Declaration and adopt the 2010 Amendments to Chapter 28 (Zoning Regulations) specifically Exhibits A, B, C, F and I. The motion passed unanimously. (Resolution No. 4538)

3. **ANNOUNCEMENTS and REPORTS**

Mike Yankovich stated that the September 2, 2010 meeting has been cancelled and the next meeting will be September 16th. He stated that it is anticipated that the Suisun Valley Strategic Plan will be on the agenda.

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