

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of April 6, 2017

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 Rhoads-Poston, Walker, Hollingsworth, Bauer, and Chairperson Cayler

EXCUSED: None

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Jim Laughlin, Deputy County Counsel; 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 meeting of March 16, 2017 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 public hearing to consider an Amendment to Use Permit No. U-82-52 (**Skaggs Trucking**) to a previously approved use permit for an Agricultural Trucking Repair Shop which would permit the addition of a Farm and Ranch Supply Store and an Agricultural Trucking business. The project is located on 8.18 acres located at 5164 Fry Road, Vacaville, in an "A-40" Exclusive Agricultural District. APN-0137-020-130. This consideration is exempt from the California Environmental Quality Act. (Project Planner: Jim Leland)

Staff requested continuance of this item in order to meet with the City of Vacaville and the applicants to resolve questions pertaining to the proposed development.

A motion was made and seconded to continue this matter to the next regular meeting of May 18, 2017. The motion passed unanimously.

Item No. 2 -

An ordinance amending Chapter 28 of the Solano County Code to define the short-term rental of a dwelling as a "tourist house" and to authorize such land use, subject to a minor use permit, within the exclusive agricultural and Suisun Valley agricultural zoning districts.

Due to the number of comments received, staff recommended that this item be continued to allow further time for review.

Since there were members from the public wishing to speak, Chairperson Cayler opened the public hearing.

Reta Jones, 5117 Suisun Valley Road, Fairfield, stated that she and her husband are longtime residents of Solano County. She said the property adjacent to theirs is now a winery but in reality is an event center and tasting room. She commented that the only active part of the winery is when the wine is trucked in and bottled. Mrs. Jones stated that the business generates noise, light pollution, and increased traffic on a daily basis. She said her and her husband no longer have the tranquility that they once enjoyed, and are no longer able to enjoy the outside of their home during these events or are able to leave their windows open at night. Mrs. Jones said that she has complained about the nuisances which will then improve, but only temporarily.

Mrs. Jones also voiced another concern which is with the part of the building that could be turned into a bed and breakfast. She said she complained to the county when a second home was approved at 1,000 square feet with a 2,000 square foot garage. She said that her county district supervisor assured her that it would not turn into a 3,000 square foot home, but it did. Mrs. Jones stated that there is no monitoring system in place. She said it is her belief that the bed and breakfast will be just like the winery, where it will just happen and there will be no monitoring of code compliance and nothing will be done. Mrs. Jones said it is the property owners like herself and her husband that are victims in the political unjust and their only recourse at this point other than lawyers would be to contact the media.

Linda Tenbrink, 5260 Gordon Valley Road, Fairfield, owner of Tenbrink Winery and Tenbrink Farms in Suisun Valley said she felt there is some confusion on the part of the last speaker that housing in Suisun Valley in the agricultural districts is only allowed as a support system for the agriculture that is taking place. She said the wineries and the events that are going on are all part of agriculture and agricultural marketing. Ms. Tenbrink commented that since the Strategic Plan for Suisun Valley has been put into place there has been an upsurge of hope by farmers to be able to continue farming. She said there is optimism that the strategic plan will continue and that the residents of Fairfield and surrounding areas get to participate in interacting with the farmers. She said it is healthy for their soul and it is healthy for the farmer to continue farming and keeping the farms and open space alive, free to the community, and generating millions of dollars in tax revenue to come, especially when the bed and breakfast businesses get started and there is a place for those tax dollars to land.

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

A motion was made and seconded to continue this matter to the next regular meeting of May

18, 2017. The motion passed unanimously.

Item No. 3 -

An ordinance amending Chapter 28 of the Solano County Code establishing noise regulations for land uses in the unincorporated area of Solano County.

Mike Yankovich provided a brief presentation of staff's written report. The Solano County General Plan was updated in 2008 and included in the Public Health and Safety Chapter a section devoted to noise. The section identifies the County's strategy for dealing with unwanted noise as "reducing excessive noise exposure through cost-effective measures and appropriate zoning that avoids placing incompatible land uses in proximity of each other." The section includes Land Use Noise Compatibility Guidelines (Table HS-2) for various land use categories as well as Noise Standards for New Uses (Tables HS-3 and HS-4). As part of the Implementation Program for the Public Health and Safety Chapter measure, HS.I-60 states that a county noise ordinance should be developed, adopted, and implemented.

The Department of Resource Management, in conjunction with Michael Baker International, began development of a noise ordinance by assessing the Public Health and Safety Chapter of the Solano County General Plan, including its requirements and any potential conflicts with the creation and adoption of the noise ordinance. Following this assessment, the project team conducted a noise survey of key locations throughout the unincorporated county to serve as a baseline of ambient noise and to guide the specific regulations of the ordinance. Finally, the team created a draft ordinance, which has undergone preliminary revisions by the Department. Staff recommended the commission recommend approval of the ordinance to the Board of Supervisors.

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

Valerie Dodini, 5093 Clayton Road, Fairfield, stated that her main concern with the ordinance is the noise level proposed during the evening. She did research and found a report from the World Health Organization (WHO) and what she found is that the Organization set the European target limit of outdoor night noise levels at an annual average of 40 decibels. She commented that the county's ordinance proposes 45 decibels. The WHO report goes on to say that environmental noise damages human health particularly at night when it can interrupt sleep and she provided more detailed facts about those adverse effects that can occur above 40 decibels. Ms. Dodini stated that the California Health and Safety Code also indicates that excessive noise is a serious hazard to the public health and welfare. She commented that out of the 13 samples that were taken, as noted in the staff report, only one sample was taken at night but during the hours of 7:37 p.m. and 7:52 p.m. which is not usually when people are asleep. Ms. Dodini said she is also concerned that the decibel level is set even higher for special event facilities. She noted the California Department of Transportation's loudness comparison chart puts a lawnmower at 70db at 100 feet and 60db for heavy traffic at 300 feet.

Linda Tenbrink, 5260 Gordon Valley Road, Fairfield, stated that she is in opposition to the proposed ordinance. She said the noise levels that are recommended are ridiculous, and commented that normal conversation levels are at 40 to 60 decibels. Mrs. Tenbrink said that they have a right to farm and there are a lot of rules in the General Plan that are already in place in the Suisun Valley, and they have worked for 20+ years to be successful there. Mrs.

Tenbrink said this ordinance would be death to the Valley. She used Larry's Produce as an example of someone who provides a big service to the community. She said they are more than a farm, they are farm to consumer. To comply with the proposed regulations, Larry's Produce would have to fence their entire farm with sound proofing material, which in turn would take away from the aesthetic value of the property with its beautiful pumpkins and wildflowers. She said to cover up agriculture because of noise impacts at the level of conversation does not make sense.

Stephen Tenbrink, 5260 Gordon Valley Road, Fairfield, stated that there is a Right-to-Farm Ordinance currently in place and is with great need. He noted that there are times when they operate their tractors in the late night hours when folks are sleeping, but it is part of what it takes to farm and they need that flexibility in order to be successful. Mr. Tenbrink stated that he is in opposition to the proposed ordinance. He said the farmers have been trying very hard to promote Suisun Valley to make it an enjoyable place for everyone to come and have a good time because it is a beautiful valley.

Jody Anselmo, 2275 Julian Lane, Fairfield, stated that they have been in Suisun Valley for 47 years. She noted that they have had the opportunity to grow grapes and open a winery and it has been moving along very nicely because everyone in the valley has been working to make it a tourist destination. Ms. Anselmo commented that noise goes hand in hand with tourism. She said that she has never had a problem with noise and she lives close to the Blue Victorian Winery. She commented that with the noise constraints as proposed, their house would already be in violation just when their daughter has friends over to swim in the backyard.

Cliff Howard, 5264 Williams Road, Fairfield, stated that he is opposed to the proposed ordinance. He wondered if the code compliance officers are existing county employees or will be new people hired to enforce these rules. He commented that rain is at 50 decibels on its own and the loud roads and even louder vehicles fall above the noise limits. He said that these rules appear to be tailored more toward a residential area where people might complain about these things more frequently. He inquired about the length of time these noise levels can go on. Mr. Howard said that he felt there are things about the enforcement of this that do not make sense.

Lisa Howard, 5264 Williams Road, Fairfield, said she is also opposed to the proposed ordinance. She said she has watched the farmers of this valley work tirelessly so that they can produce the landscape that many people enjoy in the Suisun Valley. She said that sometimes creativity is needed to make money in farming like agritourism, but some agritourism might not be the norm for agriculture. Mrs. Howard said many of these farmers were ready to pull out and leave the valley but some got creative in order to stay. She said if events are not allowed in Suisun Valley, the valley that you know will disappear.

Marshall Foletta, 5610 Nicholas Lane, Dixon, stated that he supported the ordinance. He said as much as he supports this, he understands that this is an agricultural community and any ordinance should be one that supports those activities. He noted that there is a clear exemption to agricultural activities in the proposed ordinance. Mr. Foletta said he moved into a rural area knowing that it comes with noise and dust and agricultural activity. He said he would never complain about crop dusters or folks harvesting in the middle of the night or discing all

day long. He said his personal experience has been with a neighbor who turns their home into an every Saturday night party which means there is noise at 80 to 90 decibels from 3pm until midnight. He likened it to living next to a fairground. He also spoke of a neighbor using noise as a weapon by setting up loud speakers and aiming them at his home and launching loud, violent and sometimes obscene music. Mr. Foletta said that the Sheriff's Department does not have a tool to address something that is rather intuitively inappropriate because it is a private activity. Mr. Foletta said that he supports this because it seems to him like a common sense type of need and is necessary to protect quality of life for folks who chose to live in the country and want to live in an agricultural area and participate in ag activities, but do not want to live next to a fairground, a rock concert center, or be subjected to violent noise on a regular basis.

George Richmond, 4529 Suisun Valley Road, Fairfield, said he is a farmer and his wife is a part owner of a winery and tasting room in Suisun Valley, and for years they have been participating in Suisun Valley events. He commented that they attended the majority of the meetings for the county's Strategic Plan which provides the opportunity to add value to their farming practices. He said when those meetings started there were a lot of people who were unhappy about their property and the inability to make ends meet. Over the time of those meetings people started to feel happier and worked harder putting the plan together and now they feel like the rug is being pulled out from underneath them. Mr. Richmond said this comes down to how agriculture is being defined which is not just a tractor traveling down the road, it is the ability to sell product whether it is value added or primary raw material. Mr. Richmond said to him the ordinance is too broad.

Gary Mangels, 2294 Morrison Lane, Suisun, stated that he felt this to be more of a neighbor to neighbor issue rather than a need to impose another layer of regulation and added responsibility on law enforcement. He said they have worked hard on developing a plan for the Suisun Valley and there was a lot of input into that plan that advocated that farmers can take their product to that next level where not only are they producing a product, but can incorporate direct sales as well. Mr. Mangels said this will help farmers become more viable which is an important consideration that should be recognized. He said common sense should play a role in saying that a neighbor should be leery of hosting a loud party until midnight. Mr. Mangels said that he believed there may already be rules in place to address that nuisance, but if those rules are not being enforced, then that is the issue which should be taken up rather than setting a noise ordinance countywide.

Charles Wood, 547 Jefferson Street, Fairfield, spoke on behalf of Ann and Mark Sievers (spelling not verified) who own an olive oil pressing facility in the valley and who are opposed to this ordinance. Mr. Wood said there are a lot of good families in the valley who have been in the area for a long time and oppose this ordinance as well. These are people who have stuck it out in the valley and who finally have some hope to move forward with some commerce and making a living. Mr. Wood stated that he also represents the Vezer Family Vineyards who are good neighbors and have invested a lot in the Suisun Valley commerce. Mr. Wood spoke with regard to several noise surveys as noted in the staff report that involved Mankas Corners, Wooden Valley Winery and area traffic. He noted that the activities included in those surveys would be in excess of what would be the allowable standard for noise. He said those activities would be patrons coming and going, background music, and normal area traffic.

Mr. Wood stated that current nuisance law prohibits unreasonable and unwarranted noise. He noted that until last week the Vezer family was unaware of any complaints about their concerts or weddings or any other activity until they met Ms. Jones. He stated that the Vezer Vineyard is a good neighbor, they close down their concerts at 7:30 p.m., and this ordinance feels like an unwarranted restriction on their ability to make income. Mr. Wood stated that currently wineries are permitted without a use permit and can have bands. He said it appears with this ordinance that it will not take much noise before requiring a use permit or having to shut down. Mr. Wood said progress and commerce is needed in the valley and there is a Suisun Valley Strategic Plan that is meant to draw people. Mr. Wood asked the commission to reject this ordinance as not appropriate for commerce or to at least exempt tourist centers or exempt all activity at wineries.

Laura Brasfield, vice president of operations for Vezer Family Vineyards and the Blue Victorian Winery stated that the Blue Victorian is a full time working winery and production facility, and has been for over 10 years. She said it has always been their intention to be a good neighbor. She stated that just over the last week she became aware of Ms. Jones' complaints. Ms. Brasfield stated that she has been with the winery for 3 years and her counter parts have been there for 7 years and during that tenure they have never had any complaints or phone calls with regard to any of the events they have held.

Karl Molin, 1883 Vintage Lane, Fairfield, stated when they first moved into the area it was quite rural with few subdivisions, but that has changed and it is now more suburban. He commented that people reside fairly close to each other and there are folks who are polite and then some who are not so polite. Mr. Molin stated that they have had tremendous problems with noise and there have been times when their animals have been upset by the noise. Mr. Molin said that he is fine with agricultural noise but the subject at hand is recreational noise, which can become very excessive. He said it has become so bad at times that they have had to leave their home because of it. Mr. Molin said there needs to be rules about how this is going to be handled. He noted that he holds nothing against farmers or wineries and understands that there are exemptions for them, but there needs to be some kind of remedy in place when things get out of hand and way too noisy.

Roger King, 2546 Mankas Corner Road, Fairfield, stated that he moved to the Valley in 1988 and came to the area so that he could grow grapes. Mr. King said that he opposes this ordinance from the standpoint of the definition of agriculture. He said the definition of agricultural operations is woefully short of any detail and can be subject to interpretation in the future. Mr. King mentioned that he lives in between a number of the noise sampling stations that were depicted in the staff report. He said what keeps him up at night is the redundant noises from Interstate 80 and the California Northern Railroad as well as noise from loud muscle cars that burn out on Suisun Valley Road in the early morning hours. He said these are things that need to be addressed if looking further into the ordinance. Mr. King stated that he does not have an issue with the noise that is currently taking place in the Suisun Valley.

David Marianno, 3915 Denverton Road, Suisun, stated that he has lived in the area for 83 years. He has been an advocate to save the valley since the 1970's. He said that the tourism plan has helped the farmers and that the valley is a diamond in the rough. Mr. Marianno said he hoped that the county will not allow a noise ordinance ruin the valley.

Ron Lanza, 4756 Suisun Valley Road, Fairfield, stated that his family has farmed in Suisun Valley since 1943. They have farmed pears, prunes and now grapes. They also have a winery. Mr. Lanza stated that for a long time things were going fairly well until the early 2000's when there was an over production of grapes. He said they tried several endeavors to survive and then came the Suisun Valley Fund and a lot of the farmers are reaping the benefits of that today. The Suisun Valley Strategic Plan also came about which Mr. Lanza said they were involved in helping the county to develop. He commented that it was a long process, they worked very hard, and it is important to preserve that plan. Mr. Lanza said there is very little noise in the valley. He said the noise comes from traffic which Suisun Valley School produces as well as the commuters traveling the area. He commented that noise is not being generated from agritourism or the events that are taking place. Mr. Lanza stated that the farming families in the valley are seeing success and the last thing they need is another layer of regulation. He stated that if the city has a noise ordinance or an activity is in close proximity to rural residential properties then maybe there should be a curfew set. He stated that the decibel restriction proposed in the ordinance is ridiculous. Mr. Lanza urged the commission to not move forward with this ordinance.

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

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Rhoads-Poston to continue this matter to the regular meeting of June 1, 2017. The motion passed unanimously.

ANNOUNCEMENTS and REPORTS

There were no announcements or reports.

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