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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

**Staff Report
 MU-20-04**

Application No. MU-20-04 (Bommarito) Project Planner: Travis Kroger, Planning Technician		Meeting of July 2, 2020 Agenda Item No. 1	
Applicant Christopher Bommarito 4266 Stonefield Lane Fairfield, CA 94534		Property Owner Christopher Bommarito 4266 Stonefield Lane Fairfield, CA 94534	
Action Requested Consideration of Minor Use Permit application MU-20-04 for use of an existing primary dwelling as a Vacation Rental – Hosted.			
Property Information			
Size: 29.33 ac. (total)		Location: 4266 Stonefield Lane	
APN: 0153-170-260			
Zoning: Exclusive Agriculture (A-20)		Land Use: Vacation Rental - Hosted	
General Plan: Agriculture		Ag. Contract: n/a	
Utilities: private well and septic system		Access: Stonefield Lane	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Agriculture	Exclusive Agriculture (A-20)	Residential
South	Rural Residential	Rural Residential (RR-5)	Residential
East	Agriculture	Exclusive Agriculture (A-20)	Residential
West	Agriculture	Exclusive Agriculture (A-20)	Residential
Environmental Analysis The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.			
Motion to Approve The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Minor Use permit application MU-20-04 based on the enumerated findings and subject to the recommended conditions of approval.			

BACKGROUND

The existing development consists of a primary dwelling permitted by Building Permit B2004-0644, and a secondary dwelling permitted by Administrative Permit AD-18-06 and Building Permit B2018-0782.

SETTING

The subject property was created as parcel 1 of Minor Subdivision MS-01-06 and consists of 29.33 acres of land fronting on Stonefield Lane, a private road in unincorporated Fairfield. The surrounding parcels are developed with a mixture of agricultural and residential uses.

PROJECT DESCRIPTION

The applicant has applied for a Minor Use permit to use the primary dwelling as a hosted short-term vacation rental while occupying the secondary dwelling. The subject site is accessed via Stonefield Lane which is a private road, so the proposed use requires a Minor Use permit rather than an Administrative Permit which would normally be required by zoning.

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

LAND USE CONSISTENCY

The parcel is designated Agriculture by the Solano County General Plan Land Use Diagram. 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.

The subject site is zoned Exclusive Agriculture (A-20). Within this district, Vacation Rental - Hosted is allowed subject to Section 28.75.30(A) & (B)(1) of the Solano County Code. These general requirements the type of structures that may be used, occupancy limits and parking requirements, standards for online advertising, safety and avoidance of public nuisance.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.

RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings, and **APPROVE** Minor Use permit MU-20-04, subject to the recommended conditions of approval.

LAND 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 Agriculture by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Exclusive Agriculture (A-20) zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

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

The site is provided with water by an existing on-site private well and sewer service by an on-site sewage disposal system. Access is proposed via encroachment off Stonefield Lane.

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 Vacation Rental - Hosted 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 15301, Existing Facilities.

CONDITIONS OF APPROVAL

General

1. The above use shall be established in accord with the application materials and development plans as submitted with Minor Use permit application MU-20-04 filed February 1, 2020 and as approved by the Solano County Zoning Administrator.
2. The Vacation Rental - Hosted will maintain a current Solano County Business License for as long as the business remains in operation.
3. Any further expansion to the business or additional development may require approval of a Minor Revision to MU-20-04.
4. **Initial Inspection Prior to Commencement of Activities.** Prior to the commencement of activities under this use permit or the admission of the public to the site, the permittee shall be present on site for an inspection of the premises by the Department of Resource Management and other agencies with jurisdiction, in order to determine if all prerequisite conditions and requirements have been met. Commencement of activities authorized under this permit shall not begin until the Director of Resource Management (Director) determines that the permittee is in compliance with the necessary prerequisite conditions of approval.

5. **Subsequent Inspections.** If additional inspections are required before the Director determines the permittee is in compliance with the use permit, the permittee shall be charged inspection fees based on the adopted rate established by the Board for hourly work by the Department.
6. **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.

Specific Conditions

7. Prior to operation of the Vacation Rental – Hosted_a final inspection must be completed for B2018-0784 and a certificate of occupancy issued. For the duration of this permit, the secondary dwelling must be the place of residence of the permittee.
8. **Occupancy and Parking.** Occupancy of the rental dwelling must be limited to two persons per bedroom and two additional persons, not to exceed 10 occupants total. At least 3 off street parking spaces must be provided for use of guests.
9. This dwelling may not be advertised, offered, or used as a special events facility that includes events such as weddings, parties and similar events. No outdoor amplified sound is allowed.
10. Prior to operation or advertising of the Vacation Rental – Hosted, the permittee shall provide a copy of the proposed listing which complies with Section 28.75.30(A)(9) of the Solano County Code.
11. **Fire District Inspection.** Prior to occupancy by any guests, the permittee will provide a letter from the Cordelia Fire District verifying compliance with all applicable building and fire codes.
12. **Road Maintenance Agreement.** Prior to operation, the Private Road Maintenance agreement for Stonefield Lane must be amended to state that all interested parties approve of the use of this parcel as a Vacation Rental – Hosted.

Building and Safety Division

13. 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.
14. 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.
15. 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.”

16. 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.”

17. The fire district will reassess the site for fire life and safety requirements.

Public Works Division

18. 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.
19. 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 meet Solano County’s commercial driveway standard and shall be maintained in such a manner as to prevent soil, rocks and debris from tracking onto Nunes Road.
20. Off-site parking within the Nunes Road public right-of-way shall be prohibited along the entire property frontage.

Environmental Health Division

21. The applicant shall obtain an applicable water system permit if it should exceed any of the thresholds:

Per the Health and Safety Code (HSC), §116275(n) and the California Code of Regulations (CCR) Title 17, §64211, a State Small Water System (SSWS) permit from Solano County is required if there are five to 14 structures connected to the water system onsite.

Per the HSC §116275(h), and CCR Title 17, §64552, a Public Water System (PWS) permit from the CA State Division of Drinking Water is required if the water system services more than 25 daily users for 60 or more days of the year.

Permit Term

22. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from commencing July 2, 2020. 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.

WHEREAS, the Solano County Zoning Administrator has considered Minor Use Permit MU-20-04 for a Hosted Vacation Rental located at 4266 Stonefield Lane, 0.6 miles north of the City of Fairfield in the Exclusive Agriculture (A-20) zoning district, APN 0153-170-260. 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 July 2, 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 Agriculture by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Exclusive Agriculture (A-20) zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

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

The site is provided with water by an existing on-site private well and sewer service by an on-site sewage disposal system. Access is proposed via encroachment off Stonefield Lane.

- 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 Vacation Rental - Hosted 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-20-04 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 July 2, 2020.

Bill Emlen, Director
Resource Management

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Administrator.docx

ATTACHMENT A: CONDITIONS OF APPROVAL – MU-20-05

General

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2. The Vacation Rental - Hosted will maintain a current Solano County Business License for as long as the business remains in operation.
3. Any further expansion to the business or additional development may require approval of a Minor Revision to MU-20-04
4. **Initial Inspection Prior to Commencement of Activities.** Prior to the commencement of activities under this use permit or the admission of the public to the site, the permittee shall be present on site for an inspection of the premises by the Department of Resource Management and other agencies with jurisdiction, in order to determine if all prerequisite conditions and requirements have been met. Commencement of activities authorized under this permit shall not begin until the Director of Resource Management (Director) determines that the permittee is in compliance with the necessary prerequisite conditions of approval.
5. **Subsequent Inspections.** If additional inspections are required before the Director determines the permittee is in compliance with the use permit, the permittee shall be charged inspection fees based on the adopted rate established by the Board for hourly work by the Department.
6. **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.

Specific Conditions

7. Prior to operation of the Vacation Rental – Hosted a final inspection must be completed for B2018-0784 and a certificate of occupancy issued. For the duration of this permit, the secondary dwelling must be the place of residence of the permittee.
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access improvements, parking areas and walkways, as well as any onsite grading exceeding a total of 5,000 square feet.

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