

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

---

## **Meeting of October 4, 2018**

The regular meeting of the Solano County Planning Commission was held in the Solano County Administration Center, Board of Supervisors' Chambers (1<sup>st</sup> floor), 675 Texas Street, Fairfield, California.

PRESENT: Commissioners Rhoads-Poston, Walker, Hollingsworth, Bauer, and Chairperson Cayler

EXCUSED: None

STAFF PRESENT: Mike Yankovich, Planning Program Manager and Kristine Sowards, Planning Commission Clerk

Chairperson Cayler called the meeting to order at 7:00 p.m. with a salute to the flag. Roll call was taken and a quorum was present.

### Approval of the Agenda

The Agenda was approved with no additions or deletions.

### Approval of the Minutes

The minutes of the regular meetings of September 6, and September 20, 2018 were approved as prepared.

### Items from the Public

There was no one from the public wishing to speak.

### Regular Calendar

Item No. 1 -

**PUBLIC HEARING** to consider Rezoning Petition No. Z-17-04 and Minor Subdivision Application No. MS-17-06 of **Hubert and Aurelia Goudie et.al** to rezone 15.69 acres from Rural Residential "RR-2.5" and Exclusive Agriculture "A-20" to Rural Residential "RR-5"; and subdivide three existing parcels into four lots. The property is located at 4420 Peaceful Glen Road, 2.5 miles north of the City of Vacaville, within the Exclusive Agriculture "A-20" and the Rural Residential "RR-2.5" Zoning Districts, APN's: 0105-060-240, 39, and 40. The project qualifies for an Exemption from the California Environmental Quality Act pursuant to the CEQA Guidelines. (Project Planner: Eric Wilberg)

Eric Wilberg provided an overview of the staff report. The project's objective is to subdivide two existing parcels into three lots. The intent is to isolate residential development on the northwest side of Sweeny Creek, generally the dividing line between the Rural Residential and the Agricultural zoned areas of the property. The property currently functions with two single

family dwellings and associated residential accessory structures on the northwest side of Sweeny Creek and agricultural production taking place on the southeast side of the creek. The subdivision would essentially create a second rural residential lot on the northwest side of the creek. Staff distributed an additional map to the commission that depicted the holdings of the Goudie and Marshalonis families. Mr. Wilberg noted that the land highlighted in blue are the properties within the project area, in yellow are properties also owned by the family that are outside the project area, and the white areas are proposed access to the lots.

Commissioner Hollingsworth inquired about the loss of agricultural land. Mr. Wilberg explained that the acreage proposed to be rezoned to rural residential is not currently in productive agriculture. It is being used for residential purposes and has been for some time. He noted that this proposed action would basically reflect the present ground conditions.

Since there were no further questions, Chairperson Cayler opened the public hearing.

Dan Figueroa, Master Planner from Community Planning Services, Dixon, spoke on behalf of the property owners. He stated that they have had several opportunities to meet with county staff to discuss the conditions, and to put them into a proper format to meet county zoning standards. Mr. Figueroa wanted to make a clarification regarding Condition No. 4. He said the condition talks about compliance with county health department standards and the condition, as written, is broad and could be interpreted differently depending upon who would be enforcing the code. He stated that they agree with the content in the memo that was authored by the Solano County Environmental Health Division dated September 4, 2018 as their understanding of Condition No. 4 and asked that the memo be incorporated into the record by reference.

Mr. Figueroa stated that they do have a concern with Condition No. 8 that addresses constructing private roadways to county road standards. He said they have no objection to the county roadways being planned for Parcels 1 and 3 because those are the residential parcels that currently exist. Mr. Figueroa handed out a photo to the commission which was a replica of the photo staff provided in their presentation. He noted that his photo was accentuated slightly because it affects the improvement requirement for the driveway coming from Timm Road through the parcel marked on his map as Lands of Goudie. He stated that in the application review process staff brought up the opinion that Parcel 2 did not have a clear access. Mr. Figueroa pointed out that Parcel 2 is the piece of property that is dry farmed and will continue to be dry farmed for the foreseeable future. He referred to the darker line depicted in the exhibit showing the existing access. Mr. Figueroa stated that the family lives on the property and will continue to live on the property. The road is the intended and historical route for farm implements traveling to Parcel 2, and the family uses it for their tractor and occasionally for hay trucks to unload during the spring and summer months.

Mr. Figueroa stated that the roadway has been in existence for many years and has been designated as an access easement to Timm Road, which meets the legal requirement for providing an official dedicated easement for Parcel 2. Mr. Figueroa stated that the difficulty is that Condition 8 calls for the development of that road to county road standards. He commented that it may sound a bit innocuous on its surface, but when examined, the standard itself is a \$43,000 improvement. He noted that there is nothing else that would be taking place

on the property and the family can certainly continue to farm the property using the existing access that has been used for many years. Mr. Figueroa stated that the applicants believe the county requirement to be excessive. He said the road would not get the kind of use it would need to maintain its integrity. Mr. Figueroa stated that they have no objection to the requirement of a 60-foot wide access easement but asked if Condition No. 8 could be changed to exempt the improvement of the driveway at this time. He reiterated that it is not in the family's foresight to develop the property. He commented that the applicant would not be opposed to a condition requiring the development of the road, if in fact there were to be improvements to Parcel 2 in the future, to warrant such improvements.

Mr. Wilberg explained that Condition No. 8 is a Public Works condition which is comprised of two parts; a 60-foot easement that affords access to the property, and construction of the physical improvements of the 12-foot wide private road with 4-foot shoulders. He noted that staff has met with the applicant several times to discuss this matter, but Public Works felt it should be on the onus of the subdivider to make those improvements. If the improvements are not made and, in the future, the ag parcel were sold, the onus would then be put upon the new property owner who is unknowing of those potentially costly improvements.

Commissioner Rhoads-Poston asked if there is language that could be included in the real estate disclosure statement in the event the property was put on the market.

Mr. Yankovich stated that the county would not know exactly when the property is sold. Currently there is an opportunity to have this land dedicated, as well as improved, and Public Works felt this is the best way to accomplish that. Mr. Yankovich commented that this is a written standard in the code and staff is simply exercising that code provision. Mr. Wilberg pointed out that the way it is conditioned currently is that the easements for the two access points, both from Peaceful Glen Road and from Timm Road, would need to be recorded and the road constructed prior to recordation of the final map.

Mr. Figueroa commented that at the time a subdivision map is recorded on the property there are conditions of approval which any prudent developer would read and follow. He commented that this is a typical check someone interested in buying property would make. He proposed that the applicant would be agreeable if the condition were rewritten to state that at the time the property was either sold or developed, the improvements would be made.

Mr. Wilberg explained that an access route that serves 2 to 10 parcels is what triggers the Public Works private road improvement requirements. Commissioner Rhoads-Poston wanted to know if a variance would be an option.

Mr. Yankovich responded that a variance would not be possible. He stated that the reason for this requirement is to ensure that the roads get constructed. If that construction is delayed and becomes the responsibility of someone else in the future, those improvements may not happen. Mr. Yankovich stated that this is the reason Public Works would like to have the roads recorded and improved now.

Since there were no further speakers, Chairperson Cayler closed the public hearing. Commissioner Bauer stated that she would be interested in trying to find a way to help the

applicant by noting her concern with the amount of money the applicant would need to spend for these road improvements.

Mr. Yankovich stated that planning staff could meet with Public Works to try and come up with an alternative condition of approval that will be acceptable by all parties. He said staff could then bring this item back to the commission for review.

A motion was made by Commissioner Bauer and seconded by Commissioner Hollingsworth to continue this matter to the regular meeting of November 1, 2018. The motion passed unanimously.

**ANNOUNCEMENTS and REPORTS**

There were no announcements or reports.

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