

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of May 17, 2018

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 Walker, Hollingsworth, Bauer, and Chairperson Cayler

EXCUSED: Commissioner Rhoads-Poston

STAFF PRESENT: Bill Emlen, Director; 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 April 19, 2018 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-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.

Michael Yankovich made note that this project was continued from the April 5, 2018 Planning Commission meeting at the request of Verizon Wireless to the meeting of May 17, 2018. 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 were received by the Planning Services division on May 8, 2018.

Mr. Yankovich stated that also since the April 5th hearing date, the applicant and the county have agreed to a tolling agreement which extends the FCC shot clock to July 6, 2018. 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.

A motion was made by Commissioner Bauer and seconded by Commissioner Hollingsworth to continue this matter to the meeting of June 21, 2018. The motion passed unanimously.

Item No. 2

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.

Mike Yankovich gave a brief presentation of staff's written report. The report noted that last year the planning commission held three meetings in which short-term rental of houses and rooms for periods of less than 30 days were discussed. Then, as now, the use of a dwelling unit as a Vacation House Rental (whole house rental) rather than as a residence is a land use that is implicitly not authorized or addressed by Chapter 28 (Zoning Regulations) of the Solano County Code. The discussion included consideration of regulations developed by staff to assure that this use would be compatible with the residential character of the neighborhoods. Public testimony on the proposed regulations was generally negative and ranged from over regulation of a use to proposing regulations for a use that are unnecessary. At the third meeting, the commission decided to end the discussion and staff withdrew the item from further consideration at the time. As a result, vacation house rental remain a land use that is implicitly not authorized by Chapter 28, but is a land use that currently is being conducted on a number of properties in the unincorporated area.

Staff has since conducted additional research addressing the vacation house rental land use and, in consideration of this information, is providing several options for consideration by the commission. Those options were outlined in detail in staff's written report. Mr. Yankovich ended his presentation by making himself available to answer any questions.

Commissioner Walker stated in past study sessions with the Commission there were concerns raised pertaining to parcels under Williamson Act contract. The issues were due to the circumstance that the use would be prohibited. Mr. Walker wanted to know if this was still the case.

Mr. Yankovich noted that since the commission's last study session the county has had communications with the State regarding Williamson Act contracted properties. They indicated they would essentially not like to have any type of commercial use on those lands. Mr. Yankovich said for the most part, most counties are not receiving any type of supplemental funds from the state with regard to contracted properties.

Commissioner Walker spoke with regard to Option 5 which proposes the use be prohibited and said that to insure compliance, it would come at a cost. Mr. Yankovich said the additional

use effort would definitely prove to be a challenge. He noted that currently the county employs one full-time and one half-time code compliance officer which makes it tough to achieve compliance in all areas of the county.

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

Reta Jones, Suisun Valley Road, Fairfield, longtime resident in the area voiced her concern about this type of activity and the need for strong regulation. She referred to a recent incident where it was discovered that a local vacation rental situated in close proximity of a church where young children frequent was being occupied by a known predator. Ms. Jones stated that these types of rentals need monitoring so as to prevent such an occurrence.

Linda Tenbrink, Gordon Valley Road, Fairfield, long time farmer in the Valley spoke in support of allowing vacation rentals by right. Ms. Tenbrink commented that this activity is already happening in a big way and it would be relatively hard to stop even if there was a desire by the county to do so. She commented that it would be more sensible to look at the benefits that this new industry brings to the county through increased tax revenue and its support of agriculture. Ms. Tenbrink stated that the Transit Occupancy Tax (TOT) that would be generated even on the 5% level would be a greater benefit than the \$19,000 as quoted in the staff report. She stated that beyond the additional revenue, especially in the agricultural district, property owners have already seen prices for their products escalate due to the increased exposure because people are becoming more aware of the Suisun Valley. Ms. Tenbrink said she did not feel that regulation needs to be excessive because she believes the industry is a self-regulating industry; if an operator is not providing a safe and comfortable experience, it does not take long for social media sites such as Yelp to make a negative impact on the business. Ms. Tenbrink stated that she would like to see in the regulations the TOT revenue specifically earmarked for the areas where it is collected, and be put to use in those areas. She said the commission should also consider not making this a blanket ordinance for the entire county, but to choose different levels of application for the different areas due to their uniqueness.

Daniel Schwartz, Blue Road, Vacaville, spoke in favor of the vacation rental. He stated that he and his wife have been supporting agritourism in the county for a number of years. They produce lavender products and also grow wine grapes. From a host experience, as well as a guest of Airbnb, Mr. Schwartz said that it has been an extremely positive experience. He said there is no question that it helps them personally in terms of finance, but the experience goes well beyond just the financial rewards. He stated that on their property they do not allow parties or events, and do not tolerate unplanned activities. Mr. Schwartz commented that very few of their guests had ever heard of Solano County but they were well aware of the Napa area. He said he makes it a point to provide his guests with a list of what to do and where to go in Solano County so that folks can decide to stay local and ultimately contribute to the tax base. Mr. Schwartz noted that Airbnb has a governmental component and he had hoped that the county has reached out to them because they have an extensive tool kit that they have used around the world.

Alexis Koefoed, Pleasants Valley Road, Vacaville, stated that as farmers they are always looking at ways to add value to their farm and to the experience with their customers. She said their Airbnb/VRBO has been a lifeline for those times of the year when crops are not being harvested or when crops fail and there is a need to find other ways to generate revenue. She said it is satisfying to be able to open their farm to the public and to show why farming is so

important and to share the open land and fields of flowers. She said it is a benefit to keeping farming and agricultural land in the county alive, vibrant and successful.

Laura Brasfield, Vezer Family Vineyard, Mankas Corner Road, Fairfield, stated that she operates an Airbnb/VRBO at two separate sites. She said that she does her due diligence on screening customers. She has created a special contract which is an additional step to ensure that guests are following the rules and she enforces noise and hour limitations. She said the occupancy limitation is no more than 10 people, 3 day minimum and 7 day maximum. She stated that she monitors the locations to make sure there are no parties on site. Ms. Brasfield said that she believes some regulation is needed in order to keep in line with what the county may require and she was agreeable to paying the TOT.

Carolyn West, Green Valley Road, Fairfield, stated that they have a vineyard cottage and have rented it out in the past. She commented that it was an extremely joyful experience and it was successful. She said unfortunately the county is limited and does not have a lot of these charming inns, but in developing agritourism in Suisun Valley, Green Valley, and Pleasants Valley the county needs places for these tourists to stay. She hoped that the county does not limit this to just one area or just one type of vacation home. She said it is so important for the young families that live in the estates in Green Valley who have an extra room or a pool house to be able to use that amenity in this way. Ms. West commented that the Green Valley Country Club is losing wedding revenue because there are no local romantic accommodations for the bridal party. Ms. West noted that she is very involved in the community and with maintaining the county's agricultural integrity. She stated that Solano County is known as a drive-by community. She said that the county can capture some of that Napa market and bring it to Solano by offering the kind of lodging that is desired. The county needs to use the land wisely and encourage this activity. Ms. West stated that she favored Option 2 but would also agree to Option 3.

Kevin Browning, Clayton Road, Fairfield, long time resident of Solano County referenced the statement made by staff that there are no facts to show the affect this would have on housing availability. He stated that a typical rural home in these areas would rent anywhere in between \$2,000 to \$3,000 a month which would equate to \$24,000 to \$36,000 a year revenue to the homeowner. When opening this up to anyone being allowed to turn a residential home into an income producing property with unlimited uses, it affects those people who do not have such a business. He questioned where the resident's rights come into play. He said the reason Solano County have these types of businesses is because Napa does not allow it. He noted that the cities of Fairfield and Vacaville just recently banned this activity so now Solano County's rural area is the new dumping ground. Mr. Browning commented regarding the comparison being made to Sonoma County and stated that this is a far reach since Sonoma is more diverse than Solano, and many of their rentals are located along the Pacific Ocean which does not compare to agricultural land. Traffic will be an issue because the county roads are not designed for the increased traffic. Mr. Browning spoke to the nuisance issue. He said they live next door to a vacation rental where inebriated occupants have trespassed onto their property trying to pick fruit from the trees. Mr. Browning stated that he is not in favor of a blanket ordinance and hoped the commission would table this item.

Mary Browning, Clayton Road, Fairfield, noted that this area has 18 hotels and over 800 rooms. She said folks can enjoy the farmland during the day and just as well sleep in an area hotel at night, commenting that these hotels also supply employment to local citizens. The

hotels already have safety regulations in place and are insured for liability. Ms. Browning said she is quite sure these operating vacation rental units do not carry commercial insurance, so if the home were to burn down it would not have adequate coverage. She referenced an incident that took place in Napa where an Airbnb burnt down and the owner has not been able to rebuild because it was not properly insured. She stated that there are no lending criteria for this type of use and it is not recognized by banks or lenders, it is strictly a commercial policy requirement. She noted that the Airbnb Corporation does not cover liability despite their claim that they do. Ms. Browning provided written information to the commission highlighting the trials and tribulations associated with this type of activity as experienced throughout the country. She said this will be an impact to Solano County's lack of affordable housing because it gives the incentive to either rent short term or buy as investment property. Ms. Browning noted that currently Suisun Valley Inn is the only entity who pays TOT. She stated that Sonoma County uses their TOT for compliance and regulation and they have not been able to keep up. Ms. Browning said there is no way for the county to regulate this. She said code compliance in the county does not happen. She said she was the person who started complaining 5 years ago about the Airbnb next door and there was never compliance. She said one letter of violation was sent to the property owner by the county and that letter was totally ignored. Ms. Browning said living next to an Airbnb is annoying and she spoke to the incidents of having guests trespass on their farm and getting close to their animals. She said they fear for their animal's safety and the safety of the trespassers as well. Ms. Browning said she would favor Option 5.

Eleanor MacMakin, Mix Canyon Road, Vacaville, said she has operated an Airbnb/VRBO for 5 years and rents out the entire home. She said if she did not have that option she would not be financially solvent. The pleasure she gains from her guests is enormous. She described her property as being in the riparian sanctuary and therefore it does not impact anyone because there are no adjacent neighbors. Ms. MacMakin said the Airbnb industry is here to stay and so she believed regulating it is a good idea. She was happy that the county is beginning this process and inviting property owners to come and speak. She also noted that besides the short term rental there are also an abundance of campers travelling to the area because people desire the outdoors and the county has a lot of nature to offer. She agreed that this industry is self-regulated. Ms. MacMakin commented that she has set into motion a plan with the Ulatis Conservation District to comply with preserving the land as open space.

Charles Wood, Jefferson Street, Fairfield, stated that his family moved into this area in 1963. He noted that his parents still live in Green Valley. Mr. Wood said he is a real estate attorney representing Vezer Family Vineyards. He also has several other clients who are very much in favor of allowing these short term rentals for tourism purposes. He said there are tremendous benefits to the economy in allowing these short term rentals by letting otherwise idle real properties be used to allow for more income to the area and to the economy. This money stays local. These units have a great potential to generate fees and TOT. Mr. Wood stated that he has spoken with many Airbnb hosts and they do not have any qualms with having to pay a TOT or other reasonable tax. The impacts of a short term rental are very similar to somebody renting or living in a house. These short term rentals will help promote visitors to the area and specifically help satisfy the goals of the Suisun Valley Plan. He noted that he is aware there is some fear of disturbances but there is no evidence to support that. The industry is self-screening. He commented that the host are allowing people into their homes, sleep in their beds and to use their furnishings and so these homeowners have the most incentive to make sure that these are good quality people. Mr. Wood stated again that there is no

evidence to back up claims that these short term rentals result in more drunk people causing problems in orchards or other places. There is no consistent problem that justifies strict regulation and he sees no reason to prohibit these short term rentals. Mr. Wood voted for the option that allows this use with reasonable regulations.

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

Commissioner Bauer said that she favored Option 4. She brought up the possibility of having the minor use permit allow for some variance; for example the speaker who owns the residence within the riparian sanctuary that has no impact on neighbors. Ms. Bauer spoke to the issue brought up concerning commercial insurance. She said she felt it would be better if the vacation rentals were hosted rather than non-hosted so that the homeowner would be on site to monitor the activities. Ms. Bauer said she understood how important this is to people to be able to stay in their homes by being able to rent out a portion of it. She noted that she conducted a quick online search for an Airbnb in Solano County. She chose the month of November. The result brought up 410 listings. She said the few she tried to figure out their location were identified as within Fairfield.

Commissioner Hollingsworth commented that since this activity is going to take place we should have some rules and regulations in order to monitor the use. He supported both Option Nos. 3 and 4. Commissioner Hollingsworth also suggested staff put together a listing of the vacation rentals within the county in order to know where they are operating.

Commissioner Walker stated that he would not support this activity by right nor would he support direct prohibition. He said he would be more in favor of some variation of Option 4 and to also examine what the impact might be with respect to only allowing hosted rentals, but leaving the option open for the possibility of adding non-hosted rentals at a later date. Commissioner Walker said he is sensitive to the conversation in the staff report by the Tax Collector/Treasurer that this activity would not necessarily work if there was not adequate funding to support the administration of the program, examples being the collection of the TOT and code enforcement. Commissioner Walker said it would be his recommendation to ask staff to look at proposing some regulations keeping in mind the need to generate enough revenue to pay for the additional staff time before opening up Solano County to this type of business.

Chairperson Cayler commented that this use is already taking place and so the county needs to have guidelines to follow for all involved: the county, law enforcement, the hosts and hostesses. Ms. Cayler commented that there are also attractions other than wineries to draw people to Solano County such as the lavender farm and Christmas tree farm in Dixon.

Bill Emlen commented that as staff was preparing this item for study session, they recognized the discussions the commission has had in the past and knew there were going to be some distinct views. What staff is trying to do now is establish a baseline. He said in the future some variations could be made as we learn more about this evolving industry.

Commissioner Walker spoke with regard to the ordinance being brought back before the commission. He said if staff believes a particular zoning district should not be included as part of this ordinance, he asked if staff could include an explanation in the report as to why that

district or districts were chosen. He said it would be helpful in understanding the reasoning and how it would apply to other zoning districts that are not referenced.

It was noted by staff that this item would be brought back before the commission for public hearing on June 21, 2018.

ANNOUNCEMENTS and REPORTS

There were no announcements or reports.

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