

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of June 4, 2020

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

PRESENT: Commissioners Cayler, Hollingsworth, and Chairwoman Bauer
Commissioner Rhoads-Poston present via WebEx

STAFF PRESENT: Bill Emlen, Director of Resource Management
Mathew Walsh, Principal Planner
Nedzlene Ferrario, Senior Planner
Jim Laughlin, Deputy County Counsel
Jamielynn Harrison, Planning Commission Clerk

Chairwoman Bauer called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited, 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 meeting of May 7, 2020 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 Use Permit Application No. U-19-01 of **AT&T Mobility** for a new wireless communications facility which includes an 81' ft. tall cellular tower designed as an agricultural water tank with 12 panel antennas inside the tank which is not visible to the public.

The communications facility will be located on the east side of Pitt School Rd. approximately 0.17 miles north of Interstate 80 in unincorporated Dixon in an "A-40" Exclusive Agriculture Zoning District, APN: 0108-110-020, 08. Staff Recommendation: Approval.

Mathew Walsh, Principal Planner, indicated that this project was originally intended to be heard on January 16, 2020. It was continued at that time so that staff could define the project description and determine the appropriate level of CEQA analysis and environmental review. On May 7, 2020, due to technical difficulties the matter was continued again. Because of the technical difficulties, it was unsure if the public was able to call in to participate. The project was re-noticed so that the opportunity would be available to provide comments.

The facility is located on the east side of Pitt School Road. The parcel is 12 acres in size. The location and height were a source of discussion among the staff and the applicant. It is within a $\frac{3}{4}$ mile set back of a scenic corridor. Highway 80 is a scenic corridor in the General Plan. Within that buffer zone, our telecommunications ordinance provides that the tower height is not to exceed the height limit in the underlying zoning district. The zoning district is an A-40 which allows for residential buildings of up to 35 ft. This is an infrastructure and communications tower and the ordinance is silent on the height. The telecommunication ordinance does allow for the Planning Commission to permit additional height on a facility on a case-by-case basis through approval through a conditional use permit.

The applicant is asking for the additional height and he is proposing 81 ft. The county does have precedent of approving additional height on cellular facilities close to scenic corridors. There are two that are also located near Highway 80 that are in the 70 to 80 ft range. There is one near Green Valley Road, outside Fairfield, that is approximately 85 ft. We typically tell the applicants that we will consider the additional height limit in the scenic corridor if there is an attempt to stealth the project with a pine tree design. The applicant is proposing a faux water tank which has an agricultural feel to it. Staff believes, at this location, an agricultural style water tank design is better than an 81 ft. pine tree in a grove of almond trees.

The proposal is located on the far west portion of the parcel, farthest away from the highway. However, it is close to Pitt School Road but meets the minimum set-back requirements. Because it is replacing an existing facility, the equipment compound is already in place. There are existing driveways on Pitt School Road. It was decided that it was more appropriate to keep the existing location rather than move closer to Highway 80 and have to remove orchard trees to accommodate the facility.

The planner mentioned that at the previous planning commission correspondence from the community was received as follows:

- Jim Louie – sent an email supporting the project;
- Kathy Ernest – sent an email support the project as long as the design is appropriate She was agreeable to the water tank design; and
- Dean Bell – Sent correspondence and does not support the project. He has concerns of potential health risks associated with the new 5G technology. He submitted documentation to support his opposition.

The planner indicated from his understanding, there is no scientific proof to show that there is any ill effect on people. When talking with County Counsel, the potential health issues associated with telecommunication facilities is not a reason to decide either way on a proposal. Staff is recommending approval of U-19-01 for AT&T subject to the recommended conditions of approval set forth in the staff report.

Chairperson Bauer opened the public hearing. Since there were no speakers, Chairperson Bauer closed the public hearing.

A motion was made by Commissioner Cayler and seconded by Commissioner Hollingsworth to approve the Use Permit No. U-19-01 based on the findings and subject to the recommended conditions of approval (Resolution No. 4683). The motion passed unanimously.

Item No. 2

PUBLIC HEARING to consider amending use permit number U-11-09 (Amendment No. 2) of **Recology Hay Road** to allow the following: 1) the lateral expansion for municipal solid waste which would result in an increase of approximately 8.8 million cubic yards to the landfill disposal capacity; 2) modification of the peak tonnage from 2400 tons per day (tpd) maximum to 3400 (tpd) peak day limit with a 7 day average of 3200 tpd; 3) temporary storage of baled recyclables; 4) one (1) additional Landfill Gas Flare (LFG); 5) include portable equipment to be used in the construction and demolition (C&D) sorting operations, allow friable asbestos; and minor modifications to the existing borrow pit, boundaries of Jepson Prairie Organics and the footprint of disposal module number 1. The site is located at 6426 Hay Road, 5 miles southeast of the City of Vacaville in the "A-80" and "A-160" Exclusive Agricultural Zoning Districts, APN's: 0042-020-060, 280 and 020.

Nedzelene Ferrario, Senior Planner, referred to additional documents and PowerPoint provided to the commissioners for their review. Chris Mundhenk, a consultant from Ascent Environmental, was also present and provided the overview of the presentation. Due to technical difficulties with the staff laptop, a visual of the PowerPoint was not available to the public on the chamber screens. However, paper copies of the PowerPoint were available for review.

Commissioner Rhoads-Poston said that she was following the PowerPoint with the hard copy but was not able to see the screen. She inquired as to whether the calling public would be able to see the screen. It was explained that the public can only call in and would not be able to view the screen. If they wish to have a copy of the materials reviewed at the meeting, the public can request a copy as per the instructions in the agenda.

County Counsel answered the Commissioner's inquiry in that the consultant is providing a verbal presentation, additional graphics might be helpful, but all the information was provided verbally to the commission and to the public which was sufficient.

Commissioner Rhodes-Poston requested to know in advance if there is not a visual on the remaining items.

Chris Mundhenk continued with the presentation and referred to the principal planner to complete the presentation.

Commissioner Hollingsworth asked how long this action would extend the lifetime use of the landfill? Mr. Mundhenk indicated that the estimated time adds an additional nine (9) years.

Chairperson Bauer opened the public hearing. Chairperson Bauer invited the applicant to speak and he declined. Since there were no other speakers or callers from the public, Chairperson Bauer closed the public hearing.

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Cayler for the Planning Commission to certify the final Subsequent Environmental Impact Report for Recology Hay Road, adopt mitigation monitoring and reporting program, adopt the CEQA findings of fact and approve the Use Permit U-11-09 Amendment No. 2 subject to the findings and the recommended conditions of approval contained in the resolution (Resolution No. 4684). The motion passed unanimously.

Item 3

PUBLIC HEARING to consider Use Permit Application U-19-03 to allow continued use of the indoor and outdoor retail areas currently occupied by **Simply Savvy, Suisun Valley Antiques/John's Hauling**, and the indoor and outdoor serving of local wines, beer and packaged local food products at the Suisun Valley Filling Station and Visitor's Center. The site is .96 acres total located at 2525 thru 2529 Mankas Corner Road, APN: 0151-140-050, 060. The project is exempt from CEQA requirements under Section 15301 (Existing Facilities) of the CEQA Guidelines.

Resource Management Director Bill Emlen provided the staff presentation. He noted that in 2011, the Commission reviewed an application for this site. It was primarily for John's Hauling business. The applicants received a use permit for the activities which included some retail and the salvage operation. In 2011, the Commission approved a use permit for eight (8) years. Technically, the use permit ended in 2019. The owner of the property filed for a new application prior to the expiration for the Suisun Valley Antiques and John's Hauling but also for the the Suisun Valley Filling Station. The applicant had to apply for a new use permit due to the total square footage of retail, as well as for the outside activities. The Suisun Valley Filling Station is the new use on the site which is a tasting facility/local product store.

Mr. Emlen's presentation went on to address issues of General Plan consistency, Zoning Ordinance consistency, and a summary of key conditions addressing various aspect of the uses covered under the proposed use permit.

Mr. Emlen summed up by noting that the site has evolved in a positive way. It is consistent with the General Plan and with Use Permit findings which are located in the staff report and the resolution. Approval is recommended subject to the conditions of approval.

Chairperson Bauer asked if there were any questions. Commissioner Rhodes-Poston asked for clarification if the only reduction was pertaining to the salvage yard.

Mr. Emlen indicated “yes,” that there is a condition that requires the salvage aspect of the business to be reduced over a five-year period. Commissioner Rhodes-Poston wanted to know the impact on the business, why the yard must be reduced and if the applicant would provide any thoughts on this topic.

Mr. Emlen indicated that equipment and vehicles have been cleared from the parking area. This is a positive change and the county would like to see that continue. He also stated that the condition is structured so that the applicant has a five-year phase-out and an additional five years if needed.

Commissioner Cayler mentioned that The Filling Station reminded her of an establishment in Dixon called “The Barn” which provides local food and has a beer and wine permit. She also indicated that she thought The Filling Station fills a need in the Fairfield/Suisun Valley area.

Commissioner Hollingsworth inquired as to what would trigger the additional five years.

Mr. Emlen stated that the Zoning Administrator would review the situation after 5 years, see the evolution of that particular corner, if the salvage operations are being kept in a reasonably contained condition, granting an extension might be considered.

Commissioner Hollingsworth wanted clarification regarding the 50% reduction whether it is in the square footage of the indoor/outdoor area or the entire area? Mr. Emlen indicated that it would be based on all retail area in relation to areas dedicated to storage and salvage.

Commissioner Rhodes-Poston asked as to why all the businesses were under the same use permit instead of each business applying for their own permit. Mr. Emlen indicated that it is due to the overall square footage of the retail area along with the common parking and circulation serving all businesses on site.

Chairperson Bauer asked if it was common to include multiple businesses under one use permit. Mr. Emlen stated that it is common to have multiple businesses under one use permit, particularly when there is shared parking and access.

Chairperson Bauer asked if the applicants had been operating without a use permit. Mr. Emlen indicated that the applicant filed their application prior to the start of business. They had filed and received a business license which required a use permit which is presently before the commission.

Chairperson Bauer asked if a bar is in conformity with the Suisun Valley Plan? Mr. Emlen said that a tasting room conforms with the Suisun Valley Plan. It was mentioned that the license is for a bar. Mr. Emlen stated that the license is for the sale of wine and beer. Chairperson Bauer indicated that it is not a tasting license. Mr. Emlen directed the question to the applicant.

Wendy DiGuido, owner of The Filling Station, spoke. She indicated that she has a 42 License which is for the sale of beer and wine on site. She also stated that she cannot get a tasting license because her business is not a winery. She has beer and wine onsite and offsite. Her wine product is local from Suisun Valley and Solano County. She also has a 77 Event License which allows four events per year; two events in conjunction with the Suisun Valley Vintners Association, Passport Sunday, the Harvest Celebration and an anniversary event.

Chairperson Bauer invited the other applicants to speak.

John Crossley, owner of John's Hauling and Suisun Valley Antiques and Collectibles, spoke to the 50% reduction of the business. He has removed two Class A trailers and one truck from the property. The recycling has been scaled back as well.

Commissioner Hollingsworth asked when the 50% reduction started; from nine years ago or from when the use permit is approved? Mr. Emlen said that the intent of the condition is 50% from the inception of the proposed use permit.

Commissioner Hollingsworth clarified that condition and asked if the applicant understood.

Mr. Crossley, owner of Suisun Valley Antiques, mentioned that they have an inventory reduction event which usually happens on the third weekend of each month. Previously, the tent prevented any parking in front of the businesses. Presently, there is a 10 ft space for a fire path. There are now 26 designated and lined parking spaces available whereas there were only eight spaces previously. During events, there are cones placed and a parking attendant to provide direction.

Commissioner Hollingsworth mentioned that Ms. Mary Browning had called the supervisor's office to provide comments regarding the businesses. She was concerned about parking during events and the weekend nights.

Commissioner Hollingsworth asked if there is an off-site parking? Also, he asked if there was any amplified sound or music outside of the building for the events? Mr. Crossley stated that music is provided during the events and also bands have played at the events with a permit.

Chairperson Bauer asked how many times was professional traffic management hired? Mr. Crossley stated that traffic management was hired for every event.

Commissioner Cayler stated that when she first started on the Planning Commission, Mankas Corner was on the agenda. She also said that it had been fun to watch the business improve.

Commissioner Hollingsworth asked if it was a consideration to use the parking at the school? Mr. Crossley said he had not used the school parking since it is approximately a mile away. Also, it was mentioned that the school rents the parking.

Janelle Crossley indicated that when there are events at The Filling Station, there are more cars in the parking lot. However, usually their parking and parking at the restaurant is sufficient.

Commissioner Rhodes-Poston confirmed that the school does rent their parking lot.

Chairperson Bauer opened for public hearing and asked if anyone would like to speak.

Applicant John Crossley stated that he was grateful for the support. They had a petition online with 4500 signatures in support of their businesses and 181 people visited the businesses in order to sign the petition.

Robert Wright of Elmira spoke in support of the businesses. He stated that he had been visiting "John's place" for over ten years. He relayed a story about a friend whom he took to the salvage yard. She pointed out the tractor and stated that it was her tractor. The friend, who has since passed, was 90 years old. John indicated that he got the tractor from Pleasants Valley Road. She confirmed that it was the tractor that she rode during World War II when all the men were at war. She was plowing the fields in Vacaville and Solano County for the farmers. Mr. Wright said that John has been an institution in this county and that he supports and appreciates him.

Harrison Ransow, a resident of Vallejo, spoke about Mankas Corner. He stated that the people make him feel welcome. He visits Mankas to shop but also to socialize. He agreed 100% that the improvements are great!

Chairperson Bauer closed the public hearing. Bill Emlen stated for the record that correspondence had been received from Mary Browning and forwarded to the commission. Chairperson Bauer stated for full disclosure that Mary Browning is a friend and that they had talked about Mankas Corner and Suisun Valley.

Commissioner Cayler stated that this project is exempt from CEQA requirements according to Section 15301, Existing Facilities, of the CEQA Guidelines. Commissioner Cayler made a motion to approve Use Permit U-19-03 subject to the findings and recommended conditions of approval contained in the resolution. Commissioner Hollingsworth seconded the motion and the motion passed unanimously (Resolution No. 4685).

ANNOUNCEMENTS and REPORTS

The next scheduled Planning Commission Meeting will be held on July 16, 2020.

Bill Emlen announced that Resource Management has hired a new planning manager, Allan Calder. He will start in two weeks.

Commissioner Hollingsworth asked if there is a cut-off date for input regarding the planning commission agenda. County Counsel Jim Laughlin stated that all the items considered must remain open until the time the gavel drops, and the public comment portion is closed. Anyone could walk into the meeting, provide papers, and it would become part of the record. The decisions of the commissioners should be based on the substantial evidence in the record.

Bill Emlen indicated that the commission does have the option to continue a matter if needed.

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