

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

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## **Meeting of July 18, 2019**

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, Cayler, Hollingsworth, and Chairman Walker

EXCUSED: Commissioner Bauer

STAFF PRESENT: Bill Emlen, Director; Michael Yankovich, Planning Program Manager; Nedzlene Ferrario, Senior Planner; Jim Laughlin, Deputy County Counsel; Jeffery Bell, Environmental Health Supervisor; Saeed Iravani, Building Official; and Kristine Sowards, Planning Commission Clerk

Chairman Walker 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 June 20, 2019 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 Use Permit Application No. U-18-04 of **Ted and Jeri Seifert (The Timbers-Silveyville Christmas Tree and Pumpkin Farm)** for an existing Christmas tree and pumpkin farm with concessions, gift shop and amusement activities, with the addition of a proposed event venue consisting of a 3,000 square foot building and adjacent park. The property is located at 6224 Silveyville Road, northwest of the City of Dixon in the Exclusive Agricultural "A-40" Zoning District, APN's: 0108-090-130 and 140. The project qualifies for an Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines. (Project Planner: Michael Yankovich)

Mike Yankovich provided an overview of staff's written report. The site is comprised of two parcels which together contain 31.8 acres. The 9.3-acre parcel (0108-090-140) was previously used by the State as a tomato grading station and is entirely developed with pavement and multiple structures. It is also under contract, No. 52, through the Solano County Uniform Rules and Procedures as authorized by the California Land Conservation Act. The 22.5-acre parcel (0108-090-130) is developed with agricultural and residential structures as well as significant areas planted in trees and seasonal crops. It is also under California Land Conservation Act Contract No. 52.

The report went on to say that the Williamson Act program is designed to protect agricultural land for continued commercial agricultural use primarily for the production of food and fiber and other lands devoted to open-space and recreational uses. The rules set forth the eligibility requirements, land use restrictions, and procedures for entering into and terminating agricultural preserves and land conservation contracts within Solano County. Table A of the Rules does not cite the proposed uses as permitted or compatible with lands within an agricultural preserve. The permittee will file Nonrenewal of the contract upon approval of Use Permit U-18-04. Staff recommended approval of the project.

Commissioner Cayler noted that she is acquainted with the applicant and was recently given a tour of the site.

Since there were no questions of staff, Chairman Walker opened the public hearing.

The applicant, Ted Seifert, appeared before the commission. Mr. Seifert provided information about the history of the property and gave an overview of their proposed project. He explained that they believed, due to the many years the activities had been taking place on the site, that the uses were grandfathered in. He cited that in 2015 in a meeting with the health department regarding their proposal for a concession stand, they were informed that the activities taking place on the property were not permitted. At that point they applied for a business license which was followed by this use permit application. Mr. Seifert said he wanted to make clear that this application is proposing two separate community events; the pumpkin patch and the after-Thanksgiving activities. He said in the staff report it refers to a community event, where in fact it should be plural, to indicate two separate events. He noted the importance of the separation of events to meet septic requirements.

Mr. Seifert spoke of the discussion regarding the Williamson Act in the report. He said he can recognize the requirement as it pertains to the paved portion of the site, noting that the functionality of that property originally was a tomato regrade and processing area which was the basis for the Williamson Act Contract in 1969. He said that he views their proposal as having two phases; the existing business, and the future business which would be the event center. He said phase two may happen within a year or two, depending upon financing. He commented that they will be working with staff about this aspect of the Williamson Act and are hoping they can defer the requirement until the second phase of the project.

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

Mr. Yankovich spoke regarding the Williamson Act stipulation. He said the Williamson Act is for properties that are engaging in commercial agriculture providing food and fiber. When a use is changed that is incompatible with the Williamson Act, it is required the contract either be non-renewed or cancelled altogether. He commented that the portion of the proposal where the

property is completely paved over, although there are some ag serving businesses on that land, would be very difficult to say that commercial ag is taking place there. Mr. Yankovich commented that when planning staff brought their Work Plan before the Board of Supervisors, Supervisor Vasquez inquired about reviewing the county's Williamson Act Program. In reviewing the Program, this would most likely be one area that would be studied as to whether non-renewal or cancellation would be considered.

A motion was made by Commissioner Rhoads-Poston and seconded by Commissioner Cayler to adopt the mandatory and suggested findings and approve Use Permit Application No. U-18-04, subject to the recommended conditions of approval. The motion passed unanimously (Resolution No. 4675)

Item No. 2

PUBLIC HEARING to consider a recommendation to the Board of Supervisors regarding incorporating policies relative to the **Cache Slough** region into the General Plan.

Nedzlene Ferrario provided a brief presentation of staff's written report. On May 16, 2019, planning staff presented an overview relative to the issues related to the potential land conversions in Cache Slough. Planning commissioners requested that the item be brought back for further discussion and review. Staff is bringing to the commission, a specific set of General Plan text and policy, for consideration and recommendation to the Board of Supervisors.

The project consists of adoption of a policy framework to address potential agricultural land conversions in Cache Slough. Cache Slough is predominantly agriculture, adjacent to the Sacramento River and its tributaries, and the Yolo Bypass floodway. The proposed policies protect the existing agricultural environment and the supporting infrastructure in order to ensure continued economic viability of the region in order to avoid conflicts of Solano County's vision for agriculture. Individual environmental effects due to construction activities will be evaluated on a project level or case by case basis.

Since there were no questions of staff, Chairman Walker opened the public hearing.

Jeff Henderson, Delta Stewardship Council, appeared before the commission. Mr. Henderson noted the Delta Stewardship Council is an independent State agency that was established by the 2009 Delta Reform Act. They are an agency that address policies and issues in the Delta. The Reform Act sets forth co-equal goals for the Delta; providing a more reliable water supply for California, and protecting, restoring and enhancing the Delta eco-system. The co-equal goals identify that these activities need to occur in a manner that protects and enhances the Delta as a place, including the agricultural values of the Delta. Mr. Henderson stated that their role at the council is to further those co-equal goals through the Delta Plan. The Delta Plan includes regulations that apply to state and local government agencies. Specifically, the council has regulatory and appellate authority over what are known as covered actions. These are certain actions that take place in whole or in part in the Delta, and they apply to projects that local or state agencies are carrying out, approving, or funding in the Delta.

Mr. Henderson said one of the key things that makes a project a potential covered action is if the project has a significant, positive, or negative impact on achieving those co-equal goals. They fully recognize that in Solano County agriculture is valued as an economic benefit and as a way of life. The Cache Slough area is a valuable agricultural region and is located at elevations that can support effective habitat restoration.

Mr. Henderson stated the county has identified several potential issues associated with land conversions from agriculture to restoration or floodway uses, conversions which are anticipated as part of the several planned restoration projects that were highlighted in the staff report. While the proposed amendments would have a positive effect on ag and the Delta as a place, they would also have a negative effect on ecosystem restoration. As steps that would be taken to reduce some of the impacts to agriculture could potentially limit the size, the location, the connectivity, and the features of proposed restoration projects. He noted that council staff has met with county staff prior to these hearings and have taken a close look at the proposed policies. They feel the general plan amendment appears to meet the definition of a covered action, in part, because it has the potential to inhibit the opportunity to restore habitat in the Cache Slough and Yolo Bypass priority habitat restoration areas. That is perceived from the co-equal goals perspective as a negative impact, but the amendments also describe a framework and conditions under which restoration projects should demonstrate compatibility with their agricultural surroundings. That is essentially a positive effect of the amendment. The council is potentially concerned that the county's proposed policies and the zoning that may follow to implement them may result in additional approvals or additional conditions that could limit the size, the features, connectivity, and the elevation of restoration projects that may not exist today. This would potentially be significant to the overall success of Delta restoration efforts, and best available science indicates that the size, the features, the connectivity and the elevation are essential components of viable restoration projects.

Regarding demonstrating the consistency with surrounding uses, Mr. Henderson stated that the Delta Plan regulations require that ecosystem restoration projects avoid or reduce conflicts with the existing or planned land uses that surround them, including agricultural uses. From this perspective, the proposed policies describe what restoration project proponents would be required to do and how other public agencies, including state agencies, proposing restoration projects should demonstrate compatibility with the surrounding agricultural land. So future covered actions, including the three restoration projects of concern to the county, are also required to demonstrate consistency with these policies and other Delta Plan policies and are subject to potential appeal before the council. From this perspective, the county's policies have potential to represent a good structure for dialogue regarding the consistency of those future projects, not just with the county's General Plan but also with the Delta Plan.

Mr. Henderson said they would appreciate an opportunity to continue working with county staff to determine the ultimate covered action status of the proposed amendments. The council encouraged the county to file a Certification of Consistency following the Board of Supervisors action to adopt the policies. He noted that their staff is ready to engage in early consultation discussions regarding these matters.

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

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Rhoads-Poston to determine that the project qualifies for Section 15308 Class 8 Protection of the Environment, of the California Environmental Quality Act, and recommended that the Board of Supervisors amend the General Plan and incorporate policies regarding Cache Slough, as attached to the staff report dated July 18, 2019. The motion passed unanimously. (Resolution No. 4676)

## **ANNOUNCEMENTS and REPORTS**

Bill Emlen informed the commission that the Planning Director's group is trying to put together a planning commissioner training pertaining to CEQA. The proposed date is August 28<sup>th</sup>. Mr. Emlen noted that staff will provide more information to the commission as details come forward.

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

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