

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

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## **Meeting of September 6, 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 Walker, Hollingsworth, and Bauer

**EXCUSED:** Vice-Chairperson Rhoads-Poston and Chairperson Cayler

**STAFF PRESENT:** Bill Emlen, Director; Mike Yankovich, Planning Program Manager; Matt Walsh, Principal Planner; Eric Wilberg, Planner Associate; Nedzlene Ferrario, Senior Planner; Misty Kaltreider, Environmental Health; Jim Laughlin, Deputy County Counsel; and Kristine Sowards, Planning Commission Clerk

Acting Chairperson Walker called the meeting to order at 7:15 p.m. with a salute to the flag. Roll call was taken, and a quorum was present. The meeting began fifteen minutes late due to technical difficulties with the audio-visual equipment.

### Approval of the Agenda

The Agenda was approved with no additions or deletions.

### Approval of the Minutes

The minutes of the regular meetings of July 19, and August 2, 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 stated that staff is requesting a continuance of this item to allow additional time to finalize conditions of approval, review, and discuss those conditions with the project applicant.

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Bauer to continue this matter to the September 20, 2018 meeting. The motion passed unanimously.

Item No. 2

Amendment No. 1 to Use Permit No. U-01-06 of **HD Dairy Ranch** to increase the number of cattle from 6,000 to 10,291 without exceeding the approved number of animal units originally approved in 2001, 7,215 animal units. The increase in cattle is due to the change of the larger Holsteins breed to smaller breed of Jerseys. In addition, construction of exercise and grazing pens, corrals, calf hutches and employee housing are proposed over two phases. The property is located at 7755 Midway Road, 3.25 miles east of the City of Dixon in the Exclusive Agricultural "A-40" Zoning District, APN's: 0112-060-060, 070, 080; 0112-100-050, 060. 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: Nedzlene Ferrario)

Nedzlene Ferrario provided a brief presentation of the written staff report. The applicant is proposing to increase the number of cattle from 6,000 to 10,291 without exceeding the assumed number of animal units originally approved in 2001, 7215.5 animal units. The increase is due to the replacement of cattle breed from the larger Holstein to smaller frame sized Jerseys. Construction of one additional employee housing unit, exercise and grazing pens and calf hutches are proposed over two phases. Environmental impacts associated with the project is not significant in that, the additional number of smaller breed of cattle would not cause any significant environmental impacts assumed in the prior environmental analysis. Staff recommended approval of the project.

Chairperson Walker opened the public hearing. Since there were no speakers either for or against this matter, the public hearing was closed.

Chairperson Walker commented that Condition No. 14 seemed to be quite strongly worded and asked about the basis for such wording. Ms. Ferrario explained that the language used is standard language and was adopted in 2001. She said the principles are still the same, especially with a project such as this where additional animals are being proposed. Mr. Walker commented that in the initial study it is indicated that there is no noise impact. He questioned with the increase in the number of cows if that itself would be an impact on noise. Ms. Ferrario said that the Jersey breed is smaller than the current Holstein breed and so even with an increase in the number of animals it was not anticipated that it would be noisier.

Commissioner Bauer asked staff for verification that the neighbor residing closest to the facility was not in opposition to the expansion. Ms. Ferrario answered that the neighbor had submitted, in writing, their approval of the project. She noted for the record that a public notice had gone out to neighboring property owners within 1 mile of the facility and no comments were received.

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Bauer to adopt the Mitigated Negative Declaration and the mandatory and additional findings and approve Amendment No. 1 to Use Permit No. U-01-06 subject to the findings and recommended conditions of approval. The motion passed unanimously. (Resolution No. 4660)

Item No. 3.

Policy Plan Overlay No. PP-17-01 of **Canon Partners, LLC** to apply a policy plan overlay to 83.5 acres located at 5204 North Gate Road 1.5 miles southeast of the City of Vacaville within the Exclusive Agriculture "A-80" Zoning District to permit the addition of transitional industrial and transitional commercial uses; APNs: 0166-040-060 and 0166-050-100. 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)

Eric Wilberg provided an overview of the written staff report. The project consists of designating 83.5 acres of a 302-acre property as a policy plan overlay district to the underlying Exclusive Agriculture zoning. The objective of the project is to provide an additional 50 acres for the relocation of existing businesses from the Fairfield Train Station development area to this site, on a temporary basis, until they transition to a permanent location within the City of Fairfield on the adjacent parcels to the west. The sought after temporary businesses would be land uses consistent with the Transitional Industrial and Transitional Commercial Uses listed in the Solano County Exclusive Agricultural zoning district. Staff recommended approval.

Bill Emlen, Director, Resource Management, added to the staff presentation by stating that he wanted to include, for the commission's consideration, several additional findings and performance standards. He said the additional information are important inclusions and he asked that the commission adopt them as part of the project approval.

Mr. Emlen read into the record the proposed language as follows: Finding No. 4) The proposed Policy Plan Overlay has been deemed consistent with the Travis Air Force Base Land Use Compatibility Plan in that any site improvements associated with the Plan will have no material impact on Base operations or expansion. 5) The proposed Policy Plan Overlay would be supportive of Travis Air Force Base operations by providing for short term transitional uses such as asphalt recycling which services runway repairs at the Base. 6) The proposed Policy Plan Overlay limits building and improvements to those that are temporary in nature and easily dismantled or moved to allow restoration of the property back to long term agricultural use of the property. 7) No municipal services will be extended to the property covered under this Policy Plan Overlay. Mr. Emlen noted that Finding No. 4 that is currently listed in the ordinance would now become Finding No. 8.

Under the Performance Standards, Mr. Emlen proposed the following additional language: Structures – Any structure constructed pursuant to this Policy Plan Overlay shall be temporary in nature by use of materials that allow for quick dismantling or modular and easily movable; and, Municipal Services – No municipal services may be extended to the subject property covered under this overlay.

Commissioner Hollingsworth asked about the new Finding No. 4 where it indicates that there would not be an effect on the Travis Reserve Area. He wanted to know if that determination was made by Travis AFB. Mr. Emlen stated that staff had met with Base personnel to discuss any possible impacts and they concurred with staff's proposed findings.

Chairperson Walker inquired as to why the county is proposing a policy plan overlay. He asked that question as it pertains to agenda item nos. 4 and 5. Mr. Leland addressed that question by explaining that the use permit for Go Green Asphalt was approved a couple of years ago under the standard practice of using the underlying zoning, which is agriculture. He

stated that after that approval the property owner approached the county with another land use that they wanted to bring over from the Fairfield Train Station site which was the Bubbling Well Pet Memorial Park. Staff was not sure that this was an allowable use in the ag district and so the property owner wanted an opportunity to ask the Board of Supervisors. The Board ruled that it was. It was then assumed by staff that the property owner would continue to want to move uses temporarily over to this site, and so staff proposed to do a one site planning effort rather than continuing to have these uses come in piecemeal.

Mr. Leland stated that the property owner was amenable to that idea and so the county started this process of using a policy plan overlay for the purposes of limiting the underlying zoning. Since the goal is to ultimately return the land back to agriculture, staff devised a plan that specifies a range of uses that might relocate to this site. Mr. Leland stated that an added feature to make it known that these uses are limited term uses is a ten-year time limitation. He noted that the time limit includes a provision for a one-time extension.

Mr. Leland explained that the way the Train Station Specific Plan builds out is it begins with residential development. It may take ten years before sewer and water is extended to the industrial sites by way of the residential development. Mr. Leland noted that in the provisions of the Travis Reserve the permanent land use is agriculture, but temporary uses can be considered if there are no substantial improvements, the use can be easily removed, and there is a home for them. He noted that it allows for the ongoing operation of Go Green Asphalt where most of their business is the recycling of old runway material due to the long-term upgrade of the ramp and runway at Travis AFB. Mr. Leland explained that is why staff selected the policy plan overlay; it gives the county further control over a situation which is out of the ordinary and tries to solve a problem that is not easily solved by the standards in a normal zoning district.

Commissioner Hollingsworth inquired about the extension to the time limit. Mr. Leland explained that the reason for the length of time is that it cannot be precisely predicted when the city's sewer and water will be extended to the site. At the normal build-out of residential development it should fall within the ten-year timeframe, but home building is a cyclical business, and should there be another down turn it might take longer. Mr. Leland noted that also provided in the ordinance is a provision for reclamation of the site back to agriculture for when these transitional industrial uses have terminated.

Since there were no further questions or comments, Chairperson Walker opened the public hearing.

David Marianno, Denverton Road, Suisun, mentioned that he was involved with the Citizens to Protect Travis in 1997. He said at that time 8,000 homes were proposed to be built on the north side of Travis and the citizens group were successful when no development was allowed past North Gate Road. Mr. Marianno stated that Solano County has only one industrial track that he is aware of and that property is located one mile from his home. He stated that he has lived in this area for 44 years and commented that the county's industrial track is a mess and numerous violations exist. He said regulations and the enforcement of regulations in the county are almost non-existent. He was concerned about the policing of these proposed uses. Mr. Marianno also voiced his concern with road impacts due to the large trucks that will be hauling materials to the site. Mr. Marianno stated that Travis AFB is more than a viable advantage to this county and we cannot allow any interference with their Mission by erecting large structures that interrupt base transmissions.

Mr. Leland stated that staff has met with the Deputy Base Commander and his staff to discuss this matter and they did not have any concerns with this proposal.

Marilyn Farley, Coventry Lane, Fairfield, stated that she is someone that is interested in the county's open space, agricultural lands, and the protection of Travis AFB. She stated that a recent article in the Daily Republic regarding the idea of an alternate use for agricultural land near Travis AFB caught her attention. She said her initial concern is that this is agricultural land intended for ag use and is part of the Travis Reserve. Ms. Farley said she reviewed the language in Measure T which was the Initiative that voters approved in 2008 that approved the County General Plan until 2028. She pointed out that in that document it talks about not converting agricultural land to other uses. She said staff told her because this is Policy Plan Overlay that it is valid. She did not doubt what staff was saying, however she also looked at Land Use Table No 7 in the General Plan. The table is cited in the staff report as the reason for what is being proposed and she noted that the only overlay that is permitted is an overlay referred to as a resource conservation overlay district. Ms. Farley commented that if it is permitted in the zoning section of the ordinance it is not permitted in Land Use Table No. 7 nor is it permitted in the language of Measure T.

Ms. Farley referred to the extension of time and suggested rather than permitting a ten-year extension, to make the use subject to review by considering the circumstances. She felt this review would be appropriate to be written into the proposed ordinance. Ms. Farley stated that what also may be worth considering is perhaps the requirement for some type of a bond to ensure that the buildings will be removed when the use has been terminated.

Chairperson Walker asked staff to address the concern voiced by Ms. Farley with regards to the Land Use Table.

Mr. Leland said the table cited by Ms. Farley is a table that sets forth which zoning districts are consistent with each general plan designation. Listed on separate lines in that table are general plan designations and zoning districts. On the land use designation line in the general plan there is the Resource Conservation District which is a general plan overlay district. The policy plan overlay is a zoning instrument to ensure the agricultural zoning districts are all consistent with the ag designations in the Land Use Element of the general plan. Mr. Leland noted that staff is not changing either the land use designation of the general plan nor the underlying zoning on the property and so there is no issue with Measure T.

Mr. Leland explained that what is being done with the policy plan overlay is the modification of development standards that are inherent within the ag zoning districts, to custom tailor them to this situation and to add features such as the ten-year term limit. Mr. Leland noted that the timeframe of the use can only be extended if the City of Fairfield has, in the first ten years, authorized the extension of the sewer and water services to the site. If they have not authorized the extension of those services at that time, the business would not be eligible for the second ten-year term.

Frank Andrews, Kentucky Street, Fairfield, spoke on the behalf of the property owners of both the future city industrial park and these temporary uses being considered this evening. Mr. Andrews stated that the trucks that deliver the materials to the site only travel on city streets. They enter the site at either North Gate Road or Canon Road and never travel on county roads. He provided an update on the operations of the Go Green concrete recycling center stating that the business has recycled 207,000 tons of material, 70% of which comes from

Travis AFB. Mr. Andrews stated that the trucks travel a short distance on the roads from the Base to the site and that is perhaps one of the major reasons Travis has been supportive of this type of use.

Commissioner Hollingsworth pointed out that on his frequent travels through the area he has observed construction of the upgrading of the roads between North Gate Road and the Go Green facility, as well as on Canon Road. Mr. Andrews added that when the adjacent property was annexed to the City of Fairfield, the city annexed both North Gate and Canon Roads and he believed as part of an agreement between the county and the city, they are both cooperatively bringing the roads up to some standard.

Jim Laughlin pointed out that the provision for the extension only applies to the use permit and currently there is nothing in the zoning ordinance that cause the zoning itself to sunset. Mr. Laughlin suggested that perhaps the commission might want to consider recommending a sunset date be included with the ordinance so that the overlay zoning itself will sunset at the end of any use permit on the property. Mr. Laughlin said specific language would need to be worked out to accomplish this and if the commission likes the idea it could be part of their recommendation to the Board. He noted that staff could put some language together to present in the Board report.

Chairperson Walker asked the applicant if he would agree with the sunset recommendation. Mr. Andrews stated that he would agree if the sunset dates for each permit are identical.

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

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Bauer that the Commission recommend to the Board of Supervisors that they adopt the Mitigated Negative Declaration and the mandatory and additional findings for an Ordinance applying the policy plan overlay district (PP-17-01) to the subject property, including the suggested amendments made by staff to include additional findings, additional performance standards, and a sunset date. The motion passed unanimously. (Resolution No. 4661)

#### Item No. 4

Minor Revision No. 1 to Use Permit Application No. U-15-05 of **Go Green Asphalt Inc.** to convert the existing Construction, Demolition, and Inert Debris Facility into an Inert Debris (Type A) Recycling Center which accepts, processes, and stores construction debris including concrete, asphalt, and soil. The project is located within unincorporated Solano County approximately 1.5 miles southeast of the City of Vacaville within the Exclusive Agriculture "A-80" Zoning District, APN: 0166-040-060. 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)

Mr. Wilberg gave a brief presentation of the written staff report. The permittee, Go Green Asphalt, Inc., is requesting a minor revision to their use permit to convert the existing Construction, Demolition, and Inert Debris Facility into an Inert Debris (Type A) Recycling Center which accepts, processes, and stores construction debris including concrete, asphalt, and soil. Permitting the reclassification would allow for an increase in storage time limitations for unprocessed and processed materials.

The property owner is concurrently pursuing a policy plan overlay application on an 83-acre portion of the subject site. At 33 acres the Go Green facility would be the primary land use within the overlay district. The existing use and proposed changes are conditionally permitted within the proposed overlay district. Staff recommended approval.

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

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Bauer to adopt the Mitigated Negative Declaration and approve Minor Revision No. 1 to Use Permit No. U-15-05 subject to the mandatory and suggested findings and recommended conditions of approval. The motion passed unanimously. (Resolution No. 4662)

Item No. 5

Use Permit Application No. U-17-03 of **Bubbling Well Pet Memorial Park, Inc.** to permit an animal crematorium located within unincorporated Solano County approximately 1.5 miles southeast of the City of Vacaville within the Exclusive Agriculture "A-80" Zoning District, APN: 0166-050-100. 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)

Eric Wilberg gave a summary of the staff report. The permittee, Bubbling Well Pet Memorial Park, Inc., is requesting use permit approval to establish and operate an animal crematorium along North Gate Road. At its regular meeting on January 10, 2017 the Board of Supervisors made the finding that a pet crematorium is a land use that is substantially like waste incineration which is a permissible land use within the Exclusive Agriculture "A-80" Zoning District. The property is currently zoned "A-80" however the property owner is concurrently pursuing a policy plan overlay application on an 83-acre portion of the subject site. The Bubbling Well facility would be situated on 4.2 acres within the policy plan overlay and the proposed use would be a permissible land use within the policy plan overlay district. Staff recommended approval.

Chairperson Walker opened the public hearing.

The applicant Dan Harberts, Enterprise Way, Napa, appeared before the commission. He said that Bubbling Well has been serving the community close to 30 years. He noted that the business was originally located on Claybank Road and then eventually moved over to Peabody Road. Mr. Harberts stated that they have been a part of the community by providing services to veterinary hospitals and emergency clinics in the county and they have contributed to pet causes in the community. Mr. Harberts said that he likes the area and would like to continue to be a part of the community.

Commissioner Bauer asked Mr. Harberts if he was agreeable to moving after the ten-year period. Mr. Harberts stated that he would leave because he would have no other choice, but he would hope that the use would be extended because he would like to remain in this area.

Commissioner Hollingsworth commented that because this facility will be located within one mile of Base housing, he inquired about the environmental effects of the process of cremation and wanted to know if it produces a dust or an odor. Mr. Harberts explained that with today's requirements by the air quality district, the particulate or smoke is almost non-existent because

of the temperatures that are required to be maintained. He stated that there is literally no smoke and no odor to speak of outside of the building.

Since there were no further speakers, Chairperson Walker closed the public hearing.

A motion was made by Commissioner Bauer and seconded by Commissioner Hollingsworth to adopt the Mitigated Negative Declaration and approve Use Permit Application No. U-17-03 subject to the mandatory and suggested findings and recommended conditions of approval. The motion passed unanimously. (Resolution No. 4663).

#### **ANNOUNCEMENTS and REPORTS**

There were no announcements or reports.

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