



Solano County

675 Texas Street
Fairfield, California 94533
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Minutes - Final Planning Commission

Thursday, February 3, 2022

7:00 PM

Board of Supervisors Chambers

CALL TO ORDER

The Solano County Planning Commission met on February 3, 2022, in regular session in the Board of Supervisors' Chambers at the Solano County Government Center, 675 Texas Street, Fairfield, California at 7:00 p.m.

Solano County staff members present were Resource Management Director Terry Schmidtbauer, County Counsel Lori Mazzella, Planning Manager Allan Calder, and Clerks Marianne Richardson and Melissa Catron.

SALUTE TO THE FLAG

ROLL CALL

Commissioners Kay Cayler, Loretta Gaddies, Michael Reagan, Kelly Rhoads-Poston and Chairperson Paula Bauer.

APPROVAL OF AGENDA

With no objections of commissioners, the agenda was approved by affirmation.

APPROVAL OF THE JANUARY 20, 2022 MINUTES

1 [PC 22-006](#)

Attachments: [January 20, 2022 Minutes - Draft](#)

With no objections of commissioners, the minutes of January 20, 2022 were approved by affirmation.

ITEMS FROM THE PUBLIC:

Chairperson Bauer invited members of the public to speak on items not listed in the agenda. Hearing no comments, the public comment hearing was closed.

REGULAR CALENDAR

- 2 [PC 22-007](#) Conduct a noticed public hearing to consider the Appeal of the Solano County Zoning Administrator approval of Use Permit revision application no. U-18-01-MR1 of EQ Industrial Services Inc. to establish and operate a waste

transfer facility on an 8-acre portion of property located at 8028 Schroeder Road, ½ mile west of the City of Dixon, within the Exclusive Agriculture "A-40" Zoning District; APN 0113-010-180. The project is eligible for a Class 1 Categorical Exemption pursuant to the California Environmental Quality Act Guidelines Section 15301, Existing Facilities.

Attachments: [A - Draft Resolution](#)
 [B - Appeal Request](#)
 [C - Assessors Parcel Map](#)
 [D - Site Development Plan](#)
 [E - Public Comments](#)

Planning Services Manager Allan Calder presented the proposed permit approved by the Zoning Administrator and appealed to the Planning Commission, and summarized the appellant's issues of the decision.

Chairperson Bauer invited the applicant to address the Commission.

Mr. Ron Motta of EQ Industrial summarized his business' operations in that they are a truck-to-truck transfer facility and are not handling, treating or disposing any hazardous waste onsite. He also summarized their emergency response operations for fires/cleanup. Mr. Motta stated he understands the community's concerns and their operations would have less activity, traffic and noise impacts than previous site residents.

Responding to a question by Commissioner Cayler, Mr. Motta stated that transported materials are triple contained and noted the previous site business used toxic/poisonous herbicides and pesticides with no secondary containment. He further stated they are regulated by the Department of Toxic Substances Control (DTSC) and have procedures, contingencies, equipment, personnel and knowledge to immediately respond to a spill.

Responding to a question by Commissioner Rhoads-Poston regarding their track record accessibility, Mr. Motta noted the State/DTSC and that everything is a matter of public record. He further stated they are a nationwide company going back 60 years.

Responding to a question by Commissioner Cayler about training, Mr. Motta commented having received as much or more similar training as a fire department hazardous materials specialist. He further noted weekly, monthly and annual training that is required and regulated by government.

Responding to a question by Commissioner Reagan about potential container damage by forklift, Mr. Motta stated either a pallet jack or forklift are used to transfer containers truck-to-truck and that their business is prepared to respond, with equipment onsite, should it occur.

Responding to questions by Commissioner Cayler, Mr. Calder stated that staff responded on January 18, 2022 to Jim Schneider's public comments received.

Chairperson Bauer opened the public hearing.

James Schneider, the Appellant, asked questions of the project including why the applicant selected an exclusive agricultural zoned site instead of an

industrial site, and if the Commission had reviewed his public comments emailed on January 31, 2022.

Chairperson Bauer informed Mr. Schneider that public comments are limited to 5 minutes, to which Mr. Schneider responded his understanding to be allowed 15 minutes.

Mr. Schneider continued stating he felt the quality of the application and the attention it received from Planning Services was not adequate, noting the public disclosed the 500-foot requirement not addressed by Environmental Health. He further stated the application appears incomplete and that:

1. A map appears to show a second residence within the 500-foot limit.
2. People were living in the site residence which was not disclosed on the application, and were evicted after the 500-foot limit was disclosed by the public.
3. The emergency response services company, US Ecology (parent), is not disclosed on the application.
4. The public hearing notice and project description did not mention hazardous materials.

Mr. Schneider asked that this permit not be approved, and that the applicant re-apply and Planning Services give a quality review. He further stated with the Freedom of Information Act and the documents he received, he could not defend approving this project.

Mr. Calder clarified to Chairperson Bauer that Mr. Schneider is the Appellant and allowed 15 minutes to address the Commission at this appeal hearing.

Mr. Schneider further stated the term “refuse” in the project description is not found in any application materials, but is an allowed category of CEQA exemptions, and felt the required justification was not explained on the Notice of Exemption.

Lauren Neuhaus, attorney for applicant, stated she submitted a letter to the Commission on behalf of the applicant and cited the Solano County Counsel agreed upon minor revisions/clarifications to Conditions 20 and 21:

- Condition No. 20: The permittee shall comply with the applicable standards and conditions of a Solano County Hazardous Material Management Business Plan.
- Condition No. 21: Prior to operation of the Waste Transfer Facility, the permittee or the operator shall acquire any permit, approval, or clearance necessary from the California Department of Toxic Substances Control. Prior to operation, the permittee or operator shall provide documentation to the Planning Services Division to verify that this condition has been satisfied, or documentation that verifies the facility is exempt and therefore does not need to acquire any such permit, approval, or clearance.

Donnell Wiegand referred to his email to the Planning Commission with questions he would like a response and challenged the applicant’s statement of previous the tenant’s use of herbicides and pesticides. Chairperson Bauer stated that staff will respond after the public comment period.

Hearing no further comments either for or against the item, Chairperson Bauer

closed the public hearing and asked staff to respond to Mr. Wiegand's questions.

Deputy County Counsel Lori Mazzella noted five statements and three questions in Mr. Weigand's emailed document.

Mr. Calder responded to a statement regarding a transitional use cap of 10-years, stating that the County reviews permits every 5 years for use and conformance with conditions of approval.

Responding to a question by Chairperson Bauer, Mr. Calder confirmed a 6-foot wall/solid fence is a development standard.

In response to questions 1 and 2 regarding alternative power and sprinkler system, Mr. Calder believed the site power is supplied by PG&E and deferred to the applicant regarding alternative power during outages.

Mr. Motta stated his understanding of the sprinkler system and that they do not typically have onsite backup power supply. He further emphasized that no waste is stored in the warehouse.

Mr. Calder reiterated Building Division Conditions 18 and 19 which address fire safety and sprinkler requirements.

In response to question 3 regarding prior tenant septic system issues, Resource Management Director Terry Schmidtbauer stated that septic issues will need to be addressed regardless, and that typically a household use is much more water/waste than an office use. Further stating a recommendation of reviewing the septic system would be a separate issue from sizing for this use.

Mr. Motta stated his understanding is that far fewer staff would be onsite than the prior tenant, and that an evaluation of a potential existing second septic system will be conducted and any issues will be addressed.

Responding to a question by Chairperson Bauer, Mr. Calder cited Condition 21 regarding DTSC inspection and clearance requirement prior to permit approval. Further noting the 500-foot radius limit to residences is a DTSC requirement for their determination.

Responding to a question by Commissioner Reagan, Mr. Motta stated there will be a camera and alarm system with 24-hour monitoring.

On a motion by Commissioner Rhoads-Poston, and seconded by Commissioner Gaddies, the Commission approved Item No. PC-22-007, U-18-01-MR1 of EQ Industrial with revision to Conditions of Approval items 20 and 21. So ordered by 4-1 vote.

3 [PC 22-008](#)

Conduct a noticed public hearing to consider an Appeal by Gilbert & Carol Mandel of the Solano County Zoning Administrator's approval of Use Permit Application No. U-20-05 of Ed Vega for a Fowl and Poultry Ranch - Large for breeding and sales of laying hens including construction of nine new buildings, located at 8444 Bulkley Road, 4.5 miles east of the City of Dixon in the Exclusive Agriculture (A-40) zoning district, APN 0111-070-070.

- Attachments:*
- [A - Letter requesting Additional Information](#)
 - [B - Response Letter from Applicant](#)
 - [C - Letter from CDFA](#)
 - [D - Letter from Central Valley RWCB](#)
 - [E - Public Comments](#)
 - [F - Appeal Request](#)
 - [G - Examples of project Exempt from CEQA](#)
 - [H - Project Example - IS-MND Required](#)
 - [I - Zoning Standards for Use](#)
 - [J - Use Permit Application Package](#)
 - [K - Draft Resolution-Conditions of Approval](#)
 - [L - Additional Information from Applicant](#)

Mr. Calder requested a continuation of permit application no. U-20-05 citing new information received to be further evaluated. He further stated the item would be re-noticed for public hearing at an unspecified future date.

On a motion by Commissioner Rhoads-Poston, and seconded by Commissioner Gaddies, the Commission approved the continuation of Item No. PC-22-008, U-20-05 of Vega to an unspecified future date. So ordered by 5-0 vote.

4 [PC 22-009](#) NOMINATION and ELECTION of Chair and Vice-Chair for the ensuing year

- Attachments:* [Annual Attendance Report 2021](#)

On a motion by Chairperson Bauer, seconded by Commissioner Cayler, to nominate Commissioner Rhoads-Poston as Chairperson for the ensuing year, Commissioner Rhoads-Poston accepted the nomination.

On a motion of Commissioner Rhoads-Poston, seconded by Chairperson Bauer, to nominate Commissioner Cayler as Vice Chairperson for the ensuing year, Commissioner Cayler accepted the nomination.

The motions passed by 5-0 vote.

ANNOUNCEMENTS AND REPORTS

There were no announcements or reports.

ADJOURN

This meeting of the Solano County Planning Commission adjourned at 7:59 p.m. The next regular meeting is scheduled for February 17, 2022.