

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

---

## **Meeting of July 19, 2018**

The regular meeting of the Solano County Planning Commission was held in the Solano County Administration Center, Multipurpose Room, (1<sup>st</sup> floor), 675 Texas Street, Fairfield, California.

PRESENT: Commissioners Rhoads-Poston, Walker, Hollingsworth, Bauer, and Chairperson Cayler

EXCUSED: None

STAFF PRESENT: Bill Emlen, Director, Mike Yankovich, Planning Program Manager; Eric Wilberg, Planner Associate, Jim Laughlin, Deputy County Counsel; and Kristine Sowards, Planning Commission Clerk

Chairperson Cayler called the meeting to order at 7:00pm, 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 meetings of June 7 and June 21, 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 Minor Revision No. 2 to Use Permit No. U-98-28 of Salad Cosmo USA for the expansion of an existing agricultural processing facility located at 5944 Dixon Avenue West, one mile west of the City of Dixon in an Exclusive Agricultural "A-40" Zoning District, APN's: 0109-030-040, 030 and 0109-060-010. The Planning Commission will also be considering adoption of a Mitigated Negative Declaration of Environmental Impact as recommended by the Solano County Department of Resource Management. (Project Planner: Eric Wilberg)

Eric Wilberg gave a brief presentation of the written staff report. The report stated Salad Cosmo is proposing additions to their processing facility as well as demolition of portions of

existing structures. The project will be constructed in two general phases. The first phase is to accommodate bean sprout growing conducted in complete darkness. The second phase is designed to prepare for the growing of other types of sprout in sunlit greenhouses. Staff recommended approval of the project.

Chairperson Cayler opened the public hearing.

The project architect appeared before the commission. He stated the reason for this expansion is they need additional room to accommodate their growing of seeds.

Brian Levin, a neighboring property owner appeared before the commission with questions pertaining to groundwater use and lighting mitigation technique.

Mr. Wilberg explained that there would be no increase in the groundwater usage and that mitigation has been imposed for outdoor safety lighting by requiring outdoor lighting be shielded from the viewshed of I-80.

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

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Bauer to adopt the mitigated negative declaration and approve the minor revision to Use Permit No. U-98-28 subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4657)

Item No 2 -

**PUBLIC HEARING** to consider an ordinance amending Chapter 28 of the Solano County Code to define the short-term rental of a dwelling as a “vacation house rental” and to authorize such land use, subject to an administrative or minor use permit, within the Agricultural, Rural Residential and Watershed Zoning Districts.

Mike Yankovich provided the commission with a brief presentation of staff’s written report. At the June 21<sup>st</sup> meeting of the Planning Commission, staff presented two ordinances for the commission’s consideration regarding vacation house rentals. Ordinance 1 grouped vacation house rentals into two categories – hosted and unhosted and proposed general regulations along with specific regulations for each. Ordinance 2 collapsed the general and specific regulations contained in Ordinance 1 and placed them under the general heading of requirements.

The report also stated that following a discussion period, the commission provided staff with comments which were incorporated into Ordinance 1. Several commissioners indicated that they were comfortable with Ordinance 1 with the incorporation of stated comments, while one commissioner felt that hosted only vacation house rentals are reasonable since the residential character of the neighborhood is retained. Mr. Yankovich reviewed in detail the changes to Ordinance 1. He noted should the commission choose the hosted only option, the language in the ordinance addressing unhosted vacation rentals would be deleted.

Mr. Yankovich made note that this ordinance addresses whole house rentals only. Staff will be addressing individual room and portions of a house later this year since changes to existing residential definitions are needed.

Since there were no questions or comments Chairperson Cayler opened the public hearing.

The following speakers commented on the positive aspect of vacation home rentals: Dwayne Kyte, Vacaville; Dan Schwartz, Vacaville; Charles Wood, Fairfield; Ann Sievers, Fairfield; Pamela Valdivia, Fairfield; Lisa Murray, Vacaville; Ben Lyons, Vacaville; Mark Sievers, Fairfield.

Some of the speaker comments included but were not limited to how vacation home rental operations have well established rules and is self-policed by the property owner; it stimulates the economy and benefits the county and can provide a tax base; it encourages tourism and promotes the goals of the Suisun Valley Strategic Plan by promoting agritourism; it provides short term lodging that is affordable and a great option for families and individuals. It was suggested that unhosted and hosted should not be differentiated between and specific zoning districts should not be excluded from the ordinance specifically the watershed district. Also stated was how the ordinance must provide flexibility to both the applicant and county and should address each application individually.

The following speakers commented on the negative aspect of vacation home rentals: Reta Jones, Fairfield; Mary and Kevin Browning, Fairfield.

Some of the speaker comments included but were not limited to concerns with tiny houses being brought in and used as vacation rentals; impact on traffic and illegal parking; lack of county code enforcement; noise nuisance; the commercial nature of the use; and the effect on affordable housing. It was suggested that multiple violations of the California Civil Code are being violated by allowing this use and that many cities throughout the world are banning the use because of the problems it creates.

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

Commissioner Rhoads-Poston asked if properties located within the watershed zones could be reviewed on a case-by-case basis to determine if they could be grandfathered in. Mr. Yankovich stated that if staff is directed to do so they could certainly examine this issue. He said as it stands right now only one residence is allowed on watershed land, no secondary dwelling is permitted. Mr. Yankovich noted that there would have to be some changes made to the watershed district to accommodate that type of a modification.

Bill Emlen, Director, noted that another option is to look at the tiering of the permit process in the ordinance. The commission could look at a higher tier use permit for that area and could essentially allow it with a conditional use permit because of the additional factors that would need to be looked at in those areas.

Commissioner Walker commented that the primary difference between the last ordinance and the ordinance before the commission this evening are concerns and comments that

Commissioners Rhoads-Poston and Bauer had brought up. He said it should be determined if their concerns have been assuaged.

Commissioner Rhoads-Poston stated that staff has addressed her concerns. She thanked the public for coming out and voicing their opinions and appreciated their participation in the public process. Ms. Rhoads-Poston said one thing she would like to add to the ordinance is a way to accommodate those specific people in the watershed area. She said it sounds like they are doing some great work and rather than closing them down, try and figure out a way to keep them going.

Commissioner Bauer also thanked the public for coming out and speaking. She said she continues to believe this ordinance is not quite right. She said by allowing this use she can see it turning a rural area into a commercial one, and one in which the neighbors did not plan for. Commissioner Bauer stated that she would not vote in favor of the ordinance.

Chairperson Cayler said that she sees Suisun Valley as a wine growing area with some very good wineries. There is a certain romance to living amongst the vineyards and that is something we all need to recognize. It is an area that is going to attract people. The county has promoted agritourism and that is what people want. She said Suisun Valley is growing and to make this an opportunity for people is a good idea.

Commissioner Walker stated that the county clearly has infrastructure issues as has been pointed out by some area residents, and we need to be sensitive to that. He said the county code is very specific in that if it is not indicated as an allowable use it is prohibited. He said this is the reason we are having this conversation is to try and figure out how we can make this a permitted use in working with the folks that want it, but to recognize the needs of the residents that live there as well. Commissioner Walker said all the contentious issues that have come before this commission since he has been a member are about the Suisun Valley. He said these matters have all been as result of the adoption of the County's General Plan and the Implementation of the Suisun Valley Strategic Plan. The Valley is significantly changing and that apparently was the intent. Mr. Walker believed what staff is trying to arrive at is something that is hopefully fair and balanced and reasonable, and so he appreciated the effort of staff in getting the proposed ordinance to the commission. Commissioner Walker stated that he would vote in support of the ordinance.

Jim Laughlin stated that existing uses cannot be grandfathered in on a case-by-case basis, a rule would have to be adopted that applies to all. He noted that because the county only allows one house per parcel in the watershed district, if the use were to be allowed it would be under the definition of unhosted rental even if the property owner did live nearby or some distance away. That could be a possibility. He said the commission could amend the draft ordinance by making this a conditionally permitted use within the watershed district. By putting it under a conditional use permit it would require a case-by-case determination if the use is appropriate at that location.

A motion was made by Commissioner Rhoads-Poston and seconded by Commissioner Walker to make a recommendation to the Board of Supervisors to consider an ordinance addressing Vacation House Rentals in the unincorporated area of the county, including

allowing the use in the Watershed District with a conditional use permit for unhosted rentals. The motion passed 4-1 with Commissioner Bauer dissenting. (Resolution No. 4658).

### **ANNOUNCEMENTS and REPORTS**

Mr. Yankovich informed the commission that August 30<sup>th</sup> is the date that the City of Fairfield will host a training session for city and county staff as well as planning commissioners to provide useful information and tips on conducting government business. Mr. Yankovich said that he would provide the commission with more information as it becomes available.

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

DRAFT