

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of January 5, 2017

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, Walker, Hollingsworth, and Chairperson Cayler

EXCUSED: Commissioner Castellblanch

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 November 17, 2016 were approved as prepared.

Items from the Public

There was no one from the public wishing to speak.

Regular Calendar

Item No. 1.

STUDY SESSION to obtain public testimony on the draft Noise Ordinance for the unincorporated area of Solano County.

Mike Yankovich introduced the item by stating that the Solano County General Plan was updated in 2008 and included in the Public Health and Safety Chapter is a section devoted to noise. The section identifies the County's strategy for dealing with unwanted noise as "reducing excessive noise exposure through cost-effective measures and appropriate zoning that avoids placing incompatible land uses in proximity of each other." The section includes Land Use Noise Compatibility Guidelines (Table HS-2) for various land use categories as well as Noise Standards for New Uses (Tables HS-3 and HS-4). As part of the Implementation Program for the Public Health and Safety Chapter measure, HS.I-60 states that a county noise ordinance should be developed, adopted, and implemented.

Jeff Henderson with the Michael Baker Consulting firm led a team of project consultants who gave an overview of the process that led to the ordinance creation. The presentation included noise fundamentals which covered decibel level comparisons; types of noise measurements and how noise increases are perceived; content of the draft noise ordinance; other noise sources regulated; and exemptions and enforcement. One member of the team also provided a noise demonstration of typical background noise levels.

Mike Yankovich mentioned that county staff is currently working with the Sheriff's Department with regard to noise complaints. He said complaints usually take place at night or over the weekend and Sheriff's deputies would most likely be responding to the complaints. Mr. Yankovich cited loud parties as the top complaint received. He said staff will incorporate in the proposed ordinance a request for funds for the purchase of noise meters, as well as training for staff both in the Sheriff and Resource Management Departments.

Mr. Henderson provided some clarity with regard to Tables 28.1-40 and HS-2 that Commissioner Walker inquired about relating to agricultural noise. Mr. Henderson commented that agricultural uses creating noise are exempt from the limitations in the tables.

Commissioner Walker inquired as to how the hours of 10am to 3pm Monday through Friday were derived for the limitation on construction noise. He said that it appears somewhat restrictive. He felt 9am to 4pm or 8am to 5pm to be more of a standard workday.

Mr. Yankovich stated that staff was looking at the most active part of the day. He said the majority of people are up and around and able to deal with noise during that time period. Mr. Henderson made a clarification that there is a difference between the time limitations for construction which is Monday through Friday from 7am to 6pm and the time within which the peak noise can occur which is 10am to 3pm.

Commissioner Walker said that he personally felt 9am to 4pm to be acceptable.

Deanna Garcia, 9401 Fruitridge Road, Sacramento, appeared before the commission. She stated that in her experience in living close to two construction companies she has had to put up with a lot of dirt and dust. She suggested adding in the ordinance the requirement for water trucks to control dust when construction is taking place.

Commissioner Walker suggested, and the commission agreed, to change the peak construction hours from 10am to 3pm to 9am to 4 pm.

There were no further questions or comments from the commissioners or the public at large.

Item No. 2.

STUDY SESSION to obtain public testimony on possible Tourist Home and Tourist House regulations for the unincorporated area of Solano County.

Mike Yankovich provided a brief summary of staff's written report. The report indicated that there are an increasing number of complaints regarding the short-term rental of rooms and whole houses for periods of less than 30 days. In some cases, these rentals have included the conduct of special events. The use of a dwelling unit as a tourist home or tourist house rather

than as a residence is a land use that is not currently authorized by Chapter 28 (Zoning Regulations) of the Solano County Code.

Staff is suggesting that a tourist home/house be considered a compatible use in the A-20 zone district since this land is primarily grazing and located adjacent or close to urbanized areas with future potential for development beyond the time frame of the General Plan. The A-40, A-80 and A-160 zone districts are not included because virtually all agriculture takes place in these three zone districts. The A-SV-20 and ATC zone districts are located exclusively in the Suisun Valley which has a tourist emphasis and the Rural Residential (RR 2½, RR5 & RR10) zone districts are residential in character and have the lot area that is sufficient to enable the operation of a tourist home/house.

Commissioner Walker stated that he agreed with the list of recommended zoning districts as identified in staff's report. He said if there was interest in amending the Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts to allow properties under a Williamson Act to be considered, he would be in favor of that as long as the ag remains where it is. Mr. Walker spoke to the limitations on a tourist home of the 90-days within a calendar year, the limit of only 6 persons, and the turnover limited to once every 7 days. He commented that with such restrictions it would appear to him to not be a viable business venture.

Mr. Yankovich stated that the county is being cautious with regard to the use itself. Possibly in the future if there is a need, an amendment to the ordinance could be made for an increase. He stated that staff looked at different vacation rental restrictions from other counties and jurisdictions and used those as a guideline, although those jurisdictions may have a higher need than in Solano County.

In response to Commissioner Rhoads-Poston's inquiry, Jim Laughlin provided an explanation with regard to number of dwelling units and their definitions. He stated that a tourist home is a house where someone already resides and are renting out a portion of the home to guests. He said the 90-day limit is somewhat arbitrary and the commission can extend that or eliminate it entirely. He noted that because someone is already living in the home the idea is that they should be able to afford to live there without needing the extra income, and therefore not having extra guests on a fulltime basis. The seven day required stay does not mean people have to stay for a full seven days, but many other jurisdictions that have dealt with this wanted to cut down on the amount of turnover so new people are not constantly coming and going. Mr. Laughlin stated that if there is a second home on the property and guests are not being allowed into the primary home, then that is being referred to as a Tourist House which has a different category of restrictions.

Commissioner Hollingsworth asked if the intensity of the use were to increase if there would be another level of requirements such as health and safety concerns. Mr. Laughlin stated that there are no other outside state imposed standards. He said this is a local creation and the commission is free to change the standards in any way they feel appropriate for the county.

Commissioner Rhoads-Poston said that she would suggest an increase to the 90 days. In viewing this from an agricultural standpoint, she said if a farmer was in need of help in making ends meet due to a bad crop year this would be a helpful way in doing that. She said in

looking at the Suisun Valley tourist plan she can see this as a budding industry. She also noted that she was in agreement with the turnover limit to once every seven days.

Mr. Laughlin commented that the concern about agricultural areas and farmers' need for extra income raises an important point. He said staff has not yet delved into all of the areas related to this matter. He said before the commission tonight for review are the two definitions: Tourist House (a house where the entire structure is rented out) and Tourist Home (where someone is taken into an existing home where people already reside).

Mr. Laughlin stated that the tourist house definition is staff's primary concern at this time because it appears to be the problem and there is some confusion in the existing ordinance. He explained that until 2011 there were two definitions in the zoning code: rooming and boarding house and hotel. A rooming and boarding house is anyplace where three or more guests are taken in. It is considered a rooming house if it is for rooming purposes only, once meals are provided then it becomes a boarding house. Under the pre 2011 zoning code, three guests and under were considered a residential use of the property and allowed by right; more than three became a rooming or boarding house; six or more guest rooms then became a hotel, and so there were clear cut distinctions and whatever was being done fell into one of those three categories.

Mr. Laughlin explained that in 2011 the county adopted amendments for the Suisun Valley area and two new land use definitions were introduced; Bed and Breakfast Inn and Agricultural Homestay. Those new definitions overlap with the existing ones so the problem with the existing code is that the use is not clear. With regard to agricultural properties, Mr. Laughlin stated that there are agricultural homestays which is essentially a bed and breakfast on a working ranch with the idea that people come to observe the working ranch operations. The commission's concern about farmers needing to make extra income might be a situation that could be allowed today as an agricultural homestay. Mr. Laughlin said the county can start regulating whole house rentals but the partial home rental which is taking guests into an occupied dwelling will need some work in order to straighten out the definition.

Chairperson Cayler asked how the agricultural homestay and tourist house will be differentiated within the code.

Mr. Laughlin explained that tourist house as proposed is defined as a whole house rental where no one is living in the home. Guests are allowed to take over the entire home for a period of time up to 30 days. An agricultural homestay is a working ranch occupied by the farming family who are taking guests into their home.

Commissioner Walker said he did not see the need for the 90-day limit under the provisions of Tourist Home and suggested the restriction be removed. He agreed with the seven day period turnover and agreed with the provision for preventing events. With respect to occupancy, Mr. Walker felt the standard listed under Tourist House as 2.g. should also be used under Tourist Home replacing the existing standard 1.h. so that the same language is used under both instances.

Commissioner Walker inquired if the county has a mechanism to collect for Transient Occupancy Tax. Jim Laughlin stated that there is an ordinance in place but the county has not

used the ordinance since the Ranchotel located outside of Vacaville was annexed into the City of Vacaville. He said that was the county's last transient structure. Mr. Laughlin stated that now with these types of uses popping up there is already an ordinance on the books. He noted that staff is working with the county Tax Collector on making some procedural amendments to make tax collection easier. Mr. Laughlin commented that the county's current transient tax is 5% which was customary back when the ordinance was adopted, but most jurisdictions are up to 10 or 12 percent. He said a tax increase would be something for the county to consider in the future but would require voter approval.

Commissioner Hollingsworth asked if the 90-day restriction were to be eliminated if this would cause a problem with other definitions for similar activities. Mr. Laughlin stated that the only time limit that is important is the 30 days or less. If it is more than 30 days the county cannot collect the transient occupancy tax because at that point the person becomes a residential tenant, and so staff is crafting these to apply to land uses where people stay 30 days or less.

With regard to amending the county's rules and procedures governing the Williamson Act, Commissioner Hollingsworth inquired if additional action would be needed. Mr. Laughlin replied in the affirmative noting that the regulations already need updating due to the additional Suisun Valley zoning.

There were no further questions of staff from the commission or testimony from the public at large. There was consensus among the commission to eliminate the 90-day limitation and recommend raising the transient occupancy tax. Chairperson Cayler said another recommendation the commission may want to consider is to change the requirement of the Williamson Act so that it would permit some rental residential within the "A-20" and "A-SV-20" zone districts.

Mr. Yankovich stated that staff will take the commission's input and bring this back before them at a future date for further review.

Deanna Garcia, 9401 Fruitridge Road, Sacramento; Dr. Marion Fry, 8698 Winding Way, Fair Oaks; and Kimberly Kargile (*spelling not verified*) spoke briefly on the topic of cannabis which was not on the commission's agenda, but Chairperson Cayler opened the floor for public comment due to the late arrival of the aforementioned speakers.

The commission received an invitation from Ms. Kargile to visit the holistic health center and medical cannabis dispensary in the City of Sacramento.

It was noted by staff that the issue with regard to cannabis will be discussed at the next regular Planning Commission meeting on January 19, 2017.

ANNOUNCEMENTS and REPORTS

There were no announcements and reports.

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