

SOLANO COUNTY ZONING ADMINISTRATOR

Resource Management Staff Report

Application No. U-12-01
Project Planner: Nedzlene Ferrario

Meeting of March 1, 2012
Agenda Item No. 1

Applicant:

Name: Randy Brousseau
Address: 7635 Clement Road,
Vacaville, CA

Property Owner:

Name: James Brousseau
Address: 7635 Clement Road,
Vacaville, CA

Action Requested: Approval of a Cottage Industry - Limited land use permit for a specialized insurance company located in the RR 2.5 zoning district.

Site Information:

Size: 7 acres

Location: 7635 Clement Road

APN: 0106-070-330

Zoning: RR 2.5

Land Use Type: Single Family Residential

General Plan: Rural Residential

Ag. Contract: None

Utilities: well and septic

Access: Clement Road

Adjacent General Plan Designations, Zoning and Existing Land Uses

	General Plan	Zoning	Land Use
North	Rural Residential	RR 2.5	Single Family
South	Rural Residential	RR.2.5	Single Family
East	Rural Residential	RR.2.5	Single Family
West	Rural Residential	RR 2.5	Single Family

Environmental Analysis: Pursuant to Section 15301 (Class 1 - Existing Structures) of the California Environmental Quality Act (CEQA) Guidelines, the proposed project is exempt from the requirements of CEQA and will not have a significant effect on the environment.

Motion to Approve: APPROVE the request subject to the findings and conditions of approval contained in this report.

BACKGROUND AND SURROUNDING USES

The applicant was granted a Rural Residential Enterprise use permit on January 4, 2007 which expired January 4, 2012. On January 17, 2012, the applicant applied for 5 year extension. However, on October 28, 2010, the Board of Supervisors approved an update to the Zoning Code which included new land use types for small scale home based businesses. The intent was to introduce more zoning flexibility and to streamline the permitting process for home based business. Two new land use types were introduced to capture the distinction between the intensive and less intensive home based businesses, Cottage Industry General and Limited, respectively. Given that new regulations exist which apply to the current business, the County is reissuing the use permit as a Cottage Industry land use type.

PROJECT DESCRIPTION

Easy Truck Insurance Services provides insurance coverage for trucking companies and is owned and operated by the land owner and his son. The Vacaville location employs 2 employees and utilizes a converted garage, approximately 900 square feet in size for office space. The hours of operation are Monday to Friday 8 am to 5 pm. The office is located within a converted storage shed, behind the existing residence making it less visible to passersby. Adequate parking for employees and customers are provided. The total square footage devoted to the Cottage Industry is less than 1500 square feet in size.

ANALYSIS

Small scale home based businesses in the Agriculture Districts fall under the Cottage Industry land use type per the Zoning Code. There are two classes of Cottage Industry, Cottage Industry – Limited and General. Both allow for employees other than the resident occupant and unlimited customer visits at the property during operational hours. Cottage Industry General allows for more than 3 employees and a maximum of 3000 square feet or space devoted to the cottage industry use. Cottage Industry Limited limits the number of employees to 2 and a maximum of 1500 square feet of space devoted to the cottage industry use. Easy Truck Insurance Services qualifies as Cottage Industry Limited.

Cottage Industries shall be conducted primarily by the resident family and incidental in character to the residential use. The cottage industry shall not cause a nuisance in terms of noise, odors, smoke, vibrations or other nuisances to a degree greater than that normal for the neighborhood. The conduct of the cottage industries shall not prevent the use of the required garage or parking spaces for vehicles on a daily basis. Direct access to a public road shall be provided and all aspects of the cottage industry shall be located and conducted within an enclosed building and outdoor storage of materials shall be screened from the street and adjoining properties.

Section 25.50 (b)(6.1)(e) of the Zoning Code establishes Cottage Industry Limited regulations regarding minimum lot size, maximum square footage, parking, signage, hours of operation and service vehicles. The business conforms to the Cottage Industry – Limited regulations. Because the business is not retail in nature and no large service vehicles are required for the business, restrictions regarding maximum retail areas and storage of large commercial vehicles are not included.

DEPARTMENTAL REVIEW

On January 25, 2012, the Development Review Committee reviewed the application. No additional concerns or conditions of approval are recommended.

USE PERMIT MANDATORY FINDINGS

1. **That the establishment, maintenance or operation of the use applied for 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.**

The insurance office land use is consistent with the goals, objectives, and policies of the Solano County General Plan and the Cottage Industries standards of the Zoning Code.

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

Adequate domestic water well and septic system are already provided. Access is obtained from a driveway off of Clement Road.

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.**

The business is located in an existing storage shed, behind the existing residence making it less visible to passersby. Additionally, the insurance office land use complies with the Cottage Industries Limited Zoning Code regulations.

RECOMMENDATION

APPROVE the request subject to the conditions of approval listed below:

CONDITIONS OF APPROVAL

1. The use shall be established in accord with the application, and signed declaration, for Use Permit 12-01 submitted January 17, 2012, and plans approved by the Zoning Administrator on January 4, 2007 (U-06-21), by the applicant, James Brousseau, and as approved by the Solano County Zoning Administrator.

2. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.
3. Any expansion or change in the use may require a new or modified use permit and further environmental review. Any expansion shall be required to have County approval prior to the expansion.
4. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan without prior approval of new permits or minor revisions to the permits.
5. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
6. The permittee shall be required to obtain the necessary permits and/or licenses from any applicable agency, including but not limited to the California Insurance Commission.
7. The permittee shall obtain a business license from Solano County for the proposed rural residential enterprise and maintain compliance with all of its requirements.
8. The permittee shall use only water obtained from the existing on-site private well for the purposes of basic water needs of one employee. Under no circumstance shall the permittee use water provided by the Rural North Vacaville Water District for purposes related to the Rural Resident Enterprise.
9. All of the following regulations shall be met relating to the Cottage Industries - Limited pursuant to Section 28 – 50.8(6.1) of the Zoning Code:
 - a) Not more than two (2) employees may work on the premises in addition to the members of the family residing on the premises. This limitation applies to all employees who come onto the property on a daily basis, even if they work primarily at off-site locations.
 - b) The total area occupied by the cottage industry, including storage, shall not exceed one thousand five hundred (1,500) square feet.
 - c) There shall be no change in the outside appearance of the building used for the cottage industry or premises, except one (1) non-illuminated sign not exceeding four (4) square feet may be permitted.
 - d) Not more than three (3) delivery vehicles shall access the premises each day.

- e) The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One work vehicle and two personal employee vehicles may be parked in public view. Additionally, one customer parking space shall be provided for any retail area. This parking area does not count toward the 1,500 square foot limitation.
 - f) Customers or clients may come to premises during the hours Monday to Friday 8:00 a.m. to 5:00 p.m.
10. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
11. The permit shall be in effect for a five (5) year period with provision that a renewal may be granted if said request is received prior to the expiration date of January 4, 2017 and the use shall remain the same and in compliance with the conditions of approval. A renewal pursuant to Section 28-53.3 (o) may be administratively approved by the Zoning Administrator if the following conditions are satisfied:
- a) The permittee has requested renewal.
 - b) The permittee has paid a renewal fee as may be set by the Board of Supervisors.
 - c) The use is being conducted in full compliance with all the conditions of the use permit. If the Zoning Administrator is unable to approve a renewal, the use permit shall be set for revocation.

Attachments:

Exhibit A:	Draft Resolution
Exhibit B:	Site Plan
Exhibit C:	Location

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. XX**

WHEREAS, the Solano County Zoning Administrator has considered Use Permit Application No. U-12-01 (formerly U-06-21) of **James Brousseau** for a Rural Residential/Cottage Industry Type 1 for the purpose of a specialized insurance office at 7635 Clement Road, 3 miles north of the City of Vacaville in an "RR-2.5" Rural Residential Zoning District, APN: 0106-070-330, 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 March 1, 2012, 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 applied for 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.**

The insurance office land use is consistent with the goals, objectives, and policies of the Solano County General Plan and the Cottage Industries standards of the Zoning Code.

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

Adequate domestic water well and septic system are already provided. Access is obtained from a driveway off of Clement Road.

- 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.**

The business is located in an existing storage shed, behind the existing residence making it less visible to passersby. Additionally, the insurance office land use complies with the Cottage Industries Limited Zoning Code regulations.

EXHIBIT A

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Use Permit Application No. U-12-01 subject to the following recommended conditions of approval:

1. The use shall be established in accord with the application, and signed declaration, for Use Permit 12-01 submitted January 17, 2012, and plans approved by the Zoning Administrator on January 4, 2007 (U-06-21), by the applicant, James Brousseau, and as approved by the Solano County Zoning Administrator.
2. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.
3. Any expansion or change in the use may require a new or modified use permit and further environmental review. Any expansion shall be required to have County approval prior to the expansion.
4. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan without prior approval of new permits or minor revisions to the permits.
5. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
6. The permittee shall be required to obtain the necessary permits and/or licenses from any applicable agency, including but not limited to the California Insurance Commission.
7. The permittee shall obtain a business license from Solano County for the proposed rural residential enterprise and maintain compliance with all of its requirements.
8. The permittee shall use only water obtained from the existing on-site private well for the purposes of basic water needs of one employee. Under no circumstance shall the permittee use water provided by the Rural North Vacaville Water District for purposes related to the Rural Resident Enterprise.
9. All of the following regulations shall be met relating to the Cottage Industries - Limited pursuant to Section 28 – 50.8(6.1) of the Zoning Code:
 - a) Not more than two (2) employees may work on the premises in addition to the members of the family residing on the premises. This limitation applies to all employees who come onto the property on a daily basis, even if they work primarily at off-site locations.

- b) The total area occupied by the cottage industry, including storage, shall not exceed one thousand five hundred (1,500) square feet.
 - c) There shall be no change in the outside appearance of the building used for the cottage industry or premises, except one (1) non-illuminated sign not exceeding four (4) square feet may be permitted.
 - d) Not more than three (3) delivery vehicles shall access the premises each day.
 - e) The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One work vehicle and two personal employee vehicles may be parked in public view. Additionally, one customer parking space shall be provided for any retail area. This parking area does not count toward the 1,500 square foot limitation.
 - f) Customers or clients may come to premises during the hours Monday to Friday 8:00 a.m. to 5:00 p.m.
10. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
11. The permit shall be in effect for a five (5) year period with provision that a renewal may be granted if said request is received prior to the expiration date of January 4, 2017 and the use shall remain the same and in compliance with the conditions of approval. A renewal pursuant to Section 28-53.3 (o) may be administratively approved by the Zoning Administrator if the following conditions are satisfied:
- a) The permittee has requested renewal.
 - b) The permittee has paid a renewal fee as may be set by the Board of Supervisors
 - c) The use is being conducted in full compliance with all the conditions of the use permit. If the Zoning Administrator is unable to approve a renewal, the use permit shall be set for revocation.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on March 1, 2012.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager

**JAMES
FERGUSON
CLAUBACH**
LANDSCAPE
ARCHITECT



**THE
BROUSSEAU
RESIDENCE**

SITE PLAN



