

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of September 19, 2019

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 Rhoads-Poston, Hollingsworth, Bauer, and Chairman Walker

EXCUSED: Commissioner Cayler

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Eric Wilberg, Planner Associate, Jim Laughlin, Deputy County Counsel; and Paris Stovell, 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 July 18, 2019 was not approved because it was already approved on August 1, 2019.

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 U-18-03 of **Gary and Ying Bacon** to establish and operate an eight room Bed & Breakfast Inn and Special Events venue located at 4400 Suisun Valley Road, 2 miles west of the City of Fairfield, within the Suisun Valley Agricultural Zoning District "A-SV-20", APN's 0027-020-030, 080, and 090. Staff recommendation: Approval

Eric Wilberg, project planner, provided an overview of staff's written report. Gary and Ying Bacon are requesting approval to construct a 4,000 square foot barn-styled accessory structure (event barn) to serve as a special event facility adjunct to the Suisun Valley Inn currently operating at the Monroe Ranch. A wedding event at Monroe Ranch requires utilizing the entire facility which includes rental of the Suisun Valley Inn; therefore, the site is limited in capacity to

host only one wedding per rented weekend. The Suisun Valley Inn currently operates as a five-room Bed and Breakfast Inn. The Inn caters primarily to groups of friends or families who visit the Suisun Valley for 2 – 4 days, usually on weekends. The project would increase the available number of rooms for rent at the Inn to eight.

Mr. Yankovich addressed the letter from the Department of Conservation (DOC) in regard to the Williamson Act and the Suisun Valley Plan that identified obstacles for property owners who want ag-tourism type businesses in the area. Mr. Yankovich reviewed DOC options to the commission regarding the proposed use of the land. He stated that one option is to file for - non-renewal and wait nine years. A second option involves partial cancellation; taking the four acres out of contract and calculating the 12.5% of the fair market value that would be required to go to the State. He stated that the commission can add a condition of approval which allows the project to go forward with a partial cancellation.

Commissioner Rhoads-Poston asked if there was any proof of agreement for overflow parking between the applicant and Solano Community College. Mr. Wilberg stated that the applicant provided a letter with the application from Solano Community College dated in 2016 that went into effect for five-years. Chairman Walker requested that condition 21 be revised so that the permit would be subject to a fully ratified continuous agreement with Solano Community College for the life of the permit in subsequent renewals. Commissioner Rhoads-Poston referred to a letter received by a member of the public voicing concern with the specific end times of the events. Mr. Wilberg stated that music will end at 10 P.M., and the removal of tents and the take down component would end at 11 P.M.

Commissioner Hollingsworth referred to the comment the commission received from a member of the public voicing concern with the undesirable loss of prime farmland. He commented that per Mr. Wilberg's staff report on page 18, the proposed event barn and parking will be located on other land and would not convert any prime farmland. He wanted to ensure that there is no conversion of farmland, and that only secondary land will be used which supports the farming function. Mr. Wilberg referred to the Department of Conservation farmland map and noted the classifications of the four acres that are in non-renewal is considered other land.

Commissioner Bauer asked if the 61 parking spaces are both for the Inn and event center? Mr. Wilberg answered yes and stated when there is an event on site there is a requirement to utilize the whole Inn. Commissioner Bauer stated that there is an average of one staff person for every fifteen guests, so if there is a 250-person event that's another 16 ½ staff people. Mr. Wilberg added that, that is when the overflow parking at the college will come into play. Commissioner Bauer then referred to information that was received a few days ago from a constituent that talked to the risk manager, Mr. Diamond at Solano Community College. According to the constituent, the college stated they would not allow parking for events that involved alcohol. Mr. Wilberg responded that he left a message for Mr. Diamond early in the morning and has not heard back nor has he received any information from the college indicating that they will not support their contract.

Commissioner Walker interjected and restated the request that condition 21 be revised so that the permit would be subject to a fully ratified continuous agreement with Solano Community College for the life of the permit in subsequent renewals. If no agreement is forthcoming, then

the applicant will not get the use permit.

Commissioner Bauer referred to an email she sent to Mr. Wilberg this morning regarding questions Ms. Browning has about Ledgewood Creek being a wildlife corridor and its protection since the Inn butts up to the creek. Mr. Yankovich then referred to the general plan's resource chapter which indicates there is a corridor that links the larger nodes to other nodes. He added sensitive species are not identified in that area which would indicate issues with the wildlife relocating to other nodes. Commissioner Bauer then stated the Fish and Wildlife officer indicated that there are Swainson Hawk nests in that area and asked if that was investigated. Mr. Yankovich stated that he doesn't have information that there is a nest or any nesting taking place. He stated that there wasn't a strict biological examination of the area, but based upon information from the general plan update, this species wasn't identified in this area. Commissioner Bauer referred to the use permit that states there is no unique rare, sensitive, or endangered plants, or habitats in this area, and asked if there is anything confirming this. Mr. Yankovich responded that unless there is an extensive biological report prepared just for that specific issue all his information comes directly from the general plan update.

Chairman Walker expanded on the question and asked if the staff has since received any communications from Fish and Wildlife. Mr. Wilberg stated that during the public comment period for the environmental review, no comments from Fish and Wildlife were received. He added that the negative declaration is based on Figure RS-1 of the General Plan which does not indicate any Priority Habitat Areas within the vicinity of the project site; therefore, a biological study was not required. Chairman Walker asked if he received any information after the public comment period. Mr. Wilberg stated the only information he received was from the comment letter from the property owner that referenced Fish and Wildlife. Chairman Walker referenced condition 27 and asked what storm water management would look like on the flat land. Mr. Wilberg stated the applicant would need to apply for a grading permit which would require a pad for the 4,000 sq. ft barn. Commissioner Walker then asked if the Department of Resource Management would receive the permit. Mr. Yankovich answered that Public Works would receive the application for the grading permit. He added that the grading permit would ensure storm water stays on the property for a certain period of time before it is released and drain to a certain area as to not pollute the creek.

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

The applicant, Kevin Bacon, stated that he was born to a family of apple farmers and he grew produce as an adolescent. He stated that went to Syracuse University to study Business, spent most of his professional career in the hospitality industry, and the company he founded in 1977 grew to become one of the largest providers of furnished corporate apartments on the East Coast. He stated that in 2000 he met his wife in Beijing, sold his business in 2002, and married his wife in California in 2008. He stated that he purchased Monroe Ranch on February 29, 2016 and moved into the larger of the two homes. He stated that they spent six months turning the house into an Inn and received a license from the County to operate it as a five-bedroom Inn. The Bacon family are members of the Suisun Valley Vineyards and Growers Association, and the Fairfield Suisun Chamber of Commerce featured them on the cover of their 2017 directory edition. He stated that for the last three years they have partnered with Caymus Winery on passport Sunday to showcase their wine as they moved into the Suisun Valley, receiving over

800 visitors. He stated that in support of their local community they are sponsors of the Thanksgiving Day Turkey Trot benefiting the Solano Community Foundation, sponsors of the \$100,000 professional tennis tournaments held at Solano Community College, and also sponsors of Habitat in the Vineyards benefiting the Napa-Solano Habitat for Humanity. He added that each year they donate two-night stays at the Inn to a dozen non-profit organizations in Solano County for use in their silent auctions that have raised thousands of dollars for local charities.

Mr. Bacon stated that they get a diverse crowd of local groups and out of state groups. Their guests usually visit two or three of the valley's eight tasting rooms, eat at Valley Café and Mankas Steakhouse, and that guests with children visit Scandia and the Jelly Belly factory. He stated that from July 2016 to August 2019 they had over 2,000 guests stay at the Suisun Valley Inn for two or more nights. He stated that their guests are having a dramatic economic impact on valley businesses which is one of the principle goals of the Suisun Valley Strategic Plan. He stated that they receive 5-10 inquires per month from people interested in booking their weddings at the property, with the main challenge at this point being able to offer an enclosed space where guests can celebrate without the possibility of rain, heat, or wind marring their event. He stated that a barn will shelter guests from all weather-related issues, retain amplified sound reducing the chance of disturbing neighbors, fit in ecstasically with surrounding ranches, and ensure Suisun Valley agricultural character remains intact.

Mr. Bacon stated that the public's concerns are issues related to traffic, noise, and maintaining the character of the valley. He stated that his three closest neighbors are about a half kilometer away. He stated that they have improved the procedures to ensure compliance with County regulations. Whenever a tenant is planning outdoor amplified music they now have an employee present with a sound meter to ensure rules are being followed. He then added that he has consulted with a sound engineer to erect barriers designed to contain sound. He stated that once amplified music has been contained inside the barn the sound may not be heard at all. He stated that as far as traffic concerns, they are located at the lower portion of the valley so there is no chance of small streets getting congested, as evidence by the traffic survey in the staff report. He added that his driveway is a half mile long, and there is ample parking for all cars on site or in contracted lots offsite, and each of his suites at the Suisun Valley Inn are themed to tell the story of Suisun Valley's colorful history.

Commissioner Hollingsworth indicated that he visited Monroe Ranch, and he had a few questions for Mr. Bacon. He asked if the events facility would be built in such a way to retain the noise and if it would have air conditioning and heating. Mr. Bacon responded that he has been researching companies and doesn't have a definite answer at this time. Commissioner Hollingsworth stated that Mr. Bacon showed him what he has done to suppress the sound, so it is 180 degrees away from his neighbors, and he is confident that with the new facility Mr. Bacon will be doing the same thing. Commissioner Hollingsworth complimented Mr. Bacon on how well maintained the property was and asked him to update the commission with the new information regarding the overflow parking. Mr. Bacon stated that his original agreement with Solano Community College was with the Vice-President of Finance Administrator, who has since been replaced with Robert Diamond. Mr. Bacon stated that he doesn't have any additional information other than the letter he has signed by an officer of the college, which is a five-year agreement with the option for extension provided both parties agree. Mr. Bacon stated that he

was very confident that the agreement is in effect for the next 24 months. Mr. Bacon has found another company that can provide overflow parking and will solve the issue after the 24 months.

Commissioner Hollingsworth then addressed the proposal to change the conditions of approval for the non-renewal. He asked Mr. Bacon if he had any questions or concerns regarding the non-renewal. Mr. Bacon noted that when the property was resurveyed to take a portion of the land out of the Williamson contract, only one acre was taken out, creating a whole new parcel. Mr. Bacon stated that he believes the land in question is one acre and not three acres because the houses were built 12-14 years ago. Mr. Bacon then stated that he is equipped to pay 7-years of taxes on whatever they require. Commissioner Hollingsworth then added that the way the land runs, the highest point is towards creek, and the fluid would run through the vineyards towards the roads.

Commissioner Bauer asked Mr. Bacon if the wild party that occurred a few months ago that involved 300 people and law enforcement officers occurred at Suisun Valley Inn. Mr. Bacon stated that he was a victim of a flash mob. He rented the house to an athlete to celebrate his contract signing and his birthday. The tenant was supposed to have 40 guests attend his party and the music was to end at 10 P.M. The onsite property manager contacted Mr. Bacon to inform him of the additional 200 guest that showed up at 10 P.M. Mr. Bacon contacted the applicant who denied knowing any of the additional guest and the applicant then called law enforcement. The police responded quickly and removed all of the trespassers by 12 A.M. Mr. Bacon stated that there was no damage to the property, no arrest, but he wouldn't want to go through that again. Commissioner Bauer asked if there is an on-site property manager that lives there and does Mr. Bacon reside there. Mr. Bacon responded that the property manager is on-site, and he lives there 2-3 days out of the month.

Richard Zimmerman, Suisun-Valley, Fairfield, stated that his main concern is with the Williamson Act. He believes the entire property is under the Williamson Act especially the land that is by the creek that the barn will go is considered prime agriculture land per the Department of Conservation. He then stated that to get out of the Williamson Act is a very difficult process. He mentioned that the Department of Resource has allowed uses contrary to the Williamson Act to be approved by merely signing the non-renewal agreement. He stated that the non-renewal agreement runs for another 10 years after signing, those properties are still under the Williamson Act. He added that the non-renewal notice has been taken out of context as if it were approved policy that the county is saying signing that you're home free. He then stated that he doesn't think the commission has the authority to approve this before it is removed from the Williamson Act. He also stated that he doesn't believe it is just one acre that it is three and he doesn't think the Planning Commission has the authority to approve this use permit.

Several people spoke in favor of the project. Their names are as follows: Gary Mangels, Chris Bommarito, Cliff Howard, Ron Lanza, Suisun Valley, Fairfield. The speakers stated that Mr. Bacon is an asset to the community and is a good neighbor and businessman. One speaker stated that this project is in compliance with the Suisun-Valley strategic plan that went into place in 2011. They believed that the events as proposed by the applicant would provide value to the neighborhood. One speaker noted that the event and breakdown should end at 10 P.M., but other than that he is in favor of this project.

Diane Zimmerman, Suisun-Valley, Fairfield, stated that the events and the music is the problem for her. She stated that the music that comes from the Inn currently is too loud and it disturbs her at night. She stated the barn that Mr. Bacon is building will not be able to seal sound at all and the doors will be open during the hot summer months. The noise mitigation has not been solved and she has no way to mitigate the noise when it does occur. Mrs. Zimmerman advised the commission to look at the county's surrounding Solano, the vacation rental business has been a disaster in those counties and it is beginning to create a disaster in Solano County. She stated that the Williamson Act has been put in place for a reason and her family has not been able to develop their land until they were allowed to go to smaller parcels. She also stated that her concern is with the clogged traffic that the event center would create in Suisun-Valley if I-80 is backed up. She stated that she believes the bed and breakfast is ag-business and event centers are not. She concluded that before approval the Williamson Act must be determined, the noise should be mitigated, and it needs to be limited to see if the applicant can comply.

Commissioner Hollingsworth asked Mrs. Zimmerman if she was able to review the response that GHD, the company that did the traffic study sent her. Mrs. Zimmerman responded that she couldn't review the entire document, but she disputes the traffic study since it occurred in January, during a slow month.

Lisa Howard, Suisun-Valley, Fairfield, stated that the strategic plan was put into place as basic CPR to make sure the Suisun-Valley could stay alive. She commended Mr. Bacon on his open communication with all of the neighbors and his ability to follow all rules and expectations the county has put before him. She stated that this project is part of the big plan that was put together a long time ago that was studied for environmental, traffic, and economic impacts. Mrs. Howard added that the plan is finally coming to fruition. She advised the commission that not passing this project would be equivalent to telling the land owners in Suisun-Valley to pack their bags. She urged the commission to pass this project to support the land owners and farmers.

Nate Johnson, Suisun-Valley, Fairfield, stated that he and his wife Mary is the on-site property managers that stays at the second residence. He stated that he doesn't hear the loud music when he is inside the house and he is the closest resident to the Inn. He stated that since sound has become an issue he has purchased a decibel counter and has created sound barriers. He stated that they have taken sound level test in front of the barrier, behind the barrier, and across the creek at the property lines. He mentioned that if Gary receives a complaint he notifies the Johnson's and they talk to the guest. He stated that they make sure they're at the DJ booth at 9:59P.M. to ensure music is shut off by 10P.M. Mr. Johnson stated that his hobby includes bird watching and he has not yet seen a Swainson's Hawk. He added that whenever there is guest they more than likely visit wineries, restaurants, and local businesses. He stated that he does think the barn will help with concealing sound; he is mostly woken up by the noise from tractors and other ag-equipment, but never from a party next-door.

Mary Browning, Suisun-Valley, Fairfield, stated that she rescued a Swainson's Hawk when it crashed into her place and she took it to the bird rescue place in Suisun. She spoke with a Fish and Wildlife biologist who pulled the CEQA reference from the state clearing house, reference # 2019-069044, and there was no biological report to back up the findings given in the negative environmental impact. She stated that the biologist volunteered to answer anyone's questions

and that they didn't submit a letter because their employee was in a job transfer. Per Ms. Browning the biologist would write a written letter if that would help determine the biological impact. She stated that the number of guests determined by the Board of Supervisors in the rental ordinance were 10 for any vacation rentals and they was going to revisit the findings a year later. She stated that it has been a year and there has been no review of vacation rentals. Ms. Browning mentioned that Gary Bacon is paying hotel taxes for the Inn. She stated that her main issue is with the location being next to the creek and it will disturb the wildlife in that area and is bad for the environmental aspect. Ms. Browning went on to state that the Suisun-Valley strategic plan was not given the proper funding and the funding that was given for urban traffic congestion relief is currently being misused for private project development. She stated that she believes infrastructure is required for tourism to thrive. She stated that a noise ordinance doesn't exist and that is another one of her concerns. She also added that the contract with the Solano College is up in the air and she had a conversation with Robert Diamond. She stated that per her conversation with him the contract is only good for another two years and he doesn't feel comfortable with allowing intoxicated drivers on the property. She stated that she believes that there should be soil test done because the whole 4 acres should be deemed prime farmland. Ms. Browning recommended the barn be built in the urban limits where there are city services like; fire, police, sewer, and water are prevalent.

Brett Johnson, Vacaville, stated that he was a part of the staff that drafted the general plan for Solano County. He stated that this project fits the spirit and intent of all plans that has been approved for Solano County. He thanked the staff for declaring the negative declaration for this particular project. He encouraged the commission to not interject their personal feelings in their decision regarding this project. He encouraged the Bacon's to apply for a variance if the demand from the community is significant.

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

Chairman Walker clarified the short-term rental ordinance that was passed a year ago which specifically excluded bed and breakfasts is an entirely different ordinance. He stated that he is sure the Board of Supervisors will be hearing more about that at another time. He stated that the Suisun Valley strategic plan cross referencing with the general plan table LU-8 was very specific with regards to the desired uses in the Suisun-Valley. He mentioned that the special studied area includes special event facilitates paratactically weddings with a special use permit.

Commissioner Rhoads-Poston thanked everyone who came out to share their opinions she mentioned that it is valuable that the community participates in this process. She does agree with Commissioner walker as she was a part of the Suisun-Valley's strategic plan adoption. She stated that this project is the marriage of the general plan and the strategic plan and was the boiler plate to start this off.

Commissioner Bauer asked the staff to address Mr. Zimmerman's question regarding the Williamson act and if the commission can approve the use permit. Mr. Yankovich responded with the recommendation of a partial cancellation, removing the development applicant from the Williamson Act all together with certain conditions. He stated that those conditions are dealing with the fair market value of the property, taking 12.5% off the top, most of it going to the State and very little coming back to the County. Mr. Yankovich referenced the correspondence from

the Department of Conservation regarding the cancellation recommendation. Commissioner Bauer then clarified that the property is still not out of the Williamson Act and asked if the commission could approve the use permit despite that. Mr. Yankovich answered yes with the condition that they include the cancellation alternative. Commissioner Bauer then asked if the event center is considered an ag-tourism business. Mr. Yankovich answered yes.

Chairman Walker asked if utilizing the comments from the Department of Conservation recommendation in the commissions conclusion as a condition in their resolution to the Board, would that satisfy the statements Mr. Zimmerman made. Mr. Yankovich answered yes, the two options is to keep it in non-renewal and go through its proper duration of nine years or move forward with the partial cancellation.

Commissioner Hollingsworth stated that every time an item is brought to the commission regarding property in the Suisun-Valley the response is predicated on the traffic. He mentioned the complaint was that everyone was racing up and down the road and it was too fast. He stated today the complaint is that it is too clogged up. He recommended to all the constituents in Suisun-Valley to bring up the improvement of that road to the Board of Supervisors with the understanding that the way to improve it would require that removal of some prime agriculture land. Commissioner Hollingsworth stated that he will be prepared to offer a motion of approval once all the verbiage is worked out. Commissioner Rhoads-Poston seconded that motion.

Commissioner Walker stated that the overflow parking doesn't need to be made specific as to who the private or third party will be but strongly encourage that the condition lives with the life of the use permit or any extensions down the road. He added the second condition would be the partial cancellation language of the project site that is recommended by the Department of Conservation.

Jim Laughlin advised the commission that if they approve this project they should approve it contingent of the Board of Supervisors cancelling this contract and leave it to the board for determination of the size of the project. Chairman walker responded that it makes sense but everything they do is a recommendation to the board. Mr. Laughlin then stated that since this project is a use permit, the commission would be taking final action on it, if no one appeals then it will be approved. He then advised the commission to approve it contingent on the board's action of the contract. Commissioner walker responded ok.

Commissioner Bauer stated that she is going to vote against this project because she is concerned Solano County is going to become the disaster that Napa County is. She stated that she believes this is the next step along that road.

A motion was made by Commissioner Hollings and seconded by Commissioner Rhoads-Poston to adopt the negative declaration and approve Use Permit Application No. U-18-03 based on the findings and subject to the recommended conditions of approval as amended, contingent upon the cancellation of the project site by the Board of Supervisors. The motion passed 3-1 with Commissioners Bauer dissenting. (Resolution No. 4678)

ANNOUNCEMENTS and REPORTS

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