

# **Solano County**

*675 Texas Street  
Fairfield, California 94533  
[www.solanocounty.com](http://www.solanocounty.com)*



## **Agenda - Final**

**Thursday, May 17, 2018**

**7:00 PM**

**Board of Supervisors Chambers**

**Planning Commission**

Any person wishing to address any item listed on the Agenda may do so by submitting a Speaker Card to the Clerk before the Commission considers the specific item. Cards are available at the entrance to the meeting chambers. Please limit your comments to five (5) minutes. For items not listed on the Agenda, please see "Items From the Public".

All actions of the Solano County Planning Commission can be appealed to the Board of Supervisors in writing within 10 days of the decision to be appealed. The fee for appeal is \$150.

Any person wishing to review the application(s) and accompanying information may do so at the Solano County Department of Resource Management, Planning Division, 675 Texas Street, Suite 5500, Fairfield, CA. Non-confidential materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours and on our website at [www.solanocounty.com](http://www.solanocounty.com) under Departments, Resource Management, Boards and Commissions.

The County of Solano does not discriminate against persons with disabilities and is an accessible facility. If you wish to attend this meeting and you will require assistance in order to participate, please contact Kristine Sowards, Department of Resource Management at (707) 784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

## **AGENDA**

### **CALL TO ORDER**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

### **APPROVAL OF AGENDA**

### **APPROVAL OF THE MINUTES**

[PC 18-019](#) April 19, 2018 Planning Commission Minutes

Attachments: [draft minutes](#)

### **ITEMS FROM THE PUBLIC:**

*This is your opportunity to address the Commission on a matter not heard on the Agenda, but it must be within the subject matter jurisdiction of the Commission. Please submit a Speaker Card before the first speaker is called and limit your comments to five minutes. Items from the public will be taken under consideration without discussion by*

*the Commission and may be referred to staff.*

## REGULAR CALENDAR

- 1**      [PC 18-020](#)      CONTINUED PUBLIC HEARING to consider Use Permit Application No. U-17-09 and Marsh Development Permit Application No. MD-17-02 of Verizon Wireless c/o Complete Wireless Consulting, Inc. (Hwy 680 Cygnus) to install a 65' monopole with associated ground equipment as part of a wireless telecommunications facility to be located on a 2.8-acre parcel zoned Exclusive Agricultural "A-20" off Marshview and Goodyear Road as they intersect with Interstate 680. The site is approximately 1.5 miles southeast of the City of Fairfield, APN: 0046-110-280. (Project Planner: Karen Avery) Staff Recommendation: Continue item to the regular meeting of June 21, 2018

**Attachments:**    [A - Continuance request - Hwy 680 Cygnus](#)  
                          [B - Tolling Agreement](#)
  
- 2**      [PC 18-021](#)      Conduct a study session to consider and obtain public testimony on a Vacation House Rental land use for the unincorporated area of Solano County and direct staff to prepare draft amendments to the County's Zoning Regulations that would either allow, regulate, or prohibit Vacation House Rentals

## ANNOUNCEMENTS AND REPORTS

## ADJOURN

*To the Planning Commission meeting of June 14, 2018 at 7:00 P.M., Board Chambers, 675 Texas Street, Fairfield, CA*



# Solano County

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## Agenda Submittal

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**Agenda #:** **Status:** PC Minutes  
**Type:** PC-Document **Department:** Planning Commission  
**File #:** PC 18-019 **Contact:** Kristine Sowards, Administrative Secretary  
**Agenda date:** 5/17/2018 **Final action:**  
**Title:** April 19, 2018 Planning Commission Minutes

**Governing body:**

**District:**

**Attachments:** [draft minutes](#)

Date	Ver.	Action By	Action	Result
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# ***MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION***

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## **Meeting of April 19, 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 Rhoads-Poston, Walker, Hollingsworth, Bauer, and Chairperson Cayler

**EXCUSED:** None

**STAFF PRESENT:** Mike Yankovich, Planning Program Manager; Karen Avery, Senior Planner; 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 April 5, 2018 were approved as prepared.

### **Items from the Public**

There was no one from the public wishing to speak.

### **Regular Calendar**

#### Item No. 1

**CONTINUED PUBLIC HEARING** to consider Amendment No. 1 to Use Permit No. U-91-17 of **D/K Dixon** for the continuation of a hazardous waste storage and transfer facility that collects, stores, and transfers used oil, oily wastewater, and waste antifreeze from off-site generators. D/K Dixon is proposing to add an additional waste transfer tank farm to receive and manage the same types of wastes and is proposing to install a new product antifreeze blending and storage unit, as well as a new pit-type truck scale. All proposed uses are within the established footprint of the operating business. The property is located in the Municipal Service Area/Urban Commercial area off Midway Road at 7300 Chevron Way in n "A-40" Exclusive Agricultural Zoning District, APN 0109-230-170. (Project Planner: Karen Avery)

Karen Avery gave a brief presentation of the written staff report. The report noted that this project site has been in operation since the late 1970's beginning as a wholesale petroleum

distribution business then converting to a hazardous waste collection, storage, and transfer facility in 1991 with a new use permit. The applicant is requesting the continuation of this operation and the addition of waste transfer tank farm, the addition of a new anti-freeze blending facility and a new pit-type truck scale. Per Table 28.21A of the Solano County Zoning Regulations, refuse, disposal, incineration, recycling or composting is allowed in the A-40 zoning district with the approval of a use permit. D/K Dixon assumed the operations in 2004 and has been diligent in keeping the operation in compliance with the existing use permit.

As part of the Department of Resource Management project review process, the application Initial Study, and Negative Declaration have been reviewed by various County Departments, as well as other local agencies. Any recommended conditions of approval have been incorporated into the use permit resolution. Ms. Avery stated that staff is recommending approval of the project.

Commissioner Bauer asked if this expansion will create an increase in the number of truck trips. Ms. Avery stated that currently the company operates 25 trucks. She said as she understands it the number of trucks will not increase, only the amount of material put into the trucks. She noted that before the expansion of the tanks the trucks were not being fully loaded. Ms. Bauer wanted to know where the nearest residential structure is located. Ms. Avery pointed out that the nearest home is located across the street on Midway Road. She stated that the property owner had been notified of this project during CEQA review and again for this public hearing. She said staff has not received any feedback from the property owner. Ms. Avery added that there also have been no complaints filed with either the county's Hazmat or Code Enforcement divisions.

Commissioner Walker inquired about environmental review of the project in 2012 when the application was originally filed. Karen Avery explained that the project description has changed over time since 2012. At that time the project proponent was planning to do a revision and replace a manufactured office building but they changed their mind at the time it was prepared to go to hearing. In the meantime, in 2014 an amendment to the Zoning Code was completed. Ms. Avery commented that there were also staff changes taking place at the company and so this application was filed in February 2017. She said the current project description is the same that was proposed in 2012. She said the application was deemed complete in November of 2017 and environmental review was performed at that time.

Commissioner Walker asked if staff could elaborate on the history of spills as referenced in the environmental document. Karen Avery pointed out that in 1998, under the previous operator there was a spill from the underground storage tanks. She said the incident has been under review and has been monitored by the Local Oversight Program (LOP) located within the Department of Resource Management. She noted that testing has been done and in speaking with the LOP team, the mitigation for this spill will be completed in 2019. Ms. Avery remarked that monitoring and testing of the ground is done every 6 months. Ms. Avery explained that in 2014 one of the above-ground tanks was overfilled which caused some disturbance in the soils and the contaminated loams were disposed of. Since then the company has added an emergency shut off valve so that this will not happen again. They also updated their emergency shut down procedures along with adding an alarm system.

Chairperson Cayler commented that she resides in the area and drives past the facility a couple times a week. She said she travels at different times of the day and does not often see trucks coming in, nor going out of the property. Ms. Cayler wanted to know if there was a fire suppression system on site.

The applicant, Jason Chase, appeared before the commission and spoke to the recent rebranding of their parent company. He stated that the company located on the site is now known as World Oil Environmental Services. He explained that DK Dixon is a separate part of that company. He said the World Oil trucks collect the oil, antifreeze, and oily water and bring it to the transfer facility which is the DK Dixon site. In regard to fire suppression, Mr. Chase stated that they do not store any flammable material at the tank farm. He said the oil trucks are not speced to carry flammable materials so they do not bring flammable materials onto the property. Mr. Chase commented that once they start working on the building permit process they will contact the Dixon Fire Marshall to discuss the requirements for obtaining firefighting foam. Mr. Chase noted that currently they have fire extinguishers stored throughout the facility.

Since there were no further questions, Chairperson Cayler opened the public hearing. There was no one from the public wishing to speak therefore Chairperson Cayler closed the public hearing.

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Walker to adopt the Negative Declaration and the mandatory and additional findings and approve Amendment No. 1 to Use Permit No. U-91-17 subject to the recommended Conditions of Approval. The motion passed 5-0. (Resolution No. 4653)

#### **ANNOUNCEMENTS and REPORTS**

There were no announcements or reports.

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



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## Agenda Submittal

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<b>Agenda #:</b>	1	<b>Status:</b>	PC-Regular
<b>Type:</b>	PC-Document	<b>Department:</b>	Planning Commission
<b>File #:</b>	PC 18-020	<b>Contact:</b>	Karen Avery, Senior Planner
<b>Agenda date:</b>	5/17/2018	<b>Final action:</b>	
<b>Title:</b>	CONTINUED PUBLIC HEARING to consider Use Permit Application No. U-17-09 and Marsh Development Permit Application No. MD-17-02 of Verizon Wireless c/o Complete Wireless Consulting, Inc. (Hwy 680 Cygnus) to install a 65' monopole with associated ground equipment as part of a wireless telecommunications facility to be located on a 2.8-acre parcel zoned Exclusive Agricultural "A-20" off Marshview and Goodyear Road as they intersect with Interstate 680. The site is approximately 1.5 miles southeast of the City of Fairfield, APN: 0046-110-280. (Project Planner: Karen Avery) Staff Recommendation: Continue item to the regular meeting of June 21, 2018		

**Governing body:**

**District:**

**Attachments:** [A - Continuance request - Hwy 680 Cygnus](#)  
[B - Tolling Agreement](#)

Date	Ver.	Action By	Action	Result
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### **DISCUSSION:**

This project was continued from the April 5, 2018 Planning Commission meeting at the request of Complete Wireless Consulting, Inc. on behalf of Verizon Wireless to the meeting of May 17, 2018 (Attachment A). As noted in the request for continuance letter, the design of the project was found to have a visual impact on the scenic corridor along I-680. The applicant has since proposed a re-design of the project. Application materials for this new design was received by the Planning Services Division on May 8, 2018.

Also since the April 5<sup>th</sup> hearing date, the applicant and the County have agreed to a tolling agreement which extends the FCC shot clock to July 6, 2018 (Attachment B). It is anticipated the project will be returning to the Planning Commission on June 21, 2018, after the 30-day public review period of the CEQA document is completed.

### **RECOMMENDATION:**

Staff is requesting that the Planning Commission continue this item, U-17-09 & MD-17-02 Verizon, until the Planning Commission meeting of June 21, 2018.





RECEIVED

MAR 28 2018

COUNTY OF SOLANO  
RESOURCE MANAGEMENT

March 23, 2018

Solano County Department of Resource Management  
Planning Services Division  
675 Texas Street, Suite 5500  
Fairfield, CA 94533  
Attn: Karen Avery & James Leland

**RE:** Request for Continuance (Use Permit U-17-09 and Marsh Development Permit MD-17-02)  
**Location:** Goodyear Road, Fairfield, CA 94534 / (APN: 0046-110-280)  
**Verizon Wireless Site Name:** Hwy 680 Cygnus

Dear Ms. Avery and Mr. Leland,

I am writing to you today to request a continuance of the Planning Commission hearing date for the project described above. The project was noticed for and is scheduled to be heard at the April 5<sup>th</sup> hearing date, but due to site design revisions requested by Solano County that have yet to be completed, we are requesting a continuance to the May 3<sup>rd</sup> or May 17<sup>th</sup> hearing date.


The proposed design in the application for a Conditional Use Permit called for a 65' monopole painted green along I-680. After CEQA review, it was found that this would have an undesirable visual impact on the scenic corridor designated in the Solano County General Plan. After discussions with Solano County Staff and Verizon Wireless engineers, a new low-profile design with a height of 50' and antennas mounted on two centerlines was created that would diminish the visual impact of the site while achieving the coverage goals for this facility. Application materials for this new design have yet to be submitted for review by County Staff.

The FCC shot clock for this project expires on April 12, 2018. A shot clock extension by way of a tolling agreement between Verizon Wireless and Solano County is in the works and is forthcoming. A new shot clock date has yet to be agreed upon, but actions are being taken to come to an agreement that will allow for additional time to be added to the shot clock sufficient to allow for a new CEQA review should it be necessary for the new slimline design.

We estimate that all required updated application materials can be submitted to the County and a new staff report prepared in time for this project to be heard at the May 3<sup>rd</sup> Planning Commission hearing.

Please continue this project from the April 5<sup>th</sup> hearing date to the May 3<sup>rd</sup> or May 17<sup>th</sup> Planning Commission hearing date. Should you need more information, please contact me by email at [bmerritt@completewireless.net](mailto:bmerritt@completewireless.net) or by phone at (916)747-0624.

Sincerely,

  
Benjamin Merritt  
Land Use Planning Specialist

Complete Wireless Consulting  
[www.completewireless.net](http://www.completewireless.net)

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Sacramento, CA 95818  
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**MACKENZIE & ALBRITTON LLP**

155 SANSOME STREET, SUITE 800  
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415/288-4000  
FACSIMILE 415/288-4010

April 18, 2018

**VIA EMAIL**

Bernadette Curry, Esq.  
County Counsel  
Solano County  
675 Texas Street, Suite 6600  
Fairfield, California 94533

Re: Verizon Wireless Application No. U-17-09  
Telecommunications Facility, Marshview Road and Goodyear Road  
APN 0046-110-280  
FCC Shot Clock Tolling Agreement: July 6, 2018

Dear Bernadette:

We write to you on behalf of our client Cellco Partnership dba Verizon Wireless (“Verizon Wireless”) with respect to the above-referenced application for a proposed wireless facility filed November 3, 2017 (the “Application”). Federal law requirements obligate Solano County (the “County”) to take final action on Verizon Wireless’s application within specified time periods unless the time period is extended by mutual consent. Verizon Wireless believes this time period will expire prior to conclusion of an appeal period following a public hearing on the Application. When countersigned, this letter will confirm an agreement between Verizon Wireless and the County to extend the applicable time period for review of the Application under the federal Telecommunications Act to July 6, 2018.

The federal Telecommunications Act requires that local governments act on wireless siting applications “within a reasonable period of time.” *See* 47 USC § 332(c)(7)(B)(ii). In a 2009 declaratory ruling, the Federal Communications Commission established a legal presumption that a local government has violated this requirement if it takes longer than 90 days to act on an application to collocate a wireless facility or 150 days to act on any other type of wireless facility application. *See In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc.*, FCC 09-99 (FCC November 18, 2009) (the “Ruling”).<sup>1</sup> The Ruling further permits the period for review of an application to be extended by mutual consent. Ruling, ¶ 49.

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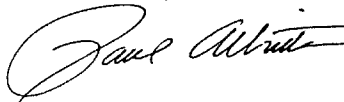
<sup>1</sup> The Ruling was upheld by the United States Supreme Court on May 20, 2013. *See City of Arlington v. Federal Communications Commission*, 133 S. Ct. 1863 (U.S. 2013).

Bernadette Curry, Esq.  
Solano County  
April 18, 2018  
Page 2 of 2

In order to allow the County to act on the application in an orderly manner, without either party risking the loss of important rights, the parties agree that the time period within which the County may take final action on the Application shall be extended through July 6, 2018, and that no limitations period for any claim of unreasonable or unlawful delay in processing the Application shall commence to run before said date.

If you agree, this letter agreement may be executed in counterparts, and scanned or facsimile signatures shall be deemed equivalent to original signatures. I will appreciate your returning a countersigned copy to me.

Sincerely,




Paul B. Albritton

cc: Karen Avery

**ACCEPTED AND AGREED TO:**

**Solano County**

By: 

Printed name: James Laughlin

Title: Deputy County Counsel

19 April 2018



dwelling, lodging or sleeping purposes, including any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobile home or house trailer at a fixed location or other similar structure of portion thereof.” Assuming that the correct number of listings are approximately 65 and the average rental rate is \$50 and each listing is rented for four months out of each year or 122 days, the approximate TOT that should be remitted to the County would be \$19,000.

The Tax Collector/Treasurer is concerned that attempting to enforce the required Transient Occupancy Tax (TOT) collections on non-permitted short-term rentals that are not currently paying the TOT will create undue confusion and prove cost prohibitive. At a minimum, the Tax Collector/Treasurer would prefer either the permitting of short-term rentals along with some type of land use registration system that would identify the tourist house and home uses in order to collect the TOT, or alternatively a change in the County TOT ordinance exempting short-term rentals from the burden of TOT.

#### Service Calls

A concern that was expressed in previous Planning Commission meetings was the potential to turn the house into a party house. The sheriff and code enforcement were contacted to identify the number of service calls for such uses. The sheriff had no records of service calls that match this use and code enforcement had one record. These have been problems in other jurisdictions. Enforcement of land uses in the County is primarily conducted by the code enforcement section of the Building division. It is complaint driven and is staffed by one full time and one half time staff.

#### Similar Use

Vacation House Rentals are commercial operations conducted on residential property by the homeowner, which is similar to a Home Occupation. Standards for a home occupation are stated in the County’s Zoning Regulations to ensure the use is compatible with the existing neighborhood. An initial business license is required along with an annual license renewal fee.

#### Standards Currently in Use

Many jurisdictions have chosen to allow dwellings to be used as short-term rentals, provided the use complies with various standards. These standards are intended to ensure that the tourist land use is compatible with, and does not adversely impact, surrounding residential or agricultural uses.

- Maximum number of rental nights,
- Prohibition of nuisance behavior that includes parties and social gatherings of guests,
- Parking,
- Limits on occupancy
- Guest turnover limit
- Owner contact number to adjoining neighbors,

#### Housing Availability

In some jurisdictions, large numbers of Vacation House Rentals have resulted in a loss of regular housing to full time residents. This does not appear to be the case in Solano County based on the relatively small number of available rentals.

### **OPTIONS FOR CONSIDERATION**

After consideration of the information presented and any public testimony the Planning Commission may decide to:

1. Direct staff to research additional information and schedule another study session for the Planning Commission;
2. Direct staff to prepare a proposed ordinance allowing a dwelling to be used as a Vacation House

Rental, by right;

3. Direct staff to prepare a proposed ordinance allowing a dwelling to be used as a Vacation House Rental, by right but subject to uniform standards and registration with the Department of Resource Management (administrative permit);
4. Direct staff to prepare a proposed ordinance authorizing a dwelling to be used as a Vacation House in some or all zoning districts, subject to approval of a minor use permit;
5. Direct staff to prepare a proposed ordinance explicitly stating that use of a dwelling as a Vacation House Rental is a prohibited land use, or
6. Some variation of the above including possible different standards for vacation rentals where there is no owner on site versus one where the owner continues to reside on the property.

Bed and Breakfast inn - Lodging accommodations which provides overnight transient accommodations, with no more than 10 guest rooms, and serves food only to its registered guests and that serves only a breakfast or similar early morning meal and no other meals and includes the price of the food in the price of the lodging.

Hotel - A building, portion of a building, or group of buildings containing six or more guest rooms designed, or intended to be used, let or hired out for transient accommodations. A hotel may include accessory uses, such as a commercial kitchen or dining facilities open to the public.

Rooming or boarding house - A dwelling, other than a hotel, where lodging or meals, or both, for four or more persons are provided for compensation. (Rooming and boarding of not more than 3 persons per dwelling unit in RR is not allowed. Rooming or boarding house not mentioned.)

#### Zoning Districts:

A No lodging accommodations mentioned

A-SV No lodging accommodations mentioned

RR Rooming and boarding of not more than 3 persons per dwelling unit in RR is allowed. Rooming or boarding house not mentioned

R-TC Rooming and boarding house prohibited