

DEPARTMENT OF RESOURCE MANAGEMENT

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Planning Services Division

**MINUTES OF THE SOLANO COUNTY
ZONING ADMINISTRATOR'S MEETING**

Meeting of December 16, 2021

The regular meeting of the Solano County Zoning Administrator was called to order at 10:00 a.m. in the Department of Resource Management, Fairfield, California, and via audioconference.

STAFF PRESENT

Allan Calder, Zoning Administrator
Jim Laughlin, Deputy County Counsel
Kathy Pease, (Contract) Project Planner
Eric Wilberg, Project Planner
Travis Kroger, Project Planner
Chris Ambrose, Hazardous Material Spec.
Marianne Richardson, Clerk

OTHER PARTICIPANTS

David White
Lois Takahashi
Linda Russum
Kristin Herman
James Schneider
Dominic Maionchi
Evadene Burley
Cesar Morales
Erica Ramos

Veronica Mendoza
Malcolm Betschart
Sandy Betschart
Ron Motta
Gary Archer
Ryan Chalk
Ed Vega
Ramsey Vega
Gilbert Mandell

PUBLIC HEARING

1. Consideration of Minor Use Permit application no. MU-21-09 to establish a small winery/tasting room and a medium-sized non-marketing Special Events Facility located at 2212 Morrison Lane, Fairfield in an "A-20" Exclusive Agricultural Zoning District. (Project Planner: Kathy Pease) **Staff Recommendation:** Approval

Action: The applicants, David White and Lois Takahashi, were present. Allan Calder, Zoning Administrator, asked if the applicants had received the staff report and were in agreement with the conditions. Mr. White responded stating "Yes." Mr. Calder opened the hearing for public speakers.

- A) Linda Russum, a resident on Morrison Lane, submitted a letter and spoke in opposition of the events center portion of the project citing concerns of traffic and evacuation safety with multiple event centers on Morrison Lane.

Any person who believes he or she has been adversely affected by the decision of the Zoning Administrator may file an appeal of the decision to the Planning Commission within ten days.

B) Kristin Herman, a resident on Morrison Lane, spoke in opposition of the events center project citing concerns of pedestrian, traffic and evacuation safety with multiple event centers on Morrison Lane.

Mr. Calder cited the condition of approval item which requires an Events Management Plan including nuisance control, traffic, parking and emergency response to be submitted and approved prior to operations.

Project Planner Kathy Pease cited condition #32 regarding a fire response checklist.

Mr. Calder stated the average daily traffic volume was reviewed by Public Works. Ms. Herman stated that it's not the average cars per day, it's the cars in one day. Ms. Pease responded that Public Works did review this concern and stated the roadway could accommodate the traffic.

Ms. Russum stated concern of the noise impacts. Ms. Pease responded citing a condition to which noise cannot exceed 65 dB at the property line. Mr. Calder stated the Events Management Plan will contain a point of contact for any issues during events, and suggested the owners reach out to neighbors with a point of contact.

Ms. Herman stated she wants the County to further review the traffic impacts of the event centers on a dead-end road.

Ms. Russum concurred and stated concern of the number of event centers and their affect to area residents.

Mr. Calder suggested the owners/neighbors exchange contact information and stated that if issues do arise such as the roadway blind spots, the County will review for measures to address them.

Mr. Pease stated that the zoning code does allow this use and the permit contains conditions to lessen any impacts and control the use, and the County can review to ensure the conditions are being met.

Ms. Herman asked why the two event centers were being heard by different departments. Mr. Calder stated the two projects are being processed in the same department, and Ms. Pease is the planner for both. Further stating they are being reviewed in conjunction with one other but being processed separately, and the traffic analysis took both projects into consideration.

Ms. Herman stated the roadway has three blind curves and is aghast that it is determined to accommodate 150 cars.

Ms. Russum asked if the traffic onto Suisun Valley Road was considered. Ms. Pease stated both north and south traffic was reviewed.

Mr. Calder stated that the County is at the threshold with similar projects in Suisun Valley where overall traffic and process will be considered going forward.

Since there were no other speakers either for or against this matter, Mr. Calder closed the public hearing and approved the staff report subject to the recommended conditions of approval. After a 10-day appeal period, a permit will be issued to the applicant.

2. Consideration of Use Permit revision application no. U-18-01-MR1 of EQ Industrial Services Inc. to establish and operate a refuse disposal transfer facility on an 8-acre portion of property located at 8028 Schroeder Road, 1/2 mile west of the City of Dixon, within the Exclusive Agriculture "A-40" Zoning District; APN 0113-010-180. (Project Planner: Eric Wilberg) **Staff Recommendation:** Approval

Action: The applicant, Ron Motta, was present. Mr. Calder asked if the applicant had received the staff report and was in agreement with the conditions. Mr. Motta stated he received the report but was not in agreement with the word "refuse" in the project description as it is inaccurate, and that there would be no refuse or disposal onsite. Further stating his business involves a truck to truck transfer of packaged material.

Mr. Calder opened the hearing for public speakers.

A) James Schneider cited the California Toxic Substance Control clause that a site not be within 500 feet of a residence, stating that 3 or more are within that measure and asked for confirmation. He further asked for clarification on project exemptions.

Project Planner Eric Wilberg responded that there is a CEQA exemption and a Department of Toxic Substance Control exemption, and that the zoning code allows for this use at that location.

Mr. Schneider asked if other sites were considered and why this site was chosen.

Mr. Motta responded that the storage area meets the 500-foot clause and meet all legal required criteria and distances. He further responded the site was chosen for its warehouse and yard space, and its location off the freeway for emergency response.

Mr. Schneider stated concern of decreased property value and non-disclosure issues if this permit is approved. He further stated this type of business should be in an industrial and not agricultural area. He asked why there is no date or phone number on the public notice, he did not feel he was given enough time to request and receive public records and asked for a 2-3 week public comment extension.

Mr. Motta commented the previous two tenants had hazardous materials regulated as toxic waste or poison and the proximity of homes to the hazardous materials he believes has not changed in 12 years. He further stated his business is similar as the previous tenant but with less traffic or staff arriving/departing the site, and that any overnight traffic would involve approximately 5 minutes for staff to arrive in their vehicle and depart with truck for an emergency response.

Mr. Schneider noted a contradiction to the proposed staff report operation hours of 9am-5pm for emergency response and asked what controls are in place.

Project Planner Eric Wilberg responded that the proposed application, project description and site plan received are presented in the staff report and conditions of approval. He further stated that if any aspects are substantially changed, such as the hours of operation, the applicant would need to submit a revised application for consideration at a public hearing.

Mr. Calder asked the applicant if his staff are on 24-hour notice and would be arriving/departing the site on a 24-hour basis. Mr. Motta responded that is what he described in the application process, and they are the County's Haz-Mat provider. Further stating normal business hours are Monday through Friday from 7am to 6pm.

Mr. Calder asked County Counsel Jim Laughlin for guidance on the hours of operation condition. Mr. Laughlin responded that the condition should be clarified to include emergency response.

Mr. Wilberg cited the proposed hours of operation condition and read from the application noting 6am-6pm was proposed as their normal hours of operation. Further stating that apparently there are exceptions that are not specified.

B) Dominic Maionchi asked Mr. Wilberg to read the exact language of the hours of operation condition, which Mr. Maionchi noted do not contain the word “normal” with hours of operation. Mr. Wilberg responded it was in citing the application which the phrase “normal hours of operation” were read.

Mr. Calder asked Mr. Laughlin if addition language could be added to the hours of operation condition to include “emergency operations.” Mr. Maionchi objected to Mr. Calder’s question. Mr. Laughlin stated condition #7 could be clarified to state normal hours of operation as previously noted with emergency use as necessary for emergency response.

Mr. Motti commented on emergency response clients and a recent response to Huntington Beach. Further in response to Mr. Laughlin’s question of emergency operations, Mr. Motti stated that mobilization only would occur where staff would go onsite to pick up a stocked truck and leave or return a truck and depart in their personal vehicle.

Mr. Calder spoke of the applicant’s response to the county’s LNU Fire, and that not including emergency service operations would result in Solano County not receiving emergency service.

Mr. Maionchi disagreed with Mr. Calder in that the applicant can find an industrial site with 24/7 operations and further objected to how Mr. Calder is framing this project from the applicant’s point of view.

Mr. Maionchi stated that the nature of their business is 24/7 to response to emergencies and feels that emergencies are being mischaracterized as exceptions to normal operations. He further stated other industrial sites are for sale and should not be in an agricultural area.

Mr. Schneider commented that the property owners do not reside at the site and would not be subject to the impacts.

Mr. Motti commented that his business is the last group out and typically given a few days’ notice when to respond to an event, and recalls only 2 emergency responses this year. Further stating that a nighttime departure is rare and an exception but may occur.

Mr. Maionchi commented of the exceptions needed and requested a CEQA review of the hazardous materials being brought onsite. He further asked if the applicant would retract his application if a house is found to be within 500 feet of materials.

Mr. Calder asked Haz-Mat Supervisor Chris Ambrose to comment on the Department of Toxic Substance Control (DTSC) standards. Mr. Ambrose stated that DTSC will do their own inspection of the applicant’s request for exemption. Further stating that the local County Certified Unified Program Agency (CUPA) will only inspect hazardous materials used to operate the business, and that all hazardous materials in transit are the

jurisdiction of the DTSC. Mr. Maionchi commented that the DTSC exemption should come before the permit approval.

Cesar Morales asked if the 500-foot clause was from the property line or the warehouse. Mr. Maionchi stated he has received inconsistent responses and that how he reads it, it is from the property where the business is being operated.

Sandy Betschart, property owner, stated the house on the property will be vacant prior to operations. Mr. Maionchi asked the County to review taking a home out of use for commercial use.

Mr. Wilberg recommended adding a condition that the applicant acquire all necessary DTSC permitting prior to operations. Mr. Maionchi stated this is another contradiction in that he was under the impression from the staff report that the project was already exempted.

Mr. Maionchi asked if another public hearing could be scheduled for the 24-hour operation issue. Mr. Calder stated as Zoning Administrator he would add to the condition to allow occasional emergency access.

Responding to Mr. Maionchi's statement regarding the conditions, Mr. Calder stated the public hearing allows an opportunity to amend the conditions, which he stated two revisions have been recommended.

Mr. Morales asked if the emergency access could be limited to twice a year. Mr. Calder responded that occasional emergency access would not be defined. Mr. Laughlin stated that the County does not regulate emergencies but tries to plan for their occurrence. Mr. Maionchi responded that he is not asking to regulate emergencies but to regulate where an emergency response company would be operating.

Mr. Morales commented that as a property neighbor, his two issues are the distance measurement of the operations from his home and the 24/7 operations while the owners will not be residing on the property.

Mr. Maionchi asked Mr. Morales and his daughter, Evadene Burley, if they are concerned of the stored hazardous materials on the property. Ms. Burley stated concern that it is a residential area with families that work the land with machinery and livestock.

Mr. Maionchi submitted and read written comments by John McKinsey, an environmental attorney, concerning the proposed use as violating the zoning ordinance and the inaccurate completion of the Environmental Evaluation Questionnaire.

Mr. Motta provided a final statement indicating that his business is regulated by nine different government agencies with frequent inspections and that packaged containers will only be transferred from truck to truck on the site. He further stated the warehouse is planned for storage of equipment only.

Mr. Motta commented that the DTSC permit will determine the area of operations on the site. Mr. Maionchi asked that the hearing be delayed until the DTSC determination.

Mr. Schnieder stated concern of site security and described his visit to the US Ecology site on Tremont.

Mr. Schneider asked if the home renters will be evicted, and Ms. Betschart responded they will be notified today. Mr. Maionchi commented that the occupancy of the home on the property is listed as vacant.

Ms. Betschart commented on her 23-year residence on the neighboring property, and the traffic impacts from Waze and farm machinery. Further stating the proposed use is much cleaner than an agricultural use.

Mr. Ambrose provided contact information for his department and the DTSC.

Mr. Motta stated that his business is a 10-day transfer facility and not a treatment and disposal facility.

Hearing no further comments, Mr. Calder closed the public hearing and stated two revisions to the conditions of approval:

1. Add language to condition 7 to allow for occasional emergency access to the site;
and
2. Add a condition that the applicant must obtain a DTSC permit prior to operations.

Mr. Calder approved the staff report subject to the revised recommended conditions of approval. After a 10-day appeal period, a permit will be issued to the applicant.

3. Consideration of Use Permit application no. U-20-05 to establish a Large Poultry Ranch for breeding and sales of laying hens including construction of 9 new buildings, located at 8444 Bulkley Road, 4.5 miles east of the City of Dixon in the Exclusive Agriculture (A-40) zoning district, APN 0111-070-070. (Project Planner: Travis Kroger) **Staff Recommendation:** Approval

Action: The applicant, Ed Vega, was present. Mr. Calder opened the public hearing and asked if the applicant had received the staff report and was in agreement with the conditions. Mr. Vega provided clarifications to sales and manure disposal, and asked questions of the building permit and California Green Building Code within the staff report. The project planner, Travis Kroger, will consult with the building department and provide the applicant with clarification.

Gilbert Mandell, a nearby resident, stated he emailed written public comment and further summarized his concerns of manure management; dust from truck traffic; water consumption; contaminated water discharge; antibiotic, pesticide and chemical use and handling; ambient noise; and further asked that a CEQA analysis be performed prior to permit approval.

Mr. Calder stated a permit condition that the applicant submit to the Agricultural Commission an annual management and operation plan to ensure the operations are not likely to become a nuisance nor health and safety issues arise from its operations to the surrounding properties and community.

Mr. Vega commented that they have been pre-approved by the Water Quality Board and will be inspected prior to operations.

Since there were no other speakers either for or against this matter, Mr. Calder closed the public hearing and approved the staff report subject to the recommended conditions of approval. After a 10-day appeal period, a permit will be issued to the applicant.

Since there were no other agenda items, Mr. Calder closed the public hearing and the meeting was **adjourned**.