

BILL EMLLEN
 Director
 (707) 784-6765

TERRY SCHMIDTBAUER
 Assistant Director
 (707) 784-6765

Planning Services Manager
 (707) 784-6765

DEPARTMENT OF RESOURCE MANAGEMENT



675 Texas Street, Suite 5500
 Fairfield, CA 94533-6342
 (707) 784-6765
 Fax (707) 784-4805

www.solanocounty.com

Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

**Staff Report
 MU-19-15**

Application No. MU-19-15 Project Planner: Eric Wilberg, Planner Associate		Meeting of May 7, 2020 Agenda Item No. 1	
Applicant Anita O'Brien 339 Grandview Drive Vacaville, CA 95688		Property Owner same	
Action Requested Consideration and approval of Minor Use Permit MU-19-15 to establish and operate an Unhosted Vacation House Rental at 5455 Suisun Valley Road, 4 miles northwest of the City of Fairfield within the Exclusive Agriculture "A-20" Zoning District; APN: 0149-090-020.			
Property Information			
Size: 20 acres		Location: 4 miles northwest, City of Fairfield	
APN: 0149-090-020			
Zoning: Exclusive Agriculture "A-20"		Land Use: Single Family Residence	
General Plan: Watershed		Ag. Contract: n/a	
Utilities: Domestic well, septic system		Access: Suisun Valley Road	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Watershed	Exclusive Agriculture "A-20"	Single Family Residence
South	Watershed	Exclusive Agriculture "A-20"	Single Family Residence
East	Agriculture	Suisun Valley Agriculture "A-SV-20"	Single Family Residence
West	Watershed	Watershed and Conservation "W-160"	Watershed
Environmental Analysis The project qualifies for a Class 3 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303(a), Conversion of Small Structures.			
Motion to Approve The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Minor Use Permit No. MU-19-15 based on the enumerated findings and subject to the recommended conditions of approval.			

SITE DESCRIPTION

The subject property is located within the unincorporated County, 4 miles northwest of the City of Fairfield. The 20-acre parcel is primarily characterized by rolling hills exhibiting slopes between 7 -15 percent. Oak woodland comprises the dominant vegetation on-site. Residential development consisting of a 1,799 square foot single family residence and 896 sq. ft. detached garage are located on the eastern half of the property, set back approximately 500 feet from the lot frontage along Suisun Valley Road. Associated utilities including a domestic water well and private septic system support residential development on-site. Parcels surrounding the property exhibit characteristics similar to that of the subject site. Lots are generally 20 acres in size, rolling hills, and interspersed with single family residences.

PROJECT DESCRIPTION

The applicant is pursuing Minor Use permit application MU-19-15 to establish and operate an Unhosted Vacation House Rental. The short-term rental would occur within the existing 1,799 square foot, one-bedroom single family dwelling. Vehicle parking is provided within the existing 864 square foot garage adjacent to the residence.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Class 3 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303(a), Conversion of Small Structures. Class 3 consists of the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The property is developed with a single-family residence which is proposed to be utilized as a short-term vacation rental. The primary use of the property will continue to be for residential purposes.

LAND USE CONSISTENCY

General Plan and Zoning

The property is designated Watershed by the Solano County General Plan. As indicated on the General Plan land use consistency table (General Plan Table LU-7) the Exclusive Agriculture "A-20" Zoning District is consistent with this designation.

Within the A-20 Zoning District, an Unhosted Vacation House Rental is a conditionally permitted land use subject to various minimum development standards. The draft resolution and conditions of approval reinforce those standards to ensure compliance with zoning regulations and minimizing potential nuisance to surrounding properties. The proposal meets or exceeds the general and specific requirements for the Unhosted Vacation House Rental as specified in Section 28.75.30 (A) of the Zoning Ordinance.

RECOMMENDATION

The Department recommends that the Zoning Administrator **ADOPT** the resolution enumerating the mandatory and suggested findings, and **APPROVE** Minor Use Permit No. MU-19-15, subject to the recommended conditions of approval.

Attachments:

- A – Draft Resolution
- B – Assessor's Parcel Map
- C – Development Plans
- D – Access Easement Deed

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX-XX

WHEREAS, the Solano County Zoning Administrator has considered Minor Use Permit No. MU-19-15 of Anita O'Brien to establish and operate an Unhosted Vacation House Rental at 5455 Suisun Valley Road, 4 miles northwest of the City of Fairfield within the Exclusive Agriculture "A-20" Zoning District; APN: 0149-090-020 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 May 7, 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.

The subject site is located within an area designated Watershed by the Solano County General Plan Land Use Diagram. The proposed Unhosted Vacation House Rental is a conditionally permitted land use within the Exclusive Agriculture "A-20" Zoning District. The ongoing use of the property for residential purposes is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan.

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

The subject site is developed with adequate utilities, access roads, and drainage necessary to serve the proposed land use and the property.

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 hosted vacation rental land use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

4. The project qualifies for a Class 3 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303(a), Conversion of Small Structures. Class 3 consists of the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The

property is developed with a single-family residence which is proposed to be utilized as a short-term vacation rental. The primary use of the property will continue to be for residential purposes.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Minor Use Permit MU-19-15 subject to the following recommended conditions of approval:

General

1. The Unhosted Vacation House Rental shall be established and operated in accord with the application materials and development plans for Minor Use Permit MU-19-15, filed October 23, 2019, as described and conditioned herein, and as approved by the Solano County Zoning Administrator. In the event of any conflict between the application materials and the project description or conditions set forth in this permit, the latter shall control.
2. **Revisions or Modifications in Land Use.** No additional land uses, activities, nor new or expanded buildings shall be established beyond those identified on the approved development plan and detailed within the project description without prior approval of a revision, amendment, or new use permit, and subsequent environmental review.
3. **Indemnification.** By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to property or person arising from the issuance or exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers and employees from all claims, liabilities, losses, or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance of and/or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.
4. **Failure to Comply.** Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit and cessation of the permitted uses at the Permittee's expense.

Business License

5. The permittee shall secure and abide by the terms and conditions of a Business License issued by the County. This approved Minor Use Permit shall constitute as the "Zoning Clearance" necessary to file the license with the Department of Resource Management.

Building and Safety Division

6. **Building Permit Application.** Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2016 California Building Code. "Any owner or authorized agent who intends to construct, enlarge, or change the occupancy of a building or structure shall first make application to the building official and obtain the required permit."

7. **Certificate of Occupancy.** No building shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy.

Environmental Health Division

8. The permittee shall maintain weekly commercial garbage collection service.

Planning Services Division

Vacation House Rental – General Requirements

9. The dwelling used as the vacation house rental shall meet all of the development standards for dwellings specified in subsection 28.72.10(A)(1) and in Table 28.21B as applicable to the zoning district.
10. Space used for overnight accommodations as part of a the vacation house rental shall be located entirely within the dwelling. Other accessory buildings, recreational vehicles, recreational vehicle parking space, or tents shall not be used as part of the vacation house rental.
11. Overnight occupancy is limited to 2 persons per bedroom plus 2 additional persons, not to exceed a total of 10 persons.
12. Three off-street parking spaces shall be provided for all guests. On-street parking is prohibited.
13. The vacation house rental shall not be advertised, offered, or used as a special events facility which includes events such as weddings, parties, and similar events. Outdoor amplified sound is prohibited.
14. The dwelling shall not be used as a vacation house rental if it is the subject of an enforcement action pursuant to any provisions of the Solano County Code.
15. Transient occupancy tax registration and payment are required, pursuant to Chapter 11 of the Solano County Code. A business license is required, pursuant to Chapter 14 of the Solano County Code.
16. The property shall be covered by commercial property insurance.
17. The property owner shall obtain the required permit and complete transient occupancy tax registration prior to advertising or operating the vacation house rental. Online advertisements and/or listings for the vacation house rental shall include the following:
 - a. Maximum occupancy, not including children under 3
 - b. Maximum number of vehicles
 - c. Notification that quiet hours must be observed between 10 p.m. and 8 a.m.

- d. Notification that no outdoor amplified sound is allowed; and
- e. The Transient Occupancy Tax Certificate number for that property.

18. The vacation house rental shall meet all building and fire codes at all times and shall be inspected by the Fire Department before any short-term rental can occur.

19. An exterior display with the name of the property owner or manager and a current contact phone number shall be located near the front door of the rental unit. While the vacation house is rented, the owner or a property manager shall be available twenty-four hours per day, seven days per week, for the purpose of responding within forty five minutes to complaints regarding the condition, operation, or conduct of occupants of the vacation house rental or their guests. Items in need of repair may take longer to correct.

Public Works – Engineering

20. The permittee 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 Suisun Valley Road.

21. The permittee 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.

Permit Term

22. 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 May 7, 2025 and the use shall remain the same and in compliance with the conditions of approval.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on May 7, 2020.

RESOURCE MANAGEMENT

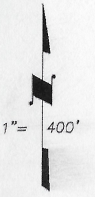
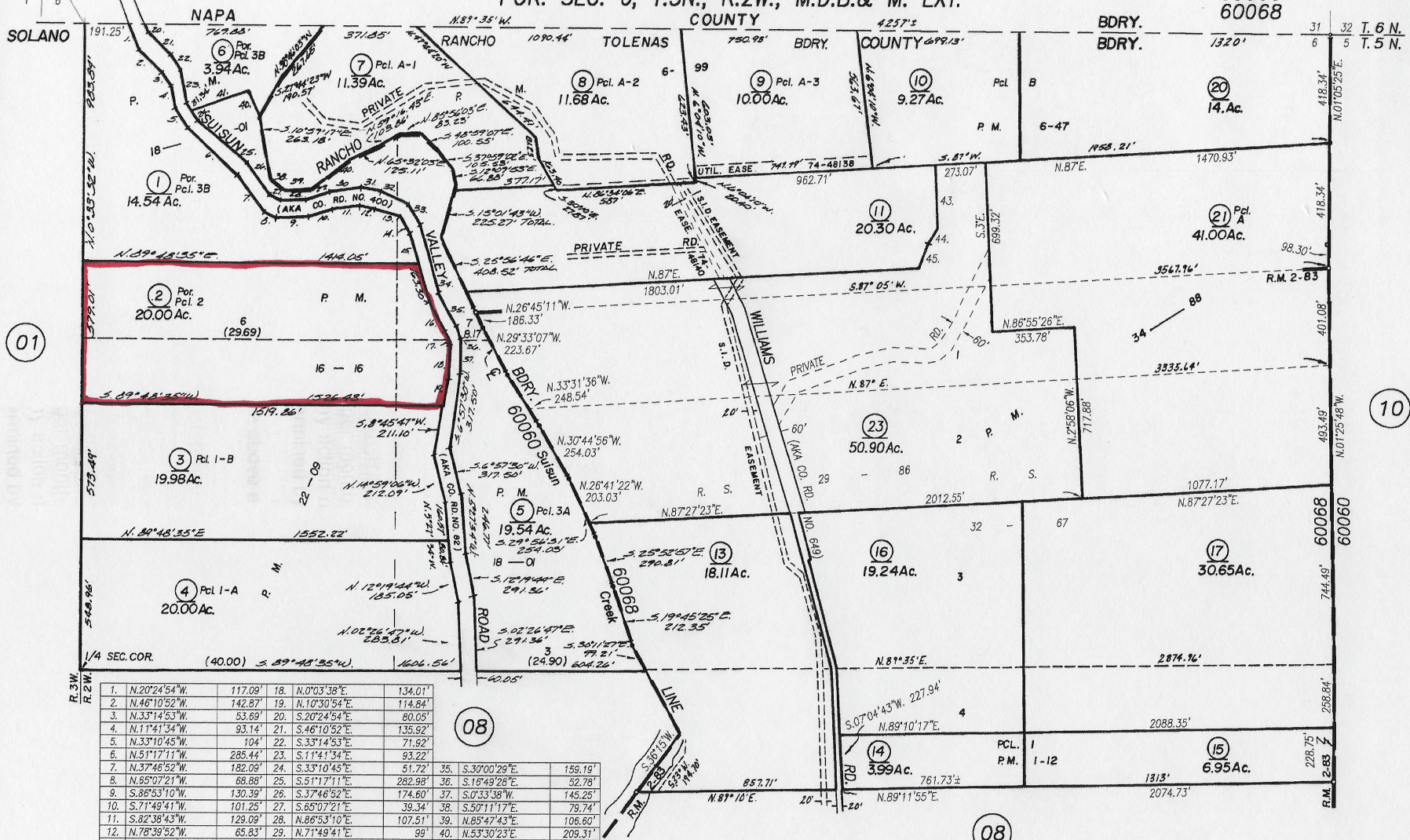
Bill Emlen, Director

POR. LOT 38, RANCHO TOLENAS
 POR. SEC. 6, T.5N., R.2W., M.D.B.& M. EXT.

Tax Area Code
 60060
 60068

149-09

38 31
 1 6



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1. N.20°24'54"W.	117.09'	18. N.0°03'38"E.	134.01'
2. N.46°10'52"W.	142.87'	19. N.10°30'54"E.	114.84'
3. N.33°14'53"W.	53.69'	20. S.20°24'54"E.	80.05'
4. N.11°41'34"W.	93.14'	21. S.46°10'52"E.	135.92'
5. N.33°10'45"W.	104'	22. S.33°14'53"E.	71.92'
6. N.51°17'11"W.	285.44'	23. S.11°41'34"E.	93.22'
7. N.37°46'52"W.	182.09'	24. S.33°10'45"E.	51.72'
8. N.65°07'21"W.	88.88'	25. S.51°17'11"E.	282.88'
9. S.86°53'10"W.	130.39'	26. S.37°46'52"E.	174.60'
10. S.71°49'41"W.	101.25'	27. S.65°07'21"E.	39.34'
11. S.82°38'43"W.	129.09'	28. N.86°53'10"E.	107.51'
12. N.78°39'52"W.	65.83'	29. N.71°49'41"E.	99'
13. N.64°20'58"W.	96.30'	30. N.82°38'43"E.	144.64'
14. N.31°12'17"W.	77.04'	31. S.78°39'52"E.	83.23'
15. N.17°08'06"W.	133.14'	32. S.64°20'58"E.	123.68'
16. N.30°00'29"W.	159.07'	33. S.31°12'17"E.	102.30'
17. N.16°49'28"W.	39.58'	34. S.17°08'06"E.	301.23'
		35. S.30°00'29"E.	159.19'
		36. S.16°49'28"E.	52.78'
		37. S.03°33'38"W.	145.25'
		38. S.50°11'17"E.	79.74'
		39. N.85°47'43"E.	106.60'
		40. N.53°30'23"E.	209.31'
		41. S.25°04'49"E.	100.42'
		42. S.79°04'07"W.	263.49'
		43. S.2°E.	270'
		44. S.34°15"W.	62.80'
		45. S.19°47'W.	108'

Williams Ranch Sub., Rancho Tolenas, R.M. Bk. 2 Pg. 83
 Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles

R.S. 32-67	8-29-17	Cr
090-23 (Rs)	2-16-10	Cr
090-23 (Ua)	5-25-10	Cr
090-22 (Ease)	2-25-08	JS
REVISION	DATE	BY

NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

Marc C. Tonnesen
Assessor/Recorder

RECORDING REQUESTED BY:
Greg Stephen Lockshaw and Sherry Lee Lockshaw

P ANITA O'BRIEN

APNs 0149-090-030 and 0149-090-020

Doc#: **201500051364**

Titles: 1 Pages: 5

WHEN RECORDED MAIL TO:



Fees 35.00
Taxes 5.50
Other 0.00

PAID \$40.50

Anita O'Brien
1908 Vintage Lane
Fairfield CA 94534

EASEMENT DEED

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ ^{5.50} - easement only
 Unincorporated area City of _____
 Realty not sold.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Greg Stephen Lockshaw and Sherry Lee Lockshaw, husband and wife

Hereby GRANTS to

Anita L. O'Brien, an unmarried woman

A non-exclusive easement for the installation, repair, utilities, use and maintenance of a roadway, and for ingress and egress of pedestrians and vehicles of all kinds, over, and across that portions of the following described land particularly described in Exhibit "A" attached hereto and made a part hereof by reference, being a portion of the land situated in the State of California, County of Solano, commonly known as 5393 Suisun Valley Road, Fairfield CA 94534 (the "Servient Tenement") described as follows:

Parcel 1-B, as shown on that certain Parcel Map filed April 23, 1981, in Book 22 of Parcel Maps, at Page 9.

Being APN: 149-090-030

Said Easement is granted as an appurtenance to the land situated in the State of California, County of Solano, commonly known as 5455 Suisun Valley Road, Fairfield CA 94534 (the "Dominant Tenement") and more particularly described as follows:

All that certain real property situate in the County of Solano, State of California and being a portion of that certain parcel of land designated "Parcel 2", as shown on that certain Map entitled, "Parcel Map of Gonsalves Property", Filed July 31, 1978 in Book 16 of Parcel Maps at Pages 16 and 17, Solano County Records.

EXCEPTING THEREFROM that portion as Conveyed to Curtis G. Singleton by Deed recorded on November 3, 1978 in Book 1978, Page 93439, Serial Number 54516, now described as that portion of Parcel 3B, as shown on the Map entitled, "Parcel Map Singleton Property, being a division of Parcels 2 and 3 of Book 16 of Parcel Maps, Pages 16 and 17,

located in the Northwest ¼ of Section 6, Township 5 North, Range 2 West, Mount Diablo Base and Meridian, Solano County, California", Filed May 16, 1979 in Book 18 of Parcel Maps at Pages 1 and 2, Solano County Records, further described as follows:

Beginning at the Northwest corner of said Parcel 2; thence from said point of beginning along the Northerly line of said Parcel 2, South 89° 12' 47" East, 191.25 feet to the point of intersection with the Westerly line of Suisun Valley Road (County Road No. 400); thence Southerly along said Westerly line of said County Road, the following courses: South 20° 24' 54" East, 110.92 feet; thence South 46° 10' 52" East, 141.77 feet; thence South 33° 14' 53" East, 56.72 feet; thence South 11° 41' 34" East, 93.13 feet; thence South 33° 10' 45" East, 100.51 feet; thence South 48° 23' 53" East, 302.40 feet; thence South 37° 46' 52" East, 183.33 feet; thence South 65° 07' 21" East, 33.86 feet; thence North 86° 53' 10" East, 134.21 feet; thence North 71° 49' 41" East, 101.63 feet; thence North 82° 38' 43" East, 126.50 feet; thence South 78° 39' 52" East, 62.94 feet; thence South 75° 39' 25" East, 102.00 feet; thence South 31° 12' 17" East, 81.25 feet; thence South 17° 08' 06" East, 137.41 feet to a point; thence leaving said County Road on a line parallel to the Southerly line of said Parcel 2, South 89° 48' 35" West, 1414.05 feet to a point on the Westerly line of said Parcel 2; thence along said Westerly parcel line, North 0° 53' 32" West, 983.84 feet to the point of beginning.

APN: 0149-090-020

This Easement Deed is made and accepted upon the express terms and conditions that:


The owner of the Dominant Tenement, shall be solely responsible for the construction, maintenance and repair of said roadway and fences along this easement as delineated on Exhibit "B";


The Owner of the Dominant Tenement shall carry a casualty insurance policy naming the owner of the Servient Tenement as an additional insured covering the easement area with a minimum liability of \$1,000,000.00.

Grantee, for herself, and for her successors and assigns, shall hold Grantor, as owner of the Servient Tenement free and harmless from any and all claims, damages or losses of any kind or nature, inclusive of reasonable attorneys' fees incurred on account of the use of the easement set forth herein by such owner, and her tenants, employees, clients, customers and invitees;

This Easement Deed shall run with the land, and shall bind and benefit all parties claiming an interest in the lands herein described. Should any provision of this Easement Deed be held to be unenforceable by a court of competent jurisdiction, the remaining provisions shall nevertheless remain in full force and effect.

Date: 5/10/2015


Greg Stephen Lockshaw


Sherry Lee Lockshaw

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF SOLANO

On 6-10-2015 before me, P. N. SCHNAARS-PENROD, a Notary Public, personally appeared Greg Stephen Lockshaw and Sherry Lee Lockshaw, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature: [Handwritten Signature]
Name: P. N. SCHNAARS-PENROD



EXHIBIT "A"

Ingress, Egress and Public Utilities Easement

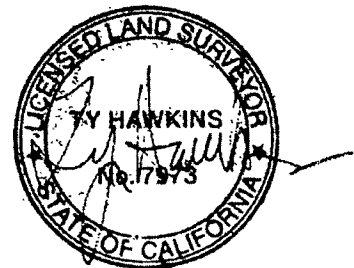
An easement for ingress, egress and public utilities, over and across the following described tract of land, situate in the County of Solano, State of California, being a portion of Parcel 1-B as shown on the Parcel Map filed for record in Book 22 of Parcel Maps at Page 9 in the office of the Solano County Recorder, more particularly described as follows:

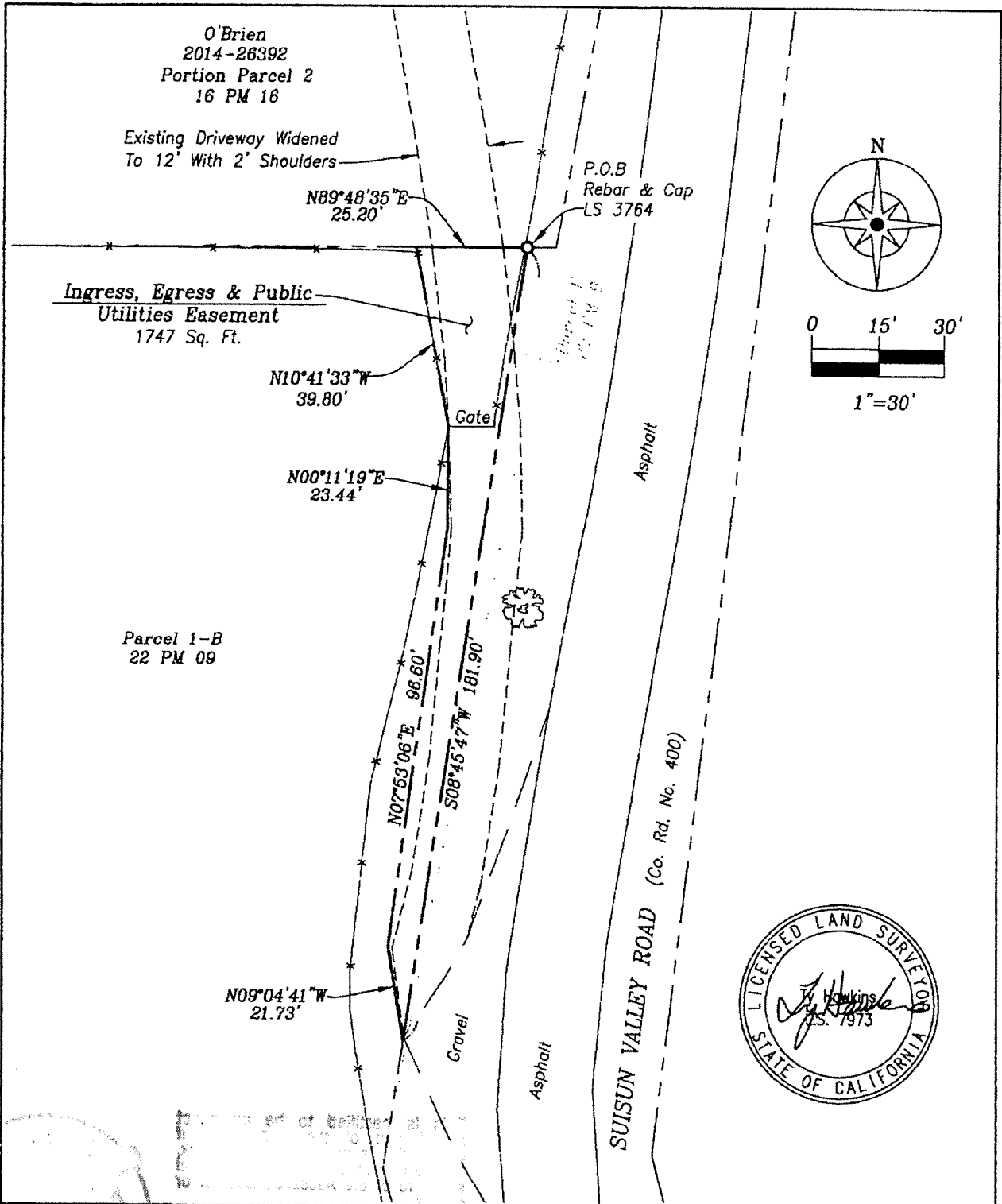
Beginning at a rebar and cap stamped LS 3764 the Northeast corner of said Parcel 1-B; thence along the Easterly line of said Parcel 1-B, South $08^{\circ}45'47''$ West, 181.90 feet; thence leaving said Easterly line North $09^{\circ}04'41''$ West, 21.73 Feet; thence North $07^{\circ}53'06''$ East, 96.60 feet; thence North $00^{\circ}11'19''$ East, 23.44 feet; thence North $10^{\circ}41'33''$ West, 39.80 feet to the North line of said Parcel 1-B; thence along said North line, North $89^{\circ}48'35''$ East, 25.20 feet to the point of beginning.

Containing 1,747 Square Feet.

The bearings contained in this description are based upon Book 22 of Parcel Maps Page 9, Solano County Records

A plat (Sheet 2) showing the above described easement is attached herewith and made a part thereof.





Ty Hawkins LS 7973
3636 Oak Canyon Ln.
Vacaville CA. 95688
Ph. 707-974-9890
Fx. 707-447-7171

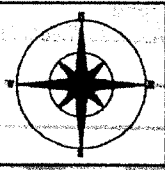


Exhibit "B"
Plat of Easement Description
A Portion of Parcel 1-B
22 PM 9
Solano County California

Date: 05/28/15	Scale: 1"=30'
Job #: 15013	
	Sheet 2
	of 2

END OF
PLAT