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DEPARTMENT OF RESOURCE MANAGEMENT



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Planning Services Division

**Solano County Zoning Administrator**

**Staff Report  
MU-20-13**

<b>Application No.</b> MU-20-13 (Miller) <b>Project Planner:</b> Travis Kroger, Planning Technician		<b>Meeting of December 3, 2020 Agenda Item No. 1</b>	
<b>Applicant</b> Nathanael & Meredith Miller 5216 Winding Way Vacaville CA 95688		<b>Property Owner</b> Nathanael & Meredith Miller 5216 Winding Way Vacaville CA 95688	
<b>Action Requested</b> Consideration of Minor Land Use Permit application MU-20-13 to construct a 3,240 square foot greenhouse to grow succulents for off-site sales on a 2.35-acre parcel.			
<b>Property Information</b>			
Size: 2.35 ac. (total)		Location: 5216 Winding Way	
APN: 0106-300-150			
Zoning: Rural Residential (RR-2.5)		Land Use: Residential accessory structure over 2,500 square feet	
General Plan: Urban Residential		Ag. Contract: n/a	
Utilities: Solano Irrigation District and on-site septic system		Access: Winding Way	
<b>Adjacent General Plan Designation, Zoning District, and Existing Land Use</b>			
	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Urban Residential	Rural Residential (RR-5)/	Residential
<b>South</b>	Public/Quasi-Public	Exclusive Agriculture (A-20)	Residential
<b>East</b>	Urban Residential	Rural Residential (RR-5)	Residential
<b>West</b>	Urban Residential	Rural Residential (RR-5)/Exclusive Agriculture (A-40)	Residential
<b>Environmental Analysis</b> The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.			
<b>Motion to Approve</b> The Zoning Administrator does hereby <b>ADOPT</b> the attached resolution and <b>APPROVE</b> Use Permit No. MU-20-13 based on the enumerated findings and subject to the recommended conditions of approval.			

## **BACKGROUND**

The existing development on this parcel consists of a 2,230 square foot residence permitted by Building Permit B-3080, a detached garage permitted by Building Permit B-4816, and a swimming pool. Per Major Subdivision S-77-01, APN 0106-300-150 is a legal building site.

## **SETTING**

The subject property consists of 2.35 acres of land, fronting on Winding Way in unincorporated Solano County. The surrounding parcels are developed with residential structures and an open area adjacent to a PG&E facility to the south.

## **PROJECT DESCRIPTION**

The applicant has applied for a Minor Land Use permit to construct a new 3,240 square foot residential accessory structure used to grow succulents for sales off-site.

No other changes to the site or land use are proposed.

## **Neighborhood Compatibility**

An aerial survey shows that most surrounding parcels in the area are developed with existing accessory structures. Construction of the proposed structure will create little to no negative visual impact on the surrounding area.

## **LAND USE CONSISTENCY**

The parcel is designated Urban Residential by the Solano County General Plan Land Use Diagram. As indicated on the General Plan land use consistency table (General Plan Table LU-7) only the Exclusive Agriculture zoning districts are consistent with this designation, but the proposed used is allowed by any of these districts, and relatively simple to remove or relocate in the future if necessary.

The subject site is zoned Rural Residential (RR-2.5). Within this district, accessory buildings over 2,500 square feet are allowed subject to Section 28.72.10(A) and (B)(1) of the Solano County Code. These general requirements address setbacks, utilities, and use of the structure. The structure will be set back at least 10 feet from the side and rear property lines. No electrical service or plumbing are proposed as part of this project, the primary dwelling will be served by a private well and on-site sewage disposal system.

## **ENVIRONMENTAL ANALYSIS**

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

Aerial images show that the parcel is developed with a primary dwelling, detached garage and swimming pool.

## **RECOMMENDATION**

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. MU-20-13, subject to the recommended conditions of approval.

## MINOR USE PERMIT MANDATORY FINDINGS

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

This project is located within an area designated Urban Residential by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential (RR-2.5) zoning district. Although only the Exclusive Agriculture zoning districts are consistent with the current General Plan designation, the development associated with this conditionally permitted use is allowed in both the Rural Residential and Exclusive Agriculture zoning districts.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site is provided with water by Solano Irrigation District and sewer service by an on-site sewage disposal system. Access is proposed via encroachment off Winding Way.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed Residential Accessory Structure use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

## ADDITIONAL FINDINGS

- 4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.**

## CONDITIONS OF APPROVAL

### General

1. The above use shall be established in accord with the application materials and development plans as submitted with MU-20-13 filed July 9, 2020 and revised site plan submitted September 28, 2020 and as approved by the Solano County Zoning Administrator.
2. This structure will only be used for growing ornamental plants for hobby and/or off-site sales (specifically not to include Marijuana or Hemp, which are not proposed as part of this project). Any changes or expansions to this land use or construction of additional accessory structures may require a Minor Revision or Amendment to this Minor Use permit or approval of a new permit.
3. The property owner will maintain a current Solano County Business License for as long as this business remains in operation.

## Building and Safety Division

4. While the following comments are not all inclusive, they will act as a guideline for the requirements for the construction of any buildings or structures on the site now and in the future. These comments are not required on the application plan for the Use Permit, but (4) sets of plans will be required to be submitted to reflect all of the requirements in the latest edition of the codes adopted by the State of California and Solano County at the time of a construction permit application. These requirements, as well as all other required code requirements, shall be reflected on all construction drawings submitted for permit through Solano County Building Division.
5. The Building and any site improvements shall be designed using the 2019 California Building Standards Codes including the mandatory measures found in the new 2019 California Green Building Code, Chapter(s) 1, 2, 3, 5, 6, 7, 8, and A5 for Voluntary Measures.
6. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2019 California Building Code, or the most current edition of the code enforced at the time of building permit application. **“Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.”**
7. Plans and Specifications shall meet the requirements as per Section 105 of the 2019 California Building Code. **“Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.”** Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.”
8. The fire district will reassess the site for fire life and safety requirements.

### Dixon Fire District:

9. The fire access road shown as shown on the site plan shall meet the requirements of the 2019 California Fire Code (CFC) with Solano County Adopted Amendments. Requirements stated in Section 503 and Appendix D.
  - a. **D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.

b. **D103.3 and 503.2.4 Turning radius.** The turn radius is 28 feet inside diameter and 52 feet outside diameter.

c. **D105.4 Obstructions.** Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

d. **503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

#### **Public Works Division**

10. Applicant shall apply for, secure and abide by the conditions of a grading permit for any grading on the property including, but not limited to, building site preparation, private access improvements, parking areas and walkways, as well as any onsite grading exceeding a total of 5,000 square feet.
11. Applicant shall apply for, secure and abide by the conditions of an encroachment permit for any work within the public right-of-way. Driveways must be maintained in such a manner as to prevent soil, rocks, and debris from tracking onto public roads.

#### **Environmental Health Division**

12. No conditions.

#### **Permit Term**

13. As provided for in Section 28.106.N of the County Code, the Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic renewals occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

#### **Attachments**

- A – Draft Resolution
- B – Assessor’s Parcel Map

## **SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. 20-XX**

**WHEREAS**, the Solano County Zoning Administrator has considered Minor Use Permit Application MU-20-13 (**Miller**) to construct a 3,240 square foot greenhouse to produce succulents for online sale located at 5216 Winding Way, 0.2 miles west of the City of Vacaville in the Rural Residential (RR-2.5) zoning district, APN 0106-300-150 and;

**WHEREAS**, said Zoning Administrator has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on December 3, 2020, and;

**WHEREAS**, after due consideration, the Zoning Administrator has made the following findings in regard to said proposal:

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

This project is located within an area designated Urban Residential by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential (RR-2.5) zoning district. Although only the Exclusive Agriculture zoning districts are consistent with the current General Plan designation, the development associated with this conditionally permitted use is allowed in both the Rural Residential and Exclusive Agriculture zoning districts.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site is provided with water by Solano Irrigation District and sewer service by an on-site sewage disposal system. Access is proposed via encroachment off Winding Way.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed Residential Accessory Structure use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved MU-20-13 subject to the following recommended conditions of approval:

**See Attachment A**

\* \* \* \* \*

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on December 3, 2020.

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Allan M. Calder, Planning Manager  
Resource Management

## ATTACHMENT A: CONDITIONS OF APPROVAL – MU-20-13

### General

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2. This structure will only be used for growing ornamental plants for hobby and/or off-site sales (specifically not to include Marijuana or Hemp, which are not proposed as part of this project). Any changes or expansions to this land use or construction of additional accessory structures may require a Minor Revision or Amendment to this Minor Use permit or approval of a new permit.
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