



# Solano County

675 Texas Street  
Fairfield, California 94533  
www.solanocounty.com

## Minutes - Final Planning Commission

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Thursday, November 17, 2022

7:00 PM

Board of Supervisors Chambers

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### CALL TO ORDER

The Solano County Planning Commission met on November 17, 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, Deputy County Counsel Jim Laughlin, Planning Services Manager Allan Calder, County Surveyor Stephen Fredericks, Senior Planners Jeffery Lum and Eric Wilberg, Contract Planner Art Henriques, and Clerk Marianne Richardson.

### SALUTE TO THE FLAG

### ROLL CALL

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

### APPROVAL OF AGENDA

On a motion by Commissioner Reagan, and seconded by Commissioner Cayler, the agenda was approved by affirmation.

### APPROVAL OF THE MINUTES

There were no minutes for approval.

### ITEMS FROM THE PUBLIC:

Chairperson Rhoads-Poston invited members of the public to speak on items not listed in the agenda. There were no speakers.

## REGULAR CALENDAR

1 [PC 22-036](#)

PUBLIC HEARING to consider an appeal by Daniel Schwartz of the Zoning Administrator's approval of Use Permit Application Revision No. U-04-08 R1 for New Cingular Wireless, PCS, LLC, C/O Complete Wireless Consulting to collocate 15 antennas and other associated equipment on an existing 111 foot lattice tower and a 296 square-foot lease area within the existing

compound on Gates Canyon Road, Vacaville, CA 95688, within the Watershed and Conservation "W-160" Zoning District, APN 0121-010-070. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.

Attachments:     [A - Draft Resolution](#)  
                          [B - Staff Report and Minutes from ZA Oct 6](#)  
                          [C - Mr Schwartz Appeal Request](#)  
                          [D - Staff Responses to Mr Schwartz Reasons for the Appeal](#)  
                          [E - Vicinity Map and Aerial Image](#)  
                          [F - Photo Simulations](#)  
                          [G - Radio Frequency Report](#)  
                          [H - Public Hearing Notice](#)

Planning Services Manager Allan Calder introduced Senior Planner Jeffrey Lum who presented the appeal of the Zoning Administrator's decision of Revision 1 to U-04-08 of New Cingular Wireless (AT&T) to the Commission.

Chairperson Rhoads-Poston invited the appellant to speak.

Daniel Schwartz and Denise Revel of Blue Ridge Road stated their primary reason for appeal is public safety. He asked Commissioners to focus on the project's primary access which is a privately maintained road that is non-compliant with County road standards and often with limited access. Mr. Schwartz stated the parcel owner (American Tower) has not contributed in maintaining safe access and public safety and that the County uses this private connection to access/maintain a section of Gates Canyon yet have not provided any maintenance. He briefly discussed his remaining concerns including Napa County permitting (since the property is in both Napa and Solano County); tower retaining wall encroachment onto his property, which he stated is confirmed by Hawkins Land Survey; alternative operating colocation sites; removal of non operational wireless communication facilities; radio frequency impacts; visual impacts; utilities/services for construction workers; hazardous materials and converting use from propane to diesel. He closed by asking the Commission to consider this an opportunity to pause and place public safety above revenue.

The applicant representative, Natalie Lui on behalf of AT&T, responded to questions by Commissioners indicating that:

1. The California Public Utilities Commission requires backup generator use of diesel fuel as it is more stable.
2. The appellant's wireless communications will not be affected by this project; a radio frequency report has been submitted for this project.
3. In regard to access and parking, the facility after construction will be visited by service staff at most once per week but more often only once per month.
4. A temporary chemical toilet is always provided to any person/construction staff working on a facility.
5. A condition of approval is that they (AT&T) obtain and provide a Napa County building permit prior to a Solano County building permit being issued.
6. The road maintenance agreement is between parcel owners and AT&T is requesting a colocation of an existing tower with limited site visits and does not feel AT&T should be required to enter into a road maintenance agreement.

Ms. Lui also asked if the land survey performed for Mr. Schwartz could be provided for AT&T to better understand his concern.

Chairperson Rhoads-Poston recommended a condition that an access road assessment be performed before and after construction for AT&T to complete any damage repairs.

Chairperson Rhoads-Poston opened the public hearing.

A) David Stevens, a fire service advocate of Vacaville, is neutral of the project but cited concern of roadway maintenance and size/design not meeting County or SRA standards, lack of emergency notification and water supply, and of construction worker safety in the event of a fire. He suggested that the applicant submit a fuels management plan as part of their use permit application.

After hearing no further comments, the public hearing was closed.

Commissioner Bauer stated concern of the road condition and proposed to continue the item for further assessment. Mr. Lum noted that Blue Ridge Road is a non maintained County right of way, and in his view through Mix Canyon Road to Blue Ridge Road, there is adequate access for a largely unmanned operation with limited visitation.

Chairperson Rhoads-Poston noted Mr. Stevens' comments regarding the LNU fire emergency notification failure. Mr. Lum responded that the current tower is a weather warning tower and does not provide emergency notification, but after antenna installation will serve as a backup to existing land line service to the area.

Commissioner Cayler stated concern of the limited and narrow access road as a fire hazard. Mr. Lum noted the County does not have authority to enforce any maintenance of the private access road onto the applicant.

Resource Management Director Terry Schmidtbauer stated a need to be pragmatic given the application before the Commission. Blue Ridge Road is on top of the ridge far from any main road. There are multiple roads throughout the County that do not meet current County road standards or SRA standards. Placing antennas on an existing tower located on a ridge is not within the purview of the applicant to solve all the road issues, and an antenna permit application is unlikely to spur the County to bring existing road conditions up to current requirements. Regarding statements of County revenue from this project, he stated that an application processing fee was paid. He noted valid comments for conditions that the applicant have a vegetation management plan, but that worker safety is usually handled through CalOSHA requirements and tailgate meetings by the contractor.

Mr. Calder reminded Commissioners of the support letter from the Office of Emergency Services Manager Don Ryan that the project will provide additional communications coverage to the area that has historically been underserved. Mr. Ryan also asked in his letter for roadway repair post construction, which is concurrent with comments, and to ensure ongoing improvements of the road to keep in working condition if possible.

On a motion made by Commissioner Reagan, seconded by Commissioner Bauer, and amended by Chairperson Rhoads-Poston, the Commission denied the appeal request and upheld the Zoning Administrator's approval and adopted a resolution to approve Revision No. 1 application to Use Permit No. U-04-08 with amendment to add a condition of approval for monitoring the road before and after the construction, and to return the road to pre-construction condition. So ordered by 5-0 vote.

- 2      [PC 22-037](#)      **PUBLIC HEARING** to consider **Use Permit Application No. U-19-09** of E&C Winery LLC to establish and operate a Large Winery and Special Events Facility on property located near the intersection of Russell Road and Rockville Road, one mile west of the City of Fairfield, within the Suisun Valley Agriculture "A-SV-20" Zoning District; APN's: 0027-251-280 and 290. The Planning Commission will consider adoption of a Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act.

*Attachments:*      [A - Draft Resolution](#)  
                          [B - Vicinity Map](#)  
                          [C - Aerial Map](#)  
                          [D - Site Plan](#)  
                          [E - Initial Study and Mitigated Negative Declaration](#)  
                          [F - Public Comments](#)  
                          [G - Response to Public Comments](#)  
                          [H - Notice of Public Hearing](#)

Mr. Calder introduced Senior Planner Eric Wilberg and Contract Planner Art Henriques who presented the use permit application to the Commission. Mr. Wilberg stated staff is recommending amendment to the noise condition of approval #18 to add noise monitoring to be consistent with similar permitted facilities and ensure that 65 dBA per Zoning Regulations is in compliance: "The Applicant or representative shall take noise measurements using an approved, calibrated sound meter device and keep a record of the readings, including the sound level in dBA, and the time and location on the property such readings were taken. The operator shall submit such records upon request to the County."

Chairperson Rhoads-Poston invited the applicant to speak.

Todd Fujinaga, an attorney representing E&C Winery, stated the project is consistent with the Suisun Valley Strategic Plan, Zoning Regulations, and all use permit requirements for wineries. He provided a background introduction of their team of engineers and consultants including Summit Engineering (water), Crane Transportation, LSA (biological), Jim Ryan (winery consultant) and Derrick Lum (property owner).

Jim Ryan spoke of the custom crush component and how it will help both small and large wineries.

Derrick Lum provided a brief history of his family's three generations of farming in Suisun Valley.

Chairperson Rhoads-Poston opened the public hearing.

- A) Chuck Wagner of Caymus Winery spoke in support of the project.
- B) Roger King of Ledgewood Winery spoke in support of the project.
- C) Ann Parkinson of Willotta Drive spoke against the project citing concerns of visual impacts, creek flooding/erosion to residential properties, increased traffic and loss of agricultural land.
- D) Gary Grotke of Moraga spoke in support of the project.
- E) John Cadenasso of Fairfield spoke in support of the project.
- F) Jeff Butler of Reno, a Suisun Valley parcel owner, spoke in support of the project.
- G) Esther Pryor, Rockville Homeowners Association (HOA) President, spoke against the project stating concern that they were not noticed of this project and asked for a continuance. She further asked that the HOA be included in any correspondence and meetings between E&C Winery, Board of Supervisors, Planning Commission and members of staff.
- H) Michael Omah of Fairfield spoke in support of the project.
- I) Mary Browning of Fairfield spoke against the project noting that Suisun Valley was designated a priority conservation area by MTC/ABAG in the Bay Area 2050 plan, and that commercial/industrial uses do not belong on agricultural land in a conservation area.
- J) Dan Sharp of Vacaville spoke in support of the project.
- K) Amit Pal of Suisun spoke in support of the project.
- L) Lisa Howard of Fairfield spoke in support of the project.
- M) Carla Nelson of Willotta Drive spoke against the project citing concerns of project size/visual impact, noise/proximity to residential properties, wastewater treatment/storage pond location with Suisun Creek, and impacts to wildlife/endangered species.
- N) Duane Kromm, representing the Orderly Growth Committee, spoke against the project concerned of the lack of notification, availability of the Mitigated Negative Declaration (MND), inadequate environmental analysis, no Suisun Valley grape percentage requirement, and asked the Commission to continue the item for further review and discussion.

Hearing no further comments, the public hearing was closed.

Commissioner Reagan commented on the project's reclaimed water process.

Mr. Henriques stated that the project consultants are present should commissioners have questions specific to their specialty.

Commissioner Cayler spoke of farming during both droughts and flooding, and of Suisun Valley grapes grown in Napa.

Commissioner Bauer noted there were no drawings in the staff report and asked of the project size. Mr. Henriques noted the buildings will not be the size of Budweiser, and listed project components including 20 acres of grapes, 10,000 s.f. building, outdoor event space, parking and overflow parking.

Responding to a question of water capacity by Commissioner Bauer, Mr. Henriques stated that Summit Engineering prepared a detailed report for the MND and Chairperson Rhoads-Poston invited a representative to speak.

Gina Giacconi, Wastewater Engineer with Summit, described the wastewater

and reclaimed water processes and related permitting. Separately, water itself is regulated through a public water system permit, a separate entity through the State Division of Drinking Water.

Chairperson Rhoads-Poston commented on her history with the Lum family farm and disclosed that Derrick Lum has kept her in the loop of his plans for at least 10 years. She was on the Commission for the Suisun Valley Strategic Plan and this project opens up Suisun Valley and the intent of the plan for tourism. She continued that although many are opposed to growth, it is unavoidable, and should allow for organized growth. Chairperson Rhoads-Poston stated she supports this project and the Lum Family who have helped many in our community.

On a motion made by Chairperson Rhoads-Poston, and seconded by Commissioner Cayler, the Commission adopted a resolution to adopt the Mitigated Negative Declaration and approve Use Permit application U-19-09 of E&C Winery with staff's recommended amendments to the noise condition of approval #18. So ordered by 5-0 vote.

## **ANNOUNCEMENTS AND REPORTS**

There were no announcements or reports.

## **ADJOURN**

This meeting of the Solano County Planning Commission adjourned at 9:26 p.m. The next regular meeting is scheduled for December 1, 2022.