ORDINANCE NO. 1196

An ordinance amending Chapter 28, Section 28-6 of the Solano County Code.

The Board of Supervisors of the County of Solano, State of California, does ordain, as follows:

SECTION 1. Chapter 28, Section 28-6, the Solano County Code (Zoning Regulations) is hereby amended by amending Zoning Map No. 11-N which said amended Zoning Map is attached hereto and made a part of this ordinance.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall be published once in the Daily Republic, a newspaper of general circulation in the County of Solano, not later than fifteen (15) days after the date of its passage and adoption and shall take effect thirty (30) days from and after its passage.

ATTEST: JOHN S. BLACKLOCK
Clerk of the Board of Supervisors of the County of Solano, State of California

By
Deputy Clerk

I, JOHN S. BLACKLOCK, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing ordinance was adopted at a regular meeting thereof held on the 19th day of April, 1983 on motion of Supervisor Hewitt, seconded by Supervisor Pippo by the following vote:

AYES: Supervisors Brann, Cunningham, Hewitt, Pippo and Chairman Davis

NOES: Supervisors None

ABSENT: Supervisors None

WITNESS my hand and Official Seal as such Clerk this 19th day of April, 1983.

JOHN S. BLACKLOCK,
Clerk of the Board of Supervisors

By
Deputy Clerk
WHEREAS: The Solano County Planning Commission has considered in public hearing Rezoning Petition No. R-82-08 of ARCHIE L. EVANS to rezone 17½ acres from an "R-R2½" Rural Residential District to an "R-R5" Rural Residential District, located approximately 700 feet north of Rockville Road and 1/2 mile east of Green Valley, and

WHEREAS: Said Commission has heard no testimony for or against the proposal, and

WHEREAS: Said Commission has reviewed the report of the Planning Department, and

WHEREAS: After due consideration the said Commission has made the following findings in regard to the said proposal:

1. The zone change would have no negative effects on neighboring properties.
2. The application is exempt from CEQA under the General Rule Provision.
3. The zone change would not conflict with the General Plan.
4. The site is physically unsuited for development at a density of 2½ acres.
5. The zone change will allow division of the property with a significant reduction in access requirements.

Be it, therefore,

RESOLVED: That the Solano County Planning Commission does hereby APPROVE the amendment of Zoning Map No. 11-N and does recommend that the Board of Supervisors APPROVE and ENACT an amendment of the Solano County Code so as to provide a change of zone from an "R-R2½" Rural Residential District to an "R-R5" Rural Residential District all as shown on the map attached and made supplemental to this resolution and identified as Map Exhibit "A".

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on January 20, 1983 by the following vote:

AYES: Commissioners Anderson, Courtland, Lanza, Kay, Daniels and Sullivan

NOES: Commissioners None

ABSENT: Commissioners Moss, Lenzi and Stewart

Clayne E. Munk, Secretary
SUBJECT AREA recommended to be rezoned from "R-R2½" to "R-R5" by amendment of Zoning Map No. 11-N of Chapter 28, Section 28-6 of the Solano County Code.

I hereby certify that the Planning Commission of the County of Solano, State of California, did include this map as Exhibit "A" of Resolution No. 3512 adopted on January 20, 1983.

Clayne E. Munk, Secretary
April 13, 1983

TO: Solano County Board of Supervisors

FROM: Clayne E. Munk, Planning Director

SUBJECT: Draft Park and Recreation Element; Draft EIR on the Park and Recreation Element

Your Board has set April 19, 1983 for a public hearing on the Draft Park and Recreation Element and the EIR on the Element. A draft of the Element incorporating the recommendations of the Park and Recreation Commission and the Planning Commission, as well as the Draft EIR, were provided to you earlier for review. Minutes of the Planning Commission hearings on the documents are attached here for information.

The Draft Park and Recreation Element is proposed to replace the existing Recreation Plan as part of the Solano County General Plan. It has been determined that the present Recreation Plan, adopted in 1967, is in need of updating since many of the facilities proposed have been developed while others are no longer under consideration.

Preparation of the initial Draft Park and Recreation Element was carried out by the Park and Recreation Commission assisted by Planning Department staff. This element, approved by the Park and Recreation Commission on October 14, 1982, reflected information and opinions solicited from park and recreation directors of Solano County cities and the Greater Vallejo Recreation District, the California Department of Parks and Recreation, and members of the public who appeared at a public forum held to obtain information on recreation needs.

Subsequent to Park and Recreation Commission approval a draft EIR on the Element was prepared and presented to the Planning Commission along with the Draft Element. The Planning Commission considered the element in public hearing on three occasions receiving substantial public comment which resulted in some minor changes to the element, as well as deletion of the section dealing with community buffers or separators. Comments on the Draft EIR were received, responses were prepared and the Final EIR was approved by the Planning Commission on January 20, 1983. The Commission approved the Draft Park and Recreation Element on March 3, 1983, recommending it to your Board for adoption.
The Park and Recreation Commission, meeting on March 10, 1983, considered and approved changes to the element made by the Planning Commission with the exception of the Planning Commission's action to delete reference to community separators. The Park and Recreation Commission found that recreational benefits of community separators are important to recreation planning in Solano County and that measures to protect these resources should be retained. The Park and Recreation Commission has recommended that your Board adopt the element as revised by them on March 10, 1983.

Further consideration of the plan map approved by the Park and Recreation Commission on March 10 has led commissioners to propose a possible alternate map (attached here) to your Board. The alternate map is intended to indicate the general location of community separators without identifying specific boundaries and refers the user to the text, for a more detailed description of those areas.

Your Board will need to determine whether the Park and Recreation Element recommended by the Planning Commission or the element recommended by the Park and Recreation Commission is most appropriate. You will also need to consider and certify the final EIR before adopting the Park and Recreation Element. A draft resolution adopting the element is provided here for your consideration.

CEM/KH/jf
Attachment
RESOLUTION ADOPTING THE PARK AND RECREATION ELEMENT AS A PART OF THE SOLANO COUNTY GENERAL PLAN

WHEREAS, Section 65303 of the California Government Code allows the adoption of "a recreation element showing a comprehensive system of areas and public sites for recreation" as part of a local General Plan; and

WHEREAS, the Solano County Board of Supervisors has determined that the Solano County Recreation Plan, prepared in 1967 as an element of the Solano County General Plan, is in need of updating; and

WHEREAS, the Solano County Park and Recreation Commission, at the direction of the Board of Supervisors, has prepared a Draft Solano County Park and Recreation Element, dated October 14, 1982; and

WHEREAS, the Solano County Park and Recreation Commission, after duly considering said element in public hearings, did finally approve the Park and Recreation Element on March 10, 1983 and recommended the Board of Supervisors adopt said element; and

WHEREAS, the Solano County Planning Commission after duly considering said element in public hearing, has approved the Park and Recreation Element on March 3, 1983 and recommended the Board of Supervisors adopt said element; and

WHEREAS, the Board of Supervisors has considered in public hearing the differences between the Park and Recreation Elements approved by the Park and Recreation Commission and the Planning Commission; and

WHEREAS, the Board of Supervisors has amended the Park and Recreation Element to resolve said differences as shown in Exhibit "A" attached hereto and made a part of this resolution; and

WHEREAS, the Board of Supervisors has certified the Final Environmental Impact Report for this project as recommended by the Planning Commission; and

WHEREAS, the Board of Supervisors, in duly considering the contents of the Final EIR in reaching their decision on the project, has determined that said element provides benefits of additional recreation opportunities which outweigh the residual effects of identified impacts which cannot be fully mitigated.

NOW THEREFORE, be it resolved and ordered that the Solano County Board of Supervisors does hereby adopt the Park and Recreation Element, shown in Exhibit A, as a part of the Solano County General Plan.
WHEREAS: Section 65303 of the California Government Code allows the adoption of "a recreation element showing a comprehensive system of areas and public sites for recreation" as part of a local General Plan; and

WHEREAS: The Solano County Board of Supervisors has determined that the Solano County Recreation Plan, prepared in 1967 as an element of the Solano County General Plan, is in need of updating; and

WHEREAS: The Solano County Park and Recreation Commission, at the direction of the Board of Supervisors, has prepared a Draft Solano County Park and Recreation Element, dated October 14, 1982; and

WHEREAS: The Solano County Planning Commission has considered said draft at public study sessions on November 4, November 18 and December 2, 1982; at a joint study session with the Park and Recreation Commission on February 10, 1983; and at duly advertised public hearings on December 16, 1982, January 20 and March 3, 1983; and

WHEREAS: As a result of said public hearings, revisions were made and incorporated into the Draft Park and Recreation Element as reflected in Exhibit "A" titled Draft Solano County Park and Recreation Element, a part of the Solano County General Plan, March 3, 1983; and

WHEREAS: The Solano County Planning Commission has considered the Environmental Impact Report on this project during consideration of the draft element and has determined that the project alternative selected provides benefits of additional recreation opportunities which outweigh the residual effects of identified impacts which cannot be fully mitigated; and

WHEREAS: The Solano County Planning Commission has recommended to the Board of Supervisors the certification of the Final Environmental Impact Report for the project;

RESOLVED: That the Solano County Planning Commission does hereby approve the Park and Recreation Element, a part of the Solano County General Plan, as shown in Exhibit "A", and does recommend that the Board of Supervisors adopt the same.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on March 3, 1983 by the following vote:

AYES: Commissioners Anderson, Courtland, Lenzi, Stewart, Lanza, Kay and Sullivan

NOES: Commissioners None

ABSENCE: Commissioners Moss and Daniel

ABSENT: Commissioners None

CEM/KH/jf

Clayne E. Munk, Secretary
WHEREAS: The Solano County Park and Recreation Commission at the direction of the Board of Supervisors, has prepared a Draft Park and Recreation Element, a part of the Solano County General Plan, and has approved said Element on October 14, 1982; and

WHEREAS: The Solano County Park and Recreation Commission has considered in public meeting a number of changes in said element which were approved by the Solano County Planning Commission, including deletion of provisions relating to community buffers and a number of other minor changes; and

WHEREAS: The Solano County Park and Recreation Commission has found said changes, which are incorporated in Exhibit A, to be appropriate with the exception of those changes relating to the deleting of community buffers; and

WHEREAS: The Solano County Park and Recreation Commission finds that provisions to protect community buffers or separators are a necessary part of the Draft Park and Recreation Element and should be retained with revisions clarifying the intent of the community separator proposals as shown in Exhibit A; now, therefore be it

RESOLVED: That the Solano County Park and Recreation Commission does hereby approve the Draft Park and Recreation Element, dated October 14, 1982, revised March 10, 1983, attached and made a part hereof as Exhibit A, and does recommend that the Solano County Board of Supervisors approve and adopt said element as a part of the Solano County General Plan.

AYES: GRIMM, HAMMOND, FLAHERTY, LANGSTON

NOES: NONE

ABSENT: STURN

DATE: 3/30/83

L. DEAN KASTENS, SECRETARY
WHEREAS: A Draft Environmental Impact Report for the Park and Recreation Element, a part of the Solano County General Plan, was prepared and distributed and comments were received from October 22, 1982 to December 9, 1982, and

WHEREAS: The Solano County Planning Commission considered the Draft Environmental Impact Report in public hearing on December 16, 1982, and

WHEREAS: Said Commission has reviewed the comments received on the Draft Environmental Impact Report and the responses prepared by staff and has found those responses to be adequate, and

WHEREAS: Said Commission considered the Final Environmental Impact Report, consisting of the Draft Environmental Impact Report and the comments and responses, at its meeting of January 20, 1982, and

Now, therefore, be it

RESOLVED: That the Solano County Planning Commission does hereby APPROVE the Final Environmental Impact Report prepared for the Park and Recreation Element, a part of the Solano County General Plan, and recommends that said report be certified by the Board of Supervisors as complete and in compliance with CEQA and the State EIR Guidelines.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on January 20, 1983 by the following vote:

AYES: Commissioners Anderson, Courtland, Lanza, Kay, and Sullivan

NOES: Commissioners Daniels

ABSENT: Commissioners Moss, Lenzi and Stewart

Clayne E. Munk, Secretary
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Julius F. Castelan, civil engineer, representing the applicants, advised that he made the survey and prepared the plans for the land. He stated that he was available for any questions the Commission may have.

No one else appeared for or against the petition and the public hearing was declared closed.

Commissioner Courtland reiterated his concern regarding the fact that the Commission had previously zoned this area to a zone that it cannot develop to since this area is unable to obtain public water or sewer service in the foreseeable future.

Commissioner Anderson interjected at the time this was zoned "R-R2½", the owners requested this and therefore the Commission was trying to accommodate them.

Commissioner Courtland moved, seconded by Commissioner Anderson, that Resolution No. 3509 be adopted recommending that the Board of Supervisors approve Rezoning Petition No. Z-82-07 of Louis and Ella Mae Brown. The motion carried unanimously.

PUBLIC HEARING on the Park and Recreation Element, a part of the Solano County General Plan.

PUBLIC HEARING on the Draft Environmental Impact Report for the Park and Recreation Element, a part of the Solano County General Plan.

Commissioner Daniels advised, for the record, that he owns an interest in 350 acres in Sky Valley, which is one of the areas that is recommended for a buffer area and since he feels there may be a conflict of interest, he would abstain from voting and participate in the discussion from the audience.

David Hubbell advised the purposes of the public hearing are two-fold; first, to take under advisement public comment on the plan and EIR; and second, to review comments received on the DEIR and to direct staff to prepare the Final EIR. No final action can be taken on the element until the Final EIR has been prepared and certified by the Commission.

He continued, the recreation planning process has been under way for about 1 ½ years. It began when the Board of Supervisors directed staff to work with the Park and Recreation Commission to update the County's 1967 Recreation Element. The Recreation Commission acted as a study group to guide the preparation of the element meeting some ten times during their Recreation Commission public sessions. A public forum was held during that time to determine recreational needs of the County. An advertised public hearing was also held on the Draft Plan. Action was taken by the Recreation Commission on October 14 recommending that the Board of Supervisors adopt the Recreation Element. Since it is an element of the County General Plan, it needs to be consistent with the rest of the General Plan, and that is the reason for the Planning Commission's review and recommendation. The plan provides a blueprint for future park facility development in the County. It recognizes the facilities which exist in the cities and other agencies and seeks to coordinate recreational activity in the County as a whole. Text contains chapters on recreational needs, implementation of the plan and numerous plan proposals.

The plan proposals consist of six parts which speak to facilities of regional significance designated on the map. First are existing facilities which are proposed to be expanded, such as, Lake Solano Park and Benicia State Recreation Area; second are facilities to be developed, such as, the City of Benicia planned Lake Herman Park; and third are areas, such as, the proposed Noonan Reservoir site.
to be preserved for future development. They were pointed out on the map by Mrs. Hammer. The plan proposes trail links to connect the major recreation facilities and recreational resource areas, which are large areas that contain several recreational facilities, but where the predominant use is agriculture or marsh.

Finally, there are community buffers, a subject about which there seems to be a considerable interest and some confusion. These are intended to keep cities separated and the section does not indicate that such areas should be given over to recreational use nor that any of the present uses nor proposed uses should be changed, rather it attempts to highlight the designated recreational facilities and to point out the importance of protecting the visual significance and importance of these buffers.

He advised that several letters on the plan have been received. The Fairfield Department of Environmental Affairs suggests it is inappropriate to designate buffers in the Recreation Element since provisions for buffers are contained in the Land Use Element, but he pointed out that the Recreation Element supports the policies which exist in the Land Use and Circulation Element. Fairfield indicates if the buffers are to remain in the plan then they have problems with some of the specific policies. Staff concurs with most of the issues they have raised, i.e., the buffer surrounding the Dunell-Burton property, which is located west of I-80 at the North Texas Street interchange, is not clearly defined on the map as it should be. Staff's intent was to exclude the areas designated for urban use and indicate those areas which the City has already dedicated to an open space use and staff is willing to clarify the map accordingly. The City also indicated that since they are one of the partners in the Vallejo-Benicia Hills area that they be included in any agreements between the Cities of Vallejo and Benicia and the County. Staff agrees that policy should be changed to reflect this. Another issue raised was whether wind turbines are consistent with the policies in the plan; staff feels they are an agricultural use and do not propose that area be changed to a recreational use, but would be willing to refine the language if the City feels it is necessary.

A letter was also received from Mayor Curtola from the City of Vallejo questioning whether the plan would prohibit urban development in the Sky Valley area which has recently been taken into the City's sphere of influence. Staff feels this would not impact any plans the City may have for this area.

Also a letter was received from Favaro and Lavezzo, attorneys, questioning notification on the process as they indicate they have some land holdings in Sky Valley area. Mr. Hubbell replied that this is not a rezoning and therefore, the notification process does not include notifying property owners or publishing a quarter page ad, however, notices were published in the newspaper and that public input was sought through public forums and press releases.

In addition comments were received from public agencies on the plan and DEIR, these included the Office of Planning and Research indicating they have completed their process and the review period is closed. Suisun Resource Conservation District pointed out the possibility of increased traffic and fire hazard if some of the fishing sites and facilities are developed in the Marsh and requesting these impacts be recognized in the EIR. Department of Water Resources indicated that the North Bay Aqueduct should be included in the Plan; Department of Parks and Recreation indicated what the true funding level will be for Benicia State Recreation Area. This is a change that will be made to the Plan. Department of Boating and Waterways pointed out development requirements if marinas should be developed or boating provisions in the plan; and Department of Fish and Game had no comment. He advised none of the EIR comments pose a problem as far as response is concerned.
He concluded the purpose of this hearing was to receive public comment on the Plan and EIR and then the Commission should direct staff to respond to the comments on the EIR to prepare the Final EIR and to continue the matter to January 20, at which time there will be a continued public hearing.

Commissioner Lenzi asked if the bike trails in subject plan are the same as those in the Transportation Plan as it does not look the same from Vallejo to Cordelia.

Mr. Hubbell responded that he did not have a copy of the Transportation Plan with him but would be glad to go over them with her.

The Vice Chairman declared the hearing open and no one spoke in favor. The following individuals spoke in opposition:

Ron Erny, 1000 Webster Street, a member of the City of Fairfield Planning Department, summarized the points outlined in the City's letter to the County Planning Department. He reiterated the City's conceptual support for the Park and Recreation Element and again emphasized the City's position that community buffers should not be included in the element.

Ernest J. Poole, 250 East L Street, Benicia, member of the Benicia City Council, and noted that Mike Alvarez, Director of Parks and Recreation was also present. He advised that Benicia is very proud of the park system within the City. He expressed Benicia's concern over the buffer area between the Cities of Vallejo and Fairfield as they presently have a proposal in this area for a prezoning which will be before LAFCO shortly.

Another concern is the reference of Lake Herman in the plan as it is a reservoir for the City of Benicia's water system and it is owned by the City. He submitted a letter to the Commission from the Mayor of Benicia asking that any reference to the Lake Herman properties be deleted from the plan.

In answer to a question by Commissioner Kay, Mike Alvarez, Director of Parks and Recreation, stated they are opposed to the fact that Lake Herman is proposed for a regional park as the City wants to protect its rights to develop this as a City park.

Commissioner Kay wondered if the wording could not be worked out between the City and the County as to development of this park rather than removing it completely from the plan. Mr. Alvarez said that would be a decision which would have to be made by the City Council.

Dan Daniels advised he is a general managing partner of a Sky Valley group who own 350 acres in the entryway into Sky Valley, which is within the sphere of influence of the City of Benicia and are concerned that the plan designates the entire Sky Valley as a buffer zone. However, he added, perhaps the term "buffer" is being interpreted differently by the County planning staff than the buffer which has been established between Benicia and Vallejo which can never be encroached on by any development. He continued that he objects to the wording of many phrases and the emphasis that the land remain in agriculture and open space. Windmill projects are planned on the eastern slopes and there is a very large area which is a toxic waste dumpsite. The Cities of Fairfield and Vallejo have plans for this area leaving a very narrow area through the middle of the valley which can possibly be available for future development by Benicia. He felt this area is destined for electrical generating operations and did not feel it should be an area for open space or recreation since it would be dangerous if and when, these windmills are in operation. He realized that staff has complied with the law as far as placing ads in the newspapers and conducting forums, but he, as a property owner, did not feel this was sufficient and felt there was a moral obligation to notify each property owner who would be affected by the establishment of said buffer zone.
Crowell and Bill Sinclair, Box 2-A, Lake Herman Road, Benicia, both expressed their concern that their property is in the proposed buffer zone. They own 460 acres in "A-20" zoning and wonder what buffer area would mean in their case.

Joe Judson, representing the Seen0 Construction Co., only learned that day that his client's 685 acres adjacent to I-680 was designated for this buffer zone. He agreed with previous speakers that all affected property owners should have been notified of this proposed plan. The Benicia City Council has scheduled a hearing in January for the prezoning of some 600 plus acres of Seen0 property to limited manufacturing, business and professional and general commercial. He advised that an EIS was prepared in 1982 regarding this proposal, which was sent to the County, however, since no response was received, they assumed the County accepted the EIS as it was written.

He pointed out that the EIS on the Plan did not adequately address the financial impact these buffers would have on the County and the City. He wanted the record to reflect that they are greatly opposed to having their land included in this buffer zone.

Commissioner Kay remarked that he could not find any indication in the Recreation Plan that designates the entire Sky Valley area as a buffer zone. There is mention of protecting vistas in certain areas.

Mike Alvarez referred to page 183 of the plan which says designated urban area and above that there is an illustration of the Sky Valley area and on page 185 it says as a condition for annexation that those properties outside of urban designated areas be dedicated to City or County for open space use. He interprets these statements and map to indicate that Sky Valley in its entirety as an open space buffer.

Commissioner Lenzi interjected that she understood the concern of these property owners and particularly when it is placed on a map as interpretations can vary in the future regardless of the original intent.

Commissioner Courtland observed that obviously there is considerable confusion over the intent of buffer zones and some question as to whether or not they should even appear in a Recreation Plan and he promised that this would be addressed.

Arnie Speese, 707 Beck Avenue, Fairfield, said he has a client who owns the Cullinan Ranch, which borders Vallejo and the Plan shows this for a recreation resource area. This project is presently before the City of Vallejo and involves 1,500 acres and no notification has been received. He requested that his client be notified before the next public hearing.

No one else appeared and the public hearing was closed.

Commissioner Anderson thanked the people who voiced their concerns and stated that the Commission is interested in their input and that is the purpose of the public hearings.

Commissioner Lenzi noted that the buffers appear in the County’s Land Use and Circulation Element, however, they are listed under agriculture and open space rather than recreation. She believes establishment of buffer areas are extremely important but do not belong in the Recreation Plan.

Commissioner Kay expressed concern about the City of Benicia's request to delete Lake Herman properties as he pointed out this is an important asset to southern Solano County and he felt the City and the County should jointly plan the park.

Commissioner Stewart commended the planning staff but expressed concern over the designation of privately owned lands as buffers.
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Mr. Munk advised this hearing will be continued to January 20 and staff will address areas of concern at that time. However, he wanted to point out that this plan has been in preparation for about 1½ years and is different from other elements as it carries with it a recommendation from the Parks and Recreation Commission, which held numerous forums and public hearings. He agreed with the Commissioners' comments and their concern for the community.

Commissioner Stewart moved, seconded by Commissioner Lenzi, that public hearing be continued to January 20 and that staff be directed to prepare responses to the environmental impact report. The motion carried unanimously.

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Item #7 PUBLIC HEARING to amend Chapter 28 of the Solano County Code to edit and correct various omissions, deletions and inconsistencies in the Zoning Regulations.

Mr. Munk advised that this is a public hearing to amend the Zoning Code. Staff monitors the Code from three to six months a year and whenever a typographical error or inconsistency is discovered, it is noted and since the Code is an important document, it is continually in need of amendments so when apparent changes are accumulated, staff prepares an amendment a couple times a year for the Commission's consideration.

He referred to the staff report made a part of these minutes by reference and said the memo attached to the amendments enumerated the sections and indicated whether it was a correction or addition and gave an explanation of each. Under Section V, County Counsel has suggested a change which he read to the Commission and passed out copies to each Commissioner. It deals with commercial wind turbine generators and changes the last line to read, "except that commercial wind turbine generators are prohibited in the MP District by provision of the Suisun Marsh Local Protection Program. This change makes it consistent with the Solano County Component of the Suisun Marsh Plan.

Commissioners Lenzi and Courtland pointed out some additional corrections involving spelling, typographical errors and grammar which should also be incorporated.

The Vice Chairman declared the hearing open. No one appeared for or against proposed amendments and the hearing was closed.

Vice Chairman Lanza questioned what the definition of a commercial generator was and Mr. Munk read the definition from the Zoning Code for commercial and non-commercial generator.

Commissioner Stewart moved, seconded by Commissioner Lenzi, that Resolution No. 3510 be adopted approving proposed correctional edits to the Zoning Regulations and recommending that the Board of Supervisors adopt same. The motion carried unanimously.

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Deputy County Counsel Dean presented framed resolution of commendation for former Planning Commissioner Kinney as previously directed by the Commission.

Item #9 UNRESOLVED ITEMS

Mr. Munk passed out copies of a memo addressed to the Board of Supervisors which will be considered at its meeting on December 21. It is regarding the three planner positions which have been restudied and Board will take action as to whether or not these positions will be retained for the remainder of the fiscal year; one of the planners holding one of these positions, Howard Kato, has transferred to the Data Processing Department.
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CONSIDERATION of the Final Environmental Impact Report for the
Park and Recreation Element, a part of the Solano County General
Plan.

CONTINUED PUBLIC HEARING on the Park and Recreation Element, a
part of the Solano County General Plan.

Commissioner Daniels announced that he has a possible conflict
of interest regarding a small portion of the Park & Recreation
Element and therefore; he would exclude himself from the vote on
the plan itself; however, he did wish to comment on the EIR and
requested that the items be heard separately.

Chairman Sullivan informed Commissioner Daniels that the motions
on the two items would be made separately, and therefore, he could
retain his seat on the Commission and comment with regard to the
EIR, but refrain from participation on the Element.

Dave Hubbell made the staff presentation reminding the Commission
that at their meeting of December 16, 1982, the Commission
directed staff to prepare the Final Environmental Impact Report
and respond to various comments on the Element. The Commission
is in receipt of the Final EIR and several proposed revisions to
the Park and Recreation Element prepared in response to public
comment. In addition, Mr. Hubbell referred to letters received
from Walden Williams, P G & E and the City of Benicia which are
all made a part of these minutes by reference. In answer to a
question posed by Commissioner Lenzi regarding the difference be-
tween trail provisions in the Element and those in the Transporta-
tion Plan, Mr. Hubbell explained only linkages to recreation areas
have been shown and while all of the trails shown on the map are
in the Transportation Plan, not all of the trails in the Transpor-
tation Plan are shown on the Recreation map. Wording changes were
incorporated to delete Woody's Marina from the Element, as pointed
out by Commissioner Courtland. Also, as requested by the State
Parks Department, funding tables for the Benicia State Recreation
area were corrected. Staff has proposed wording, as requested
by Mayor Terry Curtola of Benicia, to add a policy to accommodate
recreation on the Cullinan Ranch, should development occur there.
In response to the letter from Walden Williams staff feels there
is no inconsistency between the Recreation Element and his pro-
posal. In response to the request from the City of Benicia to
delete recreation facilities at Lake Herman from the County plan,
it was pointed out that Lake Herman is a resource of regional
significance whether developed by the City of Benicia or someone
else. Staff attempted to incorporate some wording to indicate
that it is a city resource and should be developed by the City.
Mr. Hubbell read into the record a letter from the City of Benicia
responding to the wording proposed by staff requesting that all
reference to the Lake Herman area in the Park and Recreation Ele-
ment be deleted and stated that their position remains the same.

Another major concern is the matter of community buffer areas.
Opinion was expressed that they were more appropriately dealt with
in the Land Use and Circulation Element and that land use policies
should not be expressed in the Recreation Element. Other concerns
included: a fear that the designation of a community buffer would
somehow restrict the use of property, conflicts with designating
recreational uses and the development of wind energy. Staff is
proposing several amendments to the Community Buffer section of
the plan to ensure that the plan focuses upon the recreation
potentials and not the land use aspects. Mr. Hubbell pointed
out that the Land Use and Circulation Element designates the buffer
areas for agricultural use and that policies in the Recreation
Element do not conflict with that designation. Mr. Hubbell pro-
ceeded to explain various wording changes to the Element. Staff
recommends that the Commission certify the Final EIR and approve
the Recreation Element, a part of the Solano County General Plan
and recommend adoption by the Board of Supervisors.
The Chairman opened the public hearing.

Commissioner Daniels informed the Commission that he is a General Partner of the Sky Valley Group owning 350 acres in the entryway to Sky Valley. His ownership is designated by the Recreation Plan as being a buffer area. He does not feel it is fair to a landowner to take a large piece of land and change it from agricultural to open space use and designate it as a buffer zone. Because of the toxic dump to the east of the City of Benicia, the only possible growth area that Benicia has is into Sky Valley. He felt that the County should get together with the cities and property owners involved regarding the buffer areas and potentials for recreational land use.

Ronald Erny, 1000 Webster St., Fairfield, appeared representing the City of Fairfield. He referred to a letter submitted by the City of Fairfield to the Planning Department dated November 19, 1983, which is made a part of these minutes by reference. The City of Fairfield was also represented regarding this item at the December 16, 1982 Planning Commission meeting. The City of Fairfield continues to oppose the inclusion of any reference to community buffer areas within the Draft Park and Recreation Element. Mr. Erny handed out a letter to the Commission reaffirming the City of Fairfield's position on the matter.

Gary K. Heppell, Law Offices of Favaro-Lavezzolo, 300 Tuolumne Street, Suite A, Vallejo spoke before the Commission representing Joe Borges and the Bank of America as trustees of a partial interest in the Stella Borges Ranch. Mr. Heppell stated that they oppose inclusion of their land within any community buffer area. However, if the Commission approves the buffer concept and incorporates this into the Park and Recreation Element, the applicant feels that language in the Element must be refined. Specifically, comments beginning at page 3 under item 6 - Community Buffers and continuing to page 4 indicating that the potential development of Sky Valley and areas along the Lake Herman Road would not be affected by their inclusion in this buffer area. Mr. Heppell requested that if the Commission were inclined to overrule the objections of the affected property owners and adopt the Element, that specific language be included in the Element to the effect that potential development of the areas along Lake Herman Road, upon annexation into a city, would not be affected by the Community Buffer Section of the General Plan. Mr. Heppell handed out to the Commission their proposed revised language for the Element.

Walden Williams, 2130 Main Street, Huntington Beach, CA and general partner for the development of the Cullinan Ranch referred to letter and enclosure of January 14, 1983, made a part of these minutes by reference. He discussed various plans for the Cullinan Ranch and requested that the Commission either amend the proposed Recreation Element to reflect these future recreational amenities contained in the proposed specific plan of the Cullinan Ranch instead of using a blanket designation of a recreational resource area, or withhold any action until the City of Vallejo and the County of Solano have had an opportunity to act upon the proposed development.

Arnie J. Spiess, McKay & Scamps, 707 Beck Avenue, Fairfield appeared before the Commission representing Albert Seeno Construction Company. Mr. Spiess reminded the Commission that Mr. Judson appeared before the Commission at its meeting of December 16, 1982 and spoke to the issue that Seeno Construction owns 685 acres located on both sides of Lake Herman Road. The City of Benicia has recently approved the EIR for a general plan amendment, rezoning and authorized staff to proceed with annexation of that project area to the City of Benicia. Mr. Spiess and Seeno Construction Company are requesting that the community buffer line not be shown on their property at all.
Minutes of the  
Planning Commission  
Meeting of January 20, 1983

Dean Kastens, County Park and Recreation Director appeared before the Commission informing them that the Chairman of the County Park and Recreation Commission was present and would speak later. Mr. Kastens stated that during the 18 month period that this Element has been in preparation and during all the public hearings by the Park and Recreation Commission, only one person showed up with any input. He explained that while the cities claim to be in favor of buffer zones, they only look to the end of their city limits. The Recreation Commission looked at the County as a whole. He feels there must be definite policies and buffer areas and he does not want to see this County, as he has seen other counties, grow "topsey-turvey".

Marvin Kinney, 1487 Rockville Road, Suisun, stated that property he has an interest in will not be affected by the Plan; therefore, he has no financial interest in the buffer zone or the Suisun Marsh area and can speak more freely on the subject without having a vested interest. Mr. Kinney did not feel that the Plan as presented is complete nor takes into account the fact that cities have the infrastructure to provide for growth. He does not feel the plan has enough information to label areas to be restricted to no growth and open space without providing areas that are definitely for planning and development, and therefore, he is opposed to the Plan at this time.

Bob Langston, Chairman of the County Park and Recreation Commission expressed the intent of the Park and Recreation Commission at the time buffer areas were designated. The intent was to preserve community character and recreation. Mr. Langston informed the Commission that the Park and Recreation Commission would not be opposed to meeting in a joint session with the Planning Commission. Mr. Langston agreed with Commissioner Daniels in that there is a need to quantify somewhat better, the dimensions of a buffer. He recommended to the Commission that the community buffer issue not be deleted from the Plan but be subject to further study. However, if the Commission were to move for approval, he would suggest that the language that was suggested by the attorney from Favaro-Lavezzo concerning community buffers be inserted.

The Chairman closed the public hearing.

Commissioner Courtland felt that it should be clearly understood that community buffers are established elsewhere in the General Plan and not the Park and Recreation Element, but it would be foolish for the Plan not to recognize their existence. In summary, he felt that the buffers do not need to be defined in the Plan.

Commissioner Anderson did not agree with Commissioner Courtland's statement and further felt it makes no difference if the Cities of Benicia and Vallejo grow together. He further felt that the cities should decide if they want a buffer between them or not.

Commissioner Daniels referred to the EIR stating there are many things not covered such as police protection. He felt that some kind of study should be done based on the history of crime in our parks. Mr. Daniels stated that he would not vote to approve an EIR until this type of study is contained in it.

Commissioner Anderson felt that no EIR could cover all issues of concern and he further felt he could vote in favor of the EIR tonight. Therefore, he made a motion adopting Resolution No. 3514 finding that the Final EIR, comments received and responses thereto adequately fulfill the requirements of CEQA and therefore recommend that the Board of Supervisors certify the Final EIR. The motion was seconded by Commissioner Courtland and passed 5-1, Commissioner Daniels dissenting.

Commissioner Courtland stated that while he could vote in favor of the Recreation Element at this time, he felt it needs more work and would be an injustice to staff and the Recreation Commission to vote at this time.
Commissioner Kay agreed with Commissioner Courtland and felt that by having a study session it would give the people who have expressed concern, an additional opportunity to provide input so many of the matters discussed tonight can be clarified.

Commissioner Lanza felt a study session with the property owners involved would solve a lot of problems. He does feel that buffer zones are needed and should be very specific.

Commissioner Courtland felt a joint study session would be valuable and therefore made a motion to continue discussion on the Recreation Element at a study session on February 10, 1983 at 8:00 p.m. with the Park and Recreation Commission. It was agreed that public comment may be requested. The motion was seconded by Commissioner Kay and passed 5-0-1. Commissioner Daniels abstained.

Commissioner Anderson wished to announce that he would like everyone associated with the Recreation Committee to come prepared to convince him that there is actually a need for the buffer in the Plan as opposed to present zoning in the area.

Commissioner Daniels inquired if the Park and Recreation Directors of the various cities affected could be invited to the study session.

Chairman Sullivan stated staff could be directed to announce the study session to the cities involved.

It was suggested by Director-Secretary Munk to continue public hearing on the Recreation Element to the regular Planning Commission meeting of March 3, 1983. Therefore, a motion was made by Commissioner Kay and seconded by Commissioner Lanza to continue public hearing on the Recreation Element to the meeting of March 3, 1983. The motion passed 5-0-1, Commissioner Daniels abstaining.

The minutes of the meeting of December 16, 1982 were approved and the meeting was adjourned at 11:35 p.m.
MINUTES OF THE
SOLANO COUNTY PLANNING COMMISSION
Meeting of March 3, 1983

The regular meeting of the Solano County Planning Commission was called to order at 8:00 p.m. in the Solano County Courthouse, Fairfield, California, with Chairman Sullivan presiding:

PRESENT: Commissioners Moss, Anderson, Courtland, Lenzi, Stewart, Lanza, Kay, Daniels and Sullivan

ABSENT: Commissioners None

ALSO PRESENT: Director-Secretary Munk, Deputy County Counsel Dean, Director of Public Works Eugene Knapp, Health Inspector Ohnstad, Park and Recreation Director Kastens, Planners Hubbell, Monske, Englebright, and Hammer and Acting Secretary Campbell.

ROLL CALL: All Commissioners were present.

Item #1

Presentation to Marvin Kinney.

Since Mr. Kinney was unable to attend the meeting, it was decided the resolution would be presented to him at the next meeting.

Item #2

CONTINUED PUBLIC HEARING on the Park and Recreation Element, PARK & REC. ELEMENT

Dave Hubbell made the staff presentation referring to the Planning Department staff report and attachments dated February 25, 1983 and made a part of these minutes by reference. He stated that the major issue remaining is the subject of community buffers which are designated in the Recreation Element. This was the subject of a joint Study Session between the Planning Commission and the Park and Recreation Commission, as a result of which staff has proposed a number of changes to the element. The first and most significant change is the removal of the community buffer pattern from the plan map and the renaming of buffers as community separators. The map refers people to the text so that they may read what separators are. Policies have also been changed to emphasize only the recreational aspects of the separators and refer people to the Land Use and Circulation Element as the primary implementing document for the Community Separators. Policies and strategies that are outlined in the Land Use Element, basically rely on the cities and the county to work out agreements in these areas.

Mr. Hubbell stated that all of the changes to the Recreation Element which have been proposed are contained in the replacement pages provided to the Commission. There is one minor error on page 185. F.G. & E. had requested removal of the term "large scale" in relation to wind turbines in the last sentence of the second full paragraph, the term was mistakenly removed from the preceding sentence instead. Mr. Hubbell noted that the Commission approved the EIR for the Recreation Element on January 20, 1983 and staff recommends that the Commission approve the Park and Recreation Element a part of the Solano County General Plan, dated October 14, 1982, with Revisions dated March 3, 1983, and recommend adoption by the Solano County Board of Supervisors.
Commissioner Daniels asked whether the definition of a community separator is different from the definition of community buffer in the Land Use Element, since it seemed to him that only the name had been changed. Mr. Hubbell responded that many people feel the term "buffer" implies restrictions not intended by the plan. It was felt that the term "separator" was more correct in terms of what the plan was trying to propose.

Commissioner Lenzi asked what types of recreational activities would not conflict with agriculture in the separator areas.

Mr. Hubbell responded that sightseeing is the principal activity. In some cases trails can be provided with adequate separation and there are some parks on the fringes of agricultural areas.

Chairman Sullivan opened the public hearing. No one spoke in favor of the Element.

Gary K. Heppell of the law firm Favaro, Lavezzo, Gill, Caretti and Heppell, representing Joe Borges, the Bank of America and Stella Medeiros, owners of land near Lake Herman, stated that he had appeared at the January 20, 1983, meeting of the Planning Commission and proposed adding language to the Element indicating that potential development in the Sky Valley Area and along Lake Herman Road would not be affected by the buffer area. Mr. Heppell noted that the replacement pages provided to the Commission do not include this language and that the small maps in the text of the Element delineate the separators with dashed lines. He requested clarification of areas to be included in the separators and addition of the proposed language to the text.

Mr. Hubbell stated that community separators are to be defined through joint agreements among the cities, the County and special districts, within the format of the community buffer agreements outlined in the Land Use and Circulation Element. The recreation Element recognizes that urbanization may take place in these areas.

Deputy County Counsel Dean pointed out that as a matter of State law the County General Plan has no effect on property after annexation to a city.

Commissioner Courtland and Chairman Sullivan stated that it was their understanding at the study session that the dashed buffer lines would be removed from the small maps in the text. Mr. Munk agreed that the dashed lines should be removed from the maps.

Commissioner Daniels advised that he would abstain from voting because of his conflicting interest in the area and that he wished to speak as a member of the public. Mr. Daniels pointed out that the Vallejo-Benicia-Cordelia separator encompasses a large geographical area of the County. He feels that designation of the area as a community separator places a cloud on the properties involved and that there is no need for this large buffer area at this time. He emphasized that there are other important parts of the Element which have not been discussed by the Planning Commission.

Ron Bowland, City of Fairfield, presented the Commission a letter restating the city's opposition to the community buffer/separator concept. The city sees a conflict between recreation and agricultural uses.

Bill Elliott, 1601 Tennessee St., Vallejo, stated that he thinks the buffer or separator concept in the Recreation Element is misunderstood because there is a tendency to associate it with the adopted buffer between Benicia and Vallejo which strictly precludes development within the
buffer area. He feels that the language proposed by Mr.
Heppell should be included to help clarify the issue.

No one else appeared and the Chairman closed the public
hearing.

Commissioner Lenzi pointed out that even though the Commu­nity Buffer Section has been changed to Community Separators,
there are still references to community buffers in other
parts of the text. She stated that the Land Use and Cir­
culation Element does not identify recreation as a purpose
for establishing community buffers. She would be able to
support the Element if all reference to community buffers or
separators were removed.

Commissioner Stewart stated that she agrees with Commis­sioner Lenzi and that she feels open space is not recre­
a tional, but it is privately owned land.

Commissioner Stewart moved, seconded by Commissioner Lenzi,
to delete all mention of buffers or separators from the text
and from the maps.

On the question, Commissioner Courtland stated that the
desirability of establishment of community buffers or
separators is not really open for argument. The question of
whether they should be in the Recreation Element is another
point. He feels that they do have recreational value and
that the Board of Supervisors charged the Recreation Commis­sion
with looking into buffers. Buffers belong in the plan
by virtue of that order of the Board of Supervisors, but
they should not be defined and drawn out in the Recreation
Element because they are not drawn out in the Land Use
Element.

Commissioner Kay stated that the desirability of community
separators or buffers is a reasonable item to consider in
the Recreation Element. Many of the elements of the County
General Plan have references to other elements of the
General Plan and is perfectly reasonable as a planning body
to say in this document that it is a good thing to have
separation between communities.

Commissioner Lanza pointed out that when property is annexed
by a city, the County no longer has control, therefore, if
the cities cannot agree on buffer areas, they will not be
preserved. He does not believe in buffer areas because that
is private property.

Commissioner Moss stated that due to the fact that he has
been sick he did not get into the study of the Recreation
Element and therefore will abstain from the vote at this
particular time.

The motion to delete reference to buffers carried 5-2-2,
Commissioners Courtland, and Kay dissenting and Commis­sioners Moss and Daniels abstaining.

Commissioner Lanza thanked the staff and all people who
worked on the Element and moved, seconded by Commissioner
Courtland, that the Commission approve the Park and Recre­
ation Element, a part of the Solano County General Plan,
dated October 14, 1982 as revised on March 3, 1983 and adopt
Resolution No. 2525 recommending adoption of same by the
Solano County Board of Supervisors. The motion carried 7-0-2,
Commissioners Moss and Daniels abstaining.

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