



Solano County

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

Minutes - Final - Revised Planning Commission

Thursday, November 3, 2022

7:00 PM

Board of Supervisors Chambers

CALL TO ORDER

The Solano County Planning Commission met on November 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, Deputy County Counsel Jim Laughlin, Planning Services Manager Allan Calder, Associate Planner Travis Kroger, Contract Planner Kathy Pease, and Clerk Marianne Richardson.

SALUTE TO THE FLAG

ROLL CALL

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

APPROVAL OF REMOTE TELECONFERENCING

- 1 [PC 22-031](#) Consider a resolution authorizing remote teleconference meetings for the period of November 3, 2022 to December 3, 2022 as a result of the continuing COVID-19 pandemic state of emergency.

Attachments: [A - Draft Resolution](#)

On a motion by Commissioner Bauer, and seconded by Commissioner Reagan, the Commission adopted a resolution for remote teleconferencing for the period of November 3 to December 3, 2022. So ordered by 3-0 vote; 1 abstain.

APPROVAL OF AGENDA

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

APPROVAL OF THE MINUTES

- 2 [PC 22-032](#)

Attachments: [A - Minutes of August 18, 2022 - Draft](#)
[B - Minutes of September 1, 2022 - Draft](#)

On a motion by Commissioner Reagan, and seconded by Commissioner Bauer, the minutes of August 18 and September 1, 2022 were approved by affirmation.

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

- 3 [PC 22-033](#) Conduct a noticed public hearing to consider Use Permit Application No. U-21-05 for the Bella Vista Farms Special Event Facility (Guzman), to convert an existing barn styled structure to serve as a Large Special Events facility located at 7108 Rio Dixon Road, within unincorporated Dixon, California. The property is zoned Exclusive Agriculture 40-acre minimum (A-40). (APN: 0112-080-130). The Project is exempt from the California Environmental Quality Act as recommended by the Solano County Department of Resource Management.

Attachments: [A - Resolution and Conditions of Approval](#)
[B - Location Map](#)
[C - Site Plans](#)

Planning Services Manager Allan Calder introduced Contract Planner Kathy Pease who presented the use permit U-21-05 application to the Commission.

Chairperson Rhoads-Poston invited the applicant to speak.

Angelina Guzman spoke of the project starting from an outdoor lawn area that community members asked to use for parties and felt there is a need from community members for an event center outside of downtown Dixon. She acknowledged a concern to agriculture raised by a nearby property owner, and stated the barn is existing and they too grow agriculture on their property.

Responding to a statement by Chairperson Rhoads-Poston, Ms. Pease clarified that amplified music is allowed indoor only in order to meet the noise requirement measured at the property line. She further clarified that the condition is the average noise level over a 24-hour period, but the Commission could amend to be 65 db during a single event which the Commission has previously imposed for similar projects.

Responding to a request for clarification of compliance by Chairperson Rhoads-Poston, Mr. Calder stated that use permits are reviewed for compliance every five (5) years; and if found generally in compliance, staff will work with the permittee for permit renewal. He further clarified if a noise complaint is received at any time, a Code Compliance Officer would visit the site with the ability to monitor noise. If continued to be out of compliance, escalatory options will be taken from discussion of issue(s) with the permittee for resolution to ultimately revoking the permit.

Chairperson Rhoads-Poston opened the public hearing.

A) Marion Farley of Fairfield stated she was present to speak on another

agenda item regarding setbacks and asked why staff is recommending approval of this project when it has less than the 200-foot parking setback.

Ms. Pease responded stating the parking setback requirement for this zoning district and project type is 60 feet, which is substantially exceeded in this project.

County Counsel Jim Laughlin stated the setback item is later on the agenda, and the reason the County is proposing to delete the requirement of a 200 foot setback for parking as written today is that it is a standard that applies to all uses in all districts throughout the unincorporated area. It effectively means that all RR-2.5 parcels and smaller cannot park a car outdoor on the property. The County sees this as an unconstitutional taking and unenforceable. There are properties that could be enforced but the County could be accused of selective enforcement, as it can only apply to parcels larger than approx. 5 acres and all smaller parcels are not held to that standard. For these reasons, we are asking this requirement be deleted from the code later on this agenda.

B) Paul Herman, a Suisun Valley winery owner, commented on symbiotic agriculture/event centers in the Suisun Valley Strategic Plan such as wineries that sell their product; and that hay, corn and row crops are not symbiotic for an event center and should be further reviewed.

C) Linda Russum of Fairfield commented that it seems premature to approve this application when there is strong opposition to removal of the parking setback later on this agenda.

Hearing no further comments, Chairperson Rhoads-Poston closed the public hearing.

Commissioner Bauer commented that we need an overarching policy on special event center applications instead of approving or denying them piecemeal, with guidance likely from the Board of Supervisors (BOS). She stated she was also not comfortable with this application tonight given the setback issue.

Commissioner Reagan asked if we should move this item after the Zoning Code Amendments agenda item. Mr. Laughlin responded that the 200-foot setback for parking applies to all uses, all buildings, everywhere throughout the unincorporated area. Further stating this change in code has not been approved yet and it is County Counsel's advice that this is an unenforceable standard due to constitutionality. The County has been approving building/use permits for years without applying that standard; it is a dead letter within our code and we are asking that it be officially deleted as it would be subject to liability if we tried to enforce.

Responding to a statement of sequencing by Commissioner Reagan, Mr. Laughlin stated the Commission could choose to hold this application until the setback standard is officially deleted from the code by the BOS. Later in this agenda, staff will be asking the Commission to make a recommendation of the proposed zoning code amendments to be heard by the BOS early December. Given the 30-day effective period, if the Commission wanted to hold this application, it would be January 2023 before this application could return to the Planning Commission.

Commissioner Reagan stated he would feel more comfortable to wait until after the BOS have considered the zoning code amendments.

Commissioner Gaddies agreed with previous statements that we should hold this application until after the setback verbiage has been approved by the BOS to know what the Commission is agreeing on.

Chairperson Rhoads-Poston stated she does see everyone's point and agrees with County Counsel that for many years we have made exceptions and this one would not make the biggest change. Her issue is not whether the setback is less than 200 feet, but if they are comfortable with the 100 feet setback proposed in this application. Another concern is to make amendment to the noise condition of approval limit of 65 db during an event instead of an average as a reasonable compromise for neighbors.

Mr. Calder reminded the Commission that there is a 60-foot setback minimum for this application from the road to the event center, and they are well beyond. Ms. Pease stated they are at 380 feet from Rio Dixon Road, at 115 feet to the south and 155 feet from the north side of event center, and the parking area is another 50 feet – well over 400 feet from Rio Dixon Road. Mr. Calder stated the setbacks for this project in this zoning district exceed the code requirements regardless of the removal of setback language.

A motion was made by Commissioner Bauer and seconded by Commissioner Reagan to continue use permit application U-21-05 of Angelina Guzman until after the Board of Supervisors' determination of the Solano County Code Chapter 28 Zoning Regulation Amendments (ZT-22-01). So ordered by 3:1 vote.

Resource Management Director Terry Schmidtbauer commented that an alternative option would have been to deny the application which would allow the applicant to appeal directly to the BOS; although continuing the item is a less invasive option.

Responding to a question by Chairperson Rhoads-Poston, Mr. Schmidtbauer stated the appeal fee is \$150 and must be heard by the BOS within a certain timeframe. Mr. Laughlin commented this option could however take longer than waiting for BOS action of the zoning code amendments.

4 [PC 22-034](#)

Conduct a noticed public hearing to consider Zoning Petition Z-21-01 by Scott Seibel to rezone 5.2 acres of property from Rural Residential "RR-5" to Rural Residential "RR-2.5". The property is located northwest of the intersection of Shelton Lane and Cromwell Lane, 0.3 miles north of the City of Vacaville; APN 0105-180-650. The Department of Resource Management recommends that this project is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b) (3), common sense exemption.

Attachments:

[A - Draft Resolution](#)

[B - Vicinity Map](#)

[C - Existing & Proposing Zoning Map](#)

[D - Tentative Parcel Map](#)

[E - Minor Subdivision \(MS-21-02\) Draft Resolution & Conditions of Approval](#)

Mr. Calder introduced Associate Planner Travis Kroger who presented the rezoning petition Z-21-01 to the Commission. Mr. Kroger noted that the minor subdivision application was continued to a date uncertain at the Zoning Administrator meeting that morning for the applicant to resolve an easement.

Responding to a question by Commissioner Bauer, Mr. Kroger stated the rezoning would allow for the property to be subdivided and the unpermitted 3rd dwelling to be legalized as a 2nd dwelling (on proposed Parcel A); however even in absence of the 3rd dwelling issue, the parcel is appropriate to rezone and subdivide due to the size, availability of public water service, and location adjacent to other RR-2.5 zoned parcels.

Chairperson Rhoads-Poston invited the applicant to speak.

Scott Seibel provided a brief history of efforts in rehabilitating the distressed property and permitting a main dwelling and accessory dwelling unit. This parcel is unique and served by a County road and private road, and each proposed parcel has its own utility service, leach field, etc. He further stated this rezone meets the property's requirements and is not just to permit the 3rd dwelling.

Chairperson Rhoads-Poston opened the public hearing. As there were no speakers, the hearing was closed.

On a motion by Commissioner Reagan, and seconded by Commissioner Bauer, the Commission recommended rezoning petition Z-21-01 of the Lands of Seibel to the Board of Supervisors. So ordered by 4:0 vote.

5 [PC 22-035](#)

Conduct a noticed public hearing to consider amendments to the Zoning Regulations (Chapter 28 of Solano County Code) to revise and update sections pertaining to public hearing notices, maximum size for secondary dwellings, wireless communication facilities permit life of approval terms and miscellaneous text corrections.

Attachments: [A - Draft Zoning Code Amendments - Redline](#)
[B - Draft Zoning Code Amendments - Clean](#)

Mr. Calder introduced the zoning regulation amendments to the commission and stated that after discussion with the agriculture community, staff is proposing to remove the agricultural amendments Section XI (Code Section 28.23.50.50(C)) in its entirety from consideration to continue discussion with stakeholders. He further stated the majority of amendments are regarded as code cleanup and needed perfunctory corrections.

Commissioner Bauer requested clarification of proposed Code Section 28.106(N) (Section LI of the proposed amendments) regarding a use permit renewal being non-appealable.

Mr. Laughlin stated this amendment is not considered a change in practice but adding language to clarify our practice. Currently renewals may be administratively renewed which means renewed without a public hearing and the County has received questions of what is administrative. We are adding specific language that there is no public hearing and that the determination is non-appealable. The reason for non-appealable is that if the permit is not

renewed, the code already requires the Zoning Administrator to start a revocation enforcement action. The Zoning Administrator has inherent discretion whether to initiate an enforcement action. So we cannot have an appeal process being used to control the Zoning Administrator's lawful scope of discretion on whether to bring a revocation proceeding or not. This amendment is to make the code sections conform with each other.

Commissioner Bauer believed a renewal application before the Commission was appealed in the past. Mr. Laughlin did not recall a public hearing for a renewal and stated it was most likely a revision to a permit application that brought the item to public hearing with the Planning Commission.

Responding to a request for clarification by Commissioner Bauer, Mr. Laughlin stated the change in language in Section 28.106(N) from full compliance to substantial compliance is to make code sections conform with each other. Another code provision states that if you make any changes to a project with an issued use permit, the Zoning Administrator (ZA) can approve those changes as being within substantial conformance with the existing permit. For example, a small addition to a building covered by a use permit may be deemed in substantial conformance with the existing conditions of approval and not require a public hearing permit amendment process. We want a standard for doing permit renewal and permit amendment actions in substantial conformance. The current standard for renewal is full conformance, and if not in full conformance the ZA is supposed to start revocation proceedings. We have another code section saying substantial conformance is good enough and one saying to revoke a permit if not in full conformance. This amendment is trying to bring the two provisions of the code in conformance with each other.

Responding to a question of Section XI by Commissioner Gaddies, Mr. Laughlin stated this section was recommended by staff to be removed from consideration pending further discussion and revision. He further explained the reason for the proposed revisions and what was brought to their attention that needs further improvement of language.

Chairperson Rhoads-Poston asked of Summary item F that would not allow construction of an accessory dwelling before a primary dwelling, as it would be handy to have a barn to contain materials to construct the dwelling.

Mr. Laughlin believed this was a typo that the word "not" was omitted from the notes when adopted in 2012. As it reads currently you can build an accessory/detached garage prior to the dwelling and did not feel that we wanted that as a matter of policy. It is meant to be an accessory to a dwelling and is not accessory if the dwelling does not exist.

Chairperson Rhoads-Poston asked why it matters to the County which structure is built first. Mr. Laughlin responded there is no guarantee the house will be built after the garage, and we could have properties with standalone garages. Mr. Laughlin noted this is not for agriculture accessory (barn) structures, this is for residential accessory (garage) structures and the Commission can recommend this amendment be removed from consideration if further discussion is necessary. Mr. Laughlin stated this amendment was not intended to establish new policy but to fix typos and add language we thought was intended to be there from the outset.

Mr. Laughlin stated it is within the Commission's discretion to take the current (zoning code) wording as a correct statement of County policy on this matter. Chairperson Rhoads-Poston responded that it would be her suggestion to leave it that way.

Mr. Laughlin relayed a comment from staff that construction of accessory structures without a dwelling sometimes leads to introduction of commercial service/business uses on the property. Mr. Schmidtbauer commented that there are a few substantial code violation cases with accessory structures. Mr. Laughlin noted that a home occupation may qualify for an accessory structure but there must be a home (dwelling). Chairperson Rhoads-Poston suggested to better define the code section language and intent.

Chairperson Rhoads-Poston asked of Summary item G, if language should be added where it states "...provided the neighboring property owners do not object." She would want something in writing that the neighbors do not object and not a he said/she said after construction.

Mr. Laughlin stated he has noted the commission's objection to the waiver language and also brought attention to revision of 2nd dwellings in agriculture districts A-20, -40, -80 and -160 where the allowable size is increasing up to 2400 sf but no more than 80% of the existing primary dwelling. Staff has received comment to include the same standard in the A-SV district (currently allowed up to 1800 sf). It is within the Commission's discretion to include this revision to the proposed zoning code amendments. Chairperson Rhoads-Poston agreed it should be the same.

Chairperson Rhoads-Poston opened the public hearing.

A) Jim Leland, representing Caymus Vineyards, expressed concern over Section XI amendments and recommended the Commission not take action but to defer for further discussion.

Chairperson Rhoads-Poston stated for the record that Section XI has been removed from consideration tonight.

B) Kristin Herman of Fairfield commented against Section XI amendments to allow event centers without provision of agriculture within the Suisun Valley agritourism area, and public noticing amendments to instead encourage more communication.

C) Paul Herman, a Suisun Valley vineyard owner, admonished the Commission of less agriculture within the County and asked they consider agriculture in their decisions.

D) Duane Kromm of Fairfield spoke of the Orderly Growth Committee letter submitted to the Commission regarding Section XI in that such amendments should start with the Agricultural Advisory Committee and Farm Bureau before brought to the Planning Commission. Further, that the Suisun Valley Strategic Plan should be reviewed with stakeholders in terms of agriculture, and agriculture in A-20 and up districts need the 200-foot parking setback and should not be removed countywide.

E) Mary Browning of Fairfield stated concern of item Q – Use Permit renewal procedure amendments that remove ability to appeal permit renewals. She cited a renewal application that she appealed for concerns of unregulated entertainment activities near a busy road which she stated were never addressed by the County.

Mr. Laughlin recalled Ms. Browning’s appeal, which was not a permit renewal but a permit revision/amendment which does require an appealable public hearing process.

F) Linda Russum of Fairfield stated concern of Section XVII amendment regarding 200-foot setback and asked this provision remain, the amendment be removed or revised to allow a carve out for A-10 and up parcels to allow a setback buffer for larger farming parcels to avoid conflicts with neighboring developments. She added that a developer should allow the setback for existing farming and that parking lots are inherently pollutant and have affected neighboring agriculture.

G) Marilyn Farley of Fairfield stated concern of amendments to permit renewals since circumstances change during a permit term, this should be a reason to inform the public of a permit renewal should any neighbors have issues/concerns and be allowed to voice them.

H) Susan Reynolds of Fairfield also expressed concern over the removal of the 200-foot parking setback provision as it would place burden on the farmer to make adjustments to their cultivation process; and she would be greatly affected if parking lots were at her property lines.

I) Carla Nelson of Fairfield stated concern that the zoning code amendments as she has read them would allow cementing over prime agricultural lands in Suisun Valley for an array of retail, commercial and other non-agriculture uses.

J) Lisa Howard, a Suisun Valley resident and Ag Advisory Committee member, thanked staff for reviewing the amendments with them and stated that October 31st was the first time they had heard or seen the proposed amendments. She acknowledged removal of Section XI and felt the setback requirement intent should be clarified with a solution for smaller/larger parcels. She also asked the Commission to consider the permit renewal process be used appropriately.

Hearing no further speakers, Chairperson Rhoads-Poston closed the public hearing.

Commissioner Bauer stated she still has concerns of the appeal and parking setback amendments, and stated their decision tonight is not permanent but makes a recommendation to the BOS for consideration.

On a motion by Commissioner Bauer, and seconded by Commissioner Reagan, the Commission recommended to the Board of Supervisors the proposed Solano County Code Chapter 28 Zoning Regulations Amendments (ZT-22-01) with revisions to staff’s set of proposed amendment to include removal of Section XI (Agriculture); revisions to the proposed amendments in Sections XVII.B.3 and XXIX to leave the existing 200-foot parking setback requirement in place; removal of Section LI (Permit Renewal); revision of Sections XVI and LIV

to add "...if no written objection is received..."; and to add amendments that would allow 2nd dwelling units of up to 2,400 square feet in the A-SV zoning district. So ordered by 4:0 vote.

ANNOUNCEMENTS AND REPORTS

Mr. Calder informed the Commissioners that agenda items are scheduled for the November 17, 2022 meeting.

ADJOURN

This meeting of the Solano County Planning Commission adjourned at 8:41 p.m. The next regular meeting is scheduled for November 17, 2022.