

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

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## **Meeting of December 6, 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: Bill Emlen, Director; Mike Yankovich, Planning Program Manager; Travis Kroger, Planning Technician; 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 November 15, 2018 were approved as written.

### Items from the Public

There was no one from the public wishing to speak.

### Regular Calendar

Item No 1 -

**PUBLIC HEARING** to consider Rezoning Petition No. Z-17-04 and Minor Subdivision Application No. MS-17-06 of **Hubert and Aurelia Goudie et.al** to rezone 15.69 acres from Rural Residential "RR-2.5" and Exclusive Agriculture "A-20" to Rural Residential "RR-5"; and subdivide three existing parcels into four lots. The property is located at 4420 Peaceful Glen Road, 2.5 miles north of the City of Vacaville, within the Exclusive Agriculture "A-20" and the Rural Residential "RR-2.5" Zoning Districts, APN's: 0105-060-240, 39, and 40. The project qualifies for an Exemption from the California Environmental Quality Act pursuant to the CEQA Guidelines. (Project Planner: Eric Wilberg)

Mike Yankovich, Planning Manager, stated that Department staff recommends the Commission defer this matter to the December 20, 2018 Planning Commission meeting. Staff is requesting additional time to coordinate the review of the easement and deed information provided by the applicant at the November 1, 2018 meeting with the acting County Surveyor. The outcome of that review will likely dictate final conditions of approval for the project, therefore a resolution recommending action by the commission is not finalized at this time.

Since there was no one from the public wishing to speak on this item, a motion was made by Commissioner Rhoads-Poston and seconded by Commissioner Bauer to continue this matter to the regular meeting of December 20, 2018. The motion passed unanimously.

Item No 2 -

**PUBLIC HEARING** to consider Use Permit Application No. U-18-04 of **The Timbers-Silveyville Christmas Tree and Pumpkin Farm** (c/o Ted and Jeri Seifert) for an existing Christmas tree and pumpkin farm with concessions, gift shop and amusement activities, and proposed event venue with 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: Jim Leland)

Mr. Yankovich stated that Department staff recommends the Commission defer this matter to the December 20, 2018 Planning Commission meeting. Staff is requesting additional time to permit the applicant to meet with neighbors and to finalize the conditions of approval and project review.

Since there was no one from the public wishing to speak on this item, a motion was made by Commissioner Walker and seconded by Commissioner Rhoads-Poston to continue this matter to the regular meeting of December 20, 2018. The motion passed unanimously.

Item No 3 -

**PUBLIC HEARING** to consider Minor Use Permit Application No. MU-18-02 of **Jack Swank** to construct a 5,000 square foot metal storage building on a 3.34 acre parcel located 0.16 miles west of the City of Vacaville in the Rural Residential "RR-2.5" Zoning District, APN: 0123-450-120. (Project Planner: Travis Kroger)

Mike Yankovich briefly reviewed the written staff report. The proposed structure is metal and will be approximately 16'8" in height. It will be set back at least 10 feet from the side and rear property lines. No electrical service or plumbing are proposed as part of this project. The primary dwelling will be served by a Solano Irrigation District water connection and on-site sewage disposal system.

An aerial survey shows at least 7 existing 500-2,400 square foot accessory structures within approximately 1,500 feet of the subject parcel, including a 1,750 square foot accessory structure at the north end of Caligiuri Canyon Road which was constructed in 2001. The project site is at a higher elevation than the nearest roads (Gibson Canyon Road and Caligiuri Canyon Road), so the proposed structure will be minimally visible from the roadway. The proposed structure will be partially visible from adjacent parcels to the North, Northwest and Northeast.

The applicant proposes to landscape along the eastern and western property lines to screen the accessory structure. Together with the landscaping, topography and reduction of the accessory structure square footage, most of the structure will be screened from view.

Although the proposed structure would meet the development standards for an accessory structure in the Rural Residential zone district, it would also be the largest accessory structure in the neighborhood. Approval of the proposed structure could establish a precedent with future requests for structures more than 2,500 square feet. The applicant has indicated that landscaping is proposed which would further screen the structure from public view. In staff's view

the proposed landscaping will assist in reducing the view of the structure, however, the structure is of an unusually large size for an accessory structure in the context of the neighborhood setting and the rural residential use.

Staff provided several options for the commission to consider in the form of a resolution which was distributed to the commission prior to the meeting. Staff recommended that the commission consider a reduction in the size of the structure from 5,000 to 3,000 square feet. A reduction in size of the structure by 2,000 square feet would maintain the existing neighborhood compatibility, and with landscaping it would reduce the aesthetic impact.

Bill Emlen, Director of Resource Management, pointed out that usually minor use permits are handled by the Zoning Administrator, but every so often there will be a proposal that will attract more interest from the public. This item was scheduled before the Zoning Administrator when several letters from neighboring property owners were submitted to staff raising concern. Mr. Emlen stated that he, as the Zoning Administrator, made the decision to refer this matter to the Planning Commission, thinking that it would be the appropriate place to deal with something like this because in this situation it is more than just meeting setbacks.

Mr. Emlen made note that he believed there might be some public comments made regarding what the use of the structure would be. The current owner has a specific use in mind and Mr. Emlen cautioned the commission to not focus so much on that aspect. He commented that this project is something that will be for the long term and will exist beyond this owner.

Chairperson Cayler opened the public hearing.

The applicant, Jack Swank, appeared before the commission. He requested the commission grant him this minor use permit to allow him to have the square footage on his property that he needs to allow storage of his belongings. Mr. Swank informed the commission that initially county staff recommended approval of the minor use permit to allow him to place a larger building on his property. After three letters of concern were received from the public, staff changed their recommendation to allow for a much smaller building. Mr. Swank stated that he felt he could address and dispel most, if not all, of the concerns raised in the three letters. He noted that he has not yet begun construction and is going through the required steps of obtaining a minor use permit. He said he has been working with staff to comply and will continue to do so.

Mr. Swank reiterated that this proposal was recommended for approval as written in the November 1<sup>st</sup> staff report scheduled before the Zoning Administrator. However, on the day of the hearing three letters were received voicing concern. Mr. Swank stated that he would like to address those concerns and work with the commission and staff to mitigate any impacts that the building may have. He noted that he and his wife sent letters out to all the surrounding neighbors explaining the proposal and discussing their intentions. He said they either met or had phone conversations with all 15 surrounding property owners. Although they were proactive with communicating with their neighbors, a letter was received by county planning staff from a neighbor on the street voicing concern that their view would be impacted by the structure. Mr. Swank stated that they again contacted this neighbor and had a conversation in which they discussed the plan to screen the structure with fast growing trees. The response they received from this neighbor following their discussing was that he respected what the Swanks were proposing and had no further objections.

Mr. Swank stated that at the November 1<sup>st</sup> Zoning Administrator hearing, it was brought to their attention that the property owner to the north who lives in Oregon and rents his home to multiple tenants had concerns regarding the effect on property values and the impact on his view. Mr. Swank explained to this neighbor that they lowered the building elevation by 10 feet which would provide him with a view of the skyline, while being able to maintain privacy at their own front door. Mr. Swank referred to the two letters that were submitted by individuals who are neighbors of each other, but live ½ mile west of his property. Mr. Swank seriously questioned the impact that his storage building would have on these residences from that distance. He noted that their concerns were very similar in that they questioned why he required so much space maybe assuming that he would be running a business out of this storage building. Mr. Swank stated that he requires this amount of space to store the equipment he owns to maintain his property as well as recreational vehicles. This would alleviate him having to store these items outside creating an unsightly property.

Mr. Swank reassured the commission that he is not by any means ever going to run a business from this property. He noted that they have an office and company yard for their family business in the City of Vacaville. He commented that he likes to keep a separation between the two. He said he did not believe he should be penalized and limited because of his family's business. He should not be stopped from safely storing his personal property because of false assumptions of residents who live ½ mile west of his property. Mr. Swank stated that he is willing to plant any type and any number of trees and/or vegetation, put up fencing, or mitigate in any other way determined necessary by the commission. He stated that they are requesting a minor use permit for their property that has been specifically engineered to meet the development standards. He asked to work together to get back to the staff recommendation of approval that was originally proposed for the Zoning Administrator's consideration of a 5,000 structure for personal use.

Commissioner Walker inquired about the two letters received from residents residing ½ mile away and wanted to know if those were the ones with the Solar Hills addresses. Mr. Swank replied that yes those were the letters he was referring to.

Anabelen Swank appeared before the commission. She stated that she wanted to emphasize that they received several letters in support from surrounding neighbors. She stated that they value the importance of building relationships and making connections and feel that they have done that effectively with all their neighbors.

Bob Marcott, Blackwood Court, Vacaville, stated that he is an area property owner and was not aware of this project and was never contacted by the applicant. He did note that he does not live on his property and there is currently no residence there. He provided a photo to the commission of the view from his property. Mr. Marcott noted that the CC&Rs for this area specifically forbids metal buildings and that an accessory building is required to mimic the façade of the house. Mr. Marcott also noted that he spoke to a couple of neighbors that expressed concern about drainage. He said when a metal building is put on top of a hill it is going to increase the water flow considerably. He stated that he has photos of the erosion and mud holes lying at the bottom of the property and he did not see anything in this proposal that would mitigate drainage.

Commissioner Walker commented that he did not believe it is within the commission's purview to enforce individual or private CC&Rs. He asked county counsel for clarification. Jim Laughlin, deputy county counsel, stated that the county does not enforce CC&Rs but can take them as a guidance of a neighborhood standard for neighbor expectations of what should be

developed within their neighborhood. Mr. Laughlin stated that CC&Rs are typically written that the landowners within the subdivision have full authority to amend them as they see fit.

Jerry Swank, Sierra Vista Drive, Vacaville, noted that he is the father of the applicant. He spoke to the idea that his son might run Swank Construction out of this proposed building. Mr. Swank wanted to make clear that Swank Construction has been in existence within the City of Vacaville on a 1½ acre parcel of land since the mid 1980's. He stated that it is their plan to keep the business there indefinitely and since his son will inherit the land at some point, there is no reason for him to consider moving the business out to his county property. Mr. Swank stated that he and his wife live in the county and own various parcels of land within the county and have never ran any construction activity on any of that acreage.

Tom Phillippi, Phillippi Engineering, Merchant Street, Vacaville, submitted three photo simulations to the commission. The photos superimposed the proposed building with the existing trees, as well as the trees that will be planted for screening. He noted that they are proposing fast growing trees to screen the structure as quickly as possible. The photos depicted the views looking north, west, and east. Mr. Phillippi mentioned that the building is 50 feet wide and by right the building could be constructed at 2,500 square feet which would be 50 feet long. From the view of the folks living in Solar Hills, one would not be able to tell if the structure was 2,500 square feet or 5,000 square feet. The depth of the building would not be visible due to the screening so that would be the view regardless whether the structure was 2,500 or 5,000 square feet.

Commissioner Hollingsworth stated that he drove up and down the Solar Hills area and commented that he could not see the subject piece of property from anywhere except the last 100 feet as he came around the curve joining on the main road. Mr. Hollingsworth said he really could not see the property from Solar Hills.

Mr. Phillippi stated that because of the terrain on Caligiuri Canyon Road you really cannot see the site below. He believed there is one brief opening where the folks in the Solar Hills area could get a slight glimpse of where the home would be located. He noted that what they are trying to relay with the illustrations is that it really is not going to affect the view and how people are able to see the property. He said they prepared a story board where Mr. Swank stood on the property with a pole so that they could make sure the scale of the building was correct and then superimposed it onto the photograph. He stated that their intent is to do a lot of screening. They are not interested in having the building be visible. He said by the time you move to the south or to north there are other obstructions in the way. The only way to see what the length of the building is would be directly from the north or from the Swank property. Because of the terrain and the way things are situated the Swank family really do not think this is going to be an imposition on the neighbors. The Swanks really want to work with their neighbors and screen the building and take care of it, and they do not think it is going to have the visual impact that folks are fearful of.

Commissioner Bauer asked about the issue of drainage.

Tom Phillippi explained that the site is under construction and there are two small detention basins that are designed to be on the property to take on the extra run off. Unfortunately, because of the winter rains those facilities have not yet been completed and some water has run off. He stated that this will be part of the improvement plans and there will be facilities designed to take the extra run off so as not to cause an impact.

Mr. Swank reappeared before the commission to say that he read the CC&Rs and they do not state that a metal building is not allowed, it only says that an accessory structure cannot be built before the primary structure. Mr. Swank noted that the property owner that lives to the south of his property currently has a metal storage building on his property.

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

Commissioner Hollingsworth stated that as he was driving the area he noticed the steep hill up to Mr. Swank's property and commented that it seemed reasonable that the applicant would not be transporting heavy equipment up that hill for storage. Mr. Hollingsworth mentioned that the area is quite beautiful, and he hoped that the applicant in the long-term plans to blend his property to equal that of his neighbors because they are all doing a fine job. Commissioner Hollingsworth stated that he tends to believe, mostly because of the way he grew up out in the country, that property owners should have a quiet enjoyment of their property and should be able to do, within reason, what they want if it does not affect their neighbors. He calculated the percentage of property that would be taken up in total between the proposed structures and it was approximately 8% therefore leaving 92% of the property vacant. He stated that for him this was an important factor. Regarding the CC&Rs and the question of metal vs some other material, he commented that with all the recent fires in California that maybe the rules should be reviewed to maybe require metal. Commissioner Hollingsworth stated that he would be in favor of the original proposal for a 5,000 square foot building.

Commissioner Walker stated that after touring the site himself and being amazed by the beautiful real estate he would also support the proposal of a 5,000 square foot storage building.

Commissioner Rhoads-Poston commented that she too grew up in the country and was remembering how many sheds they had on their property and how every one of them was packed with stuff. She stated that she would support the 5,000 square foot storage building.

Commissioner Bauer stated that she would support the 5,000 square foot storage building as well.

Chairperson Cayler said that she grew up on a farm and there are a lot of tools and equipment to be stored. She joked about her own storage shed and how it is loaded with Christmas decorations. She stated that she understands the need for convenience of having everything under one roof rather than having numerous sheds that could be unsightly. She supported the proposal for the 5,000 square foot storage building.

A motion was made by Commissioner Hollingsworth and seconded by Commissioner Walker to adopt the resolution and approve Use Permit No. MU-18-02 for a 5,000 square foot metal storage building subject to the recommended conditions of approval. The motion passed unanimously. (Resolution No. 4666)

## **ANNOUNCEMENTS and REPORTS**

There were no announcements or reports.

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