

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of September 4, 2014

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 Cayler, Walker, Hollingsworth and Vice-Chairperson Rhoads-Poston

EXCUSED: Commissioner Boschee

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Karen Avery, Senior Planner; Lori Mazzella, Deputy County Counsel; and Diane Gilliland, Office Assistant III

Items from the floor:

There was no one from the public wishing to speak.

The Minutes of the regular meetings of June 19 and August 7, 2014 were approved as prepared.

1. **PUBLIC HEARING** to consider Use Permit Application No. U-14-03 of **Marshall & Khris Lundy Foletta (Jack Rabbit Flats Cross Country Equestrian Center)** for a public stable located at 5610 Nicholas Lane, 2 miles east of the City of Vacaville in an "A-40" Exclusive Agricultural Zoning District, APN: 0141-090-240. The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Karen Avery gave a brief presentation of staff's written report. The report stated that the applicant is requesting a use permit to operate a cross-country equestrian center and public stable without horse shows to be constructed in two phases. Phase I includes the equestrian cross country course for use by the public and the boarding of 2-6 horses. Phase II includes the construction of a new horse barn for 8-9 horses and a covered arena. Staff recommended approval of the project.

Vice-Chairperson Rhoads-Poston asked about the setback requirement for the pacing track. Ms. Avery stated that staff is recommending as a condition of approval that the track be moved to 60 feet from all property lines within a two year period. She noted that the applicant is in agreement with this recommendation.

Commissioner Walker wanted to know the reason for the two year time period for the track relocation. Ms. Avery stated that staff felt it would give them ample time to accomplish the task.

Vice-Chairperson Rhoads-Poston wanted to know if permits are required for what is currently taking place on the property. Ms. Avery stated that the applicant is applying for a use permit so that they can open the cross country track to the public.

Since there were no further questions, Vice-Chairperson Rhoads-Poston opened the public hearing.

The applicant, Marshall Foletta, stated that when they first acquired the property they developed a course for their own use, but as interest grew by other users they decided they had the possibility for a viable business. Mr. Foletta said that they envisioned a very modest scale business because they did not want to compromise their quiet lifestyle.

Mr. Foletta commented that there have been some questions raised by neighbors about the number of people visiting the stable. He said that he keeps a record of the number of attendees to insure that it remains a small operation. He agreed to the limitation of 12 horses on the course at any one time. Mr. Foletta said that they are trying to run this operation in such a way that it does not impose a burden on their neighbors. He said that he has engaged in conversation with neighbors to inform them about their intentions for the stable and are willing to address concerns as fully as they are able. Mr. Foletta acknowledged his agreement with moving the track further back from the property line so that any of the problems that it may cause neighbors will be eliminated. He commented that they will relocate the track sooner than the two year allocation.

Commissioner Walker asked the applicant what he would see as a reasonable timeframe. Mr. Foletta said that the relocation of the area that runs parallel to the Mendoza property and the portion that abuts Nicholas Lane could be accomplished before they open for business. He said the remaining portion of the track that lies at the back of the property would take longer to address.

Commissioner Hollingsworth asked the applicant about dust control measures. Mr. Foletta explained that for a large portion of the year the area is covered with natural grass and so there is no issue with dust. He said that for those summer months when there is a potential for dust he has not experienced any problem. Mr. Foletta stated that he would be open to providing a water truck to abate the situation if it was demonstrated that dust is an issue.

Commissioner Hollingsworth inquired about the requirements imposed by the fire department as listed in the conditions of approval. Mr. Foletta stated that he was surprised to see those conditions because the fire marshal made a visit out to the site over a year ago and made no comment about the road. He said this would be something that he would need to sort out with the fire department.

Commissioner Hollingsworth asked Mr. Foletta if he felt there is a problem with the current condition of the road. He inquired if the applicant carries liability insurance and if it includes the private road.

Mr. Foletta stated that he has liability insurance but he doubted the road is covered. He said that this would be something he would need to research. He said the road is graveled and is not ideal but there are no potholes or big swells. He commented that the road was upgraded a couple of years ago.

Commissioner Cayler spoke with regard to the water truck, and gave an example of how the county requires a winery, if they are located on a gravel road and are having a special event, to have the road sprinkled prior to that event.

Mr. Yankovich explained that depending upon the situation there is a requirement that dust and other types of nuisances be taken care of. It all depends upon the situation, but it is typically imposed for a larger event, where in this case it is a smaller operation. Mr. Yankovich stated that when looking at this from an environmental standpoint staff did not see that there was going to be a significant amount of dust that would be caused by the activities, so that is why there are no additional mitigation measures with that regard.

Mr. Foletta stated that he uses a water truck when he performs maintenance on the road but he does not routinely have the road sprinkled. He stated that they will not be hosting any large events and have no history of attracting a large volume of business. He said that they are willing to address any concerns of that sort, but reiterated that it is not their intent to do anything large scale. Mr. Foletta commented that as a resident he observes the traffic as it comes and goes and he said that if they doubled the volume that currently travels the road they would still be the lightest users. Mr. Foletta stated that he will do whatever is reasonable and necessary, but it would not make sense if he is required to do something extraordinary when others are using the road without having to meet the same obligation.

Vice Chairperson Rhoads-Poston inquired about parking. Ms. Avery stated that there are no parking requirements for public stables. She said that staff looked at the public assembly use standard which is a similar use and the requirement would be one space for 4 persons.

Vice Chairperson Rhoads-Poston suggested planting shrubbery as a separation between neighboring properties. Mr. Foletta stated that in the past couple of years they have planted approximately 35 eucalyptus trees and will continue to plant more in the future.

Arcelia Mendoza, 5650 Nicholas Lane, Dixon, spoke with the use of a language interpreter from the Department of Resource Management. Her statement is paraphrased as follows: She stated that she is in attendance at this meeting to render a complaint. She said the applicant never told her what he was planning to do with the horses on his property. She said that she has asthma and other health problems due to the dust in the air which is stirred up by the horses. She spoke to the amount of traffic on the road and the large amount of horse trailers that pass by her home. She stated that her biggest concern is with dust and spoke to how she cannot enjoy going outside because there is so much of it. Ms. Mendoza asked the commission to help with the problem and to make the setback for the horses 200 feet.

Arcelia Virelas, 5650 Nicholas Lane, Dixon, stated that there is dust in the air and the road is not wide enough for the big horse trailers. She said that it is not clear in the report as to the maximum amount of horse allowed. With regard to traffic, Ms. Virelas stated that the total amount of traffic allowed per day is a bit confusing because clients come and go throughout the day. She said that the horses are ridden too close to the road and are spooked by traffic which could cause accidents.

Esteban Birelas, 5630 Nicholas Lane, Dixon, voiced his concern with traffic and the property having more horses than allowed. He commented that the horses are spooked easily and he was concerned about liability. He asked that the commission require wider setbacks from the

property line. Mr. Birelas noted that the road is only a maximum of 15 feet wide pointing out that the fire department requirements are not being met. He commented that the dust is not overwhelming but he would appreciate if it could be addressed.

Chris Elyis, 5580 Nicholas Lane, Dixon, stated that he believed property owners could add liability coverage to their insurance policies at no cost which could maybe alleviate some neighbor concerns with regard to traffic or horse accidents. Mr. Elyis commented that dust does exist but noted that there is a lot of farming that goes on in the area.

Since there were no further speakers, Vice-Chairperson Rhoads-Poston closed the public hearing.

Vice-Chairperson Rhoads-Poston asked for clarification on the limit of 12 horses and if that limit was per day or per session. Ms. Avery stated that the limit is 12 horses per session. Mr. Yankovich added that there could be multiple sessions in one day.

Mr. Yankovich noted that the applicant would need to work with the fire district on the road issue before the operation could take place. With regard to dust, staff felt that this type of use would not be excessive given the existing agricultural operations in the area.

Mr. Foletta reappeared before the commission to confirm that they will increase the setback of the pacing track to 60 feet from the property line. He said that they can do the portion along the Mendoza property and the portion along Nicholas Lane immediately. He said the only complication is the stretch of property where the Mendoza and Fielding property meet because there is a culvert there. He said that this portion would be a little more complicated and would take additional time to complete.

A motion was made by Commissioner Walker and seconded by Commissioner Cayler to determine that the project qualifies for Categorical Exemption Section 15301, (Existing Structures) per the California Environmental Quality Act, and to approve Use Permit Application No. U-14-03, subject to the recommended conditions of approval with a modification to Condition No. 3 that prior to opening the business to the public, the current location of the pacing track shall be setback 60' from the northerly and westerly property lines with the exception of the section that involves the culvert near the Mendoza/Fielding property lines. The 60' setback for the pacing track shall be applied to the easterly and southerly boundaries within two years of approval of this use permit. The motion passed unanimously. (Resolution No. 4610)

2. ANNOUNCEMENTS and REPORTS

Commissioner Walker stated that he recently attended a meeting that was hosted by UC Davis and Caltrans regarding the future project of elevating Highway 37 between Mare Island and Sears Point. He said that this project has a projected 20 year timeframe and a needs assessment is currently being done. He said that this all comes as a result of studies on sea level rise. Commissioner Walker said that he would keep the commission informed on this matter and share information as it is brought forward.

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