

BILL EMLLEN
Director

TERRY SCHMIDTBAUER
Assistant Director

MIKE YANKOVICH
Planning Services Manager

DEPARTMENT OF RESOURCE MANAGEMENT



SOLANO
COUNTY

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

www.solanocounty.com

Planning Services Division

ZONING ADMINISTRATOR STAFF REPORT
Use Permit Renewal

Application: U-05-19-CR2
Applicant: Brian Borchers

Meeting of March 3, 2016
Agenda Item No. 1

Project Planner: Travis Kroger

Location: 7898 Olivas Lane, Vacaville, CA 95688

General Plan: Rural Residential

Assessor Parcel Number: 0105-110-630

Zoning: RR-5

Proposal

The applicant has requested Compliance Review No. 2 of use permit U-05-19, pursuant to condition of approval No. 11. Per Zoning Regulations Section 28.106(N), the Zoning Administrator shall administratively approve a use permit renewal request so long as the following requirements are satisfied:

- 1) The permittee has requested renewal
- 2) The permittee has paid the applicable renewal fee
- 3) The use is being conducted in compliance with the conditions of the use permit

Background

On October 20, 2005, Land Use permit U-05-19 was granted by the Solano County Zoning Administrator to establish a custom cabinet making business as a Rural Residential Enterprise in a 50X50 square foot metal building. On September 9th, 2010, Compliance Review No. 1 was approved by the Solano County Zoning Administrator.

Review and Recommendation

Upon review of the permit conditions of approval and based on the absence of code compliance cases on file, staff has determined that the Rural Residential Enterprise is being operated in compliance with Use Permit U-05-19.

Permit Term

Per condition 11 of U-05-19, staff recommends that this permit be extended for a 5 year term with the next compliance review due on or before October 20, 2020..

Attachment: Solano County Zoning Administrator Resolution No. 05-26

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 05-26**

WHEREAS, the Solano County Zoning Administrator has considered Use Permit Application No. U-05-19 of **Brian Borchers** to install a 50' x 50' metal building and establishment of a Rural Residential Enterprise to operate a custom cabinet making business at 7898 Olivas Road in an "RR-5" Rural Residential Zoning District, 4 miles north of the City of Vacaville, APN: 0104-120-350, 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 October 20, 2005, and

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

MANDATORY FINDINGS

1. **The establishment, maintenance or operation of the proposed use is in conformity with the County General Plan with regard to traffic circulation, population densities and distribution and other aspects of the General Plan;**

The establishment and operation of a rural residential enterprise is consistent with the goals and the objectives and policies of Chapters V, Residential Land Use, of the Solano County Land Use and Circulation Element since the facility will be incidental to and subordinate to the residential use of the property.

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

Existing access to the site is from Olivas Road, and power currently exists at the site. Building plans will be reviewed and approved by the Solano County Building and Safety Division before a permit is issued to install the new building. Since a bathroom is not proposed, new septic facilities are not required.

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 proposed use will be located entirely within the proposed structure. Though woodworking and machinery use will be occurring in the building, it is not anticipated that there will be a noise nuisance to neighbors. The building walls will be framed with steel stud interiors, include R-19 wall insulation, and will be sheet rocked. This combined with the distance to the nearest offsite residences will ensure that noise will be minimal. The building will not be seen from the road and there will be no additional traffic generated as a result of the proposed use. As such, there will be no significant degradation of the neighborhood or the County's health, safety, peace, morals, comfort, or general welfare.

ADDITIONAL FINDINGS

4. As conditioned, the facility complies with all applicable sub-sections of the Solano County Zoning Ordinance relating to rural residential enterprises.
5. The addition of the proposed 2500sf metal building qualifies for a Class 3 categorical exemption pursuant to the California Environmental Quality Act (Section 15303, New Construction of Small Structures).

BE IT THEREFORE RESOLVED, that the Zoning Administrator does hereby ADOPT the mandatory and suggested findings, and APPROVE Use Permit No. U-05-19, subject to the following recommended conditions of approval:

1. The proposed rural residential enterprise shall be established in accord with the information submitted with U-05-19 and with the plans entitled PLOT PLAN (sheet A-1) and FLOOR PLAN (sheet A-2) 50'x50' Metal Building, Brian Borchers, submitted on August 25, 2005 and 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. This condition includes adding an employee at any time.
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.

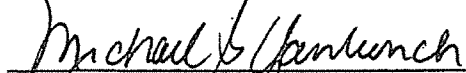
6. The structure proposed to house the rural residential enterprise has recently been granted building permit approval as an agricultural storage building. Prior to issuance of a business license and commencement of any business activities, the permittee shall make application for, and receive approval of, a new building permit to change the use and occupancy rating of the structure to allow for the rural residential enterprise.
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. All of the following regulations shall be met relating to the proposed rural residential enterprise:
 - a. Uses shall not exceed a total area of one thousand five hundred square feet of contiguous indoor or outdoor space of which a maximum of five hundred square feet may be devoted to retail sales or services directly involving customers.
 - b. Enterprises shall be operated by the resident family only, and there shall not be more than one nonresident employee on site.
 - c. Uses shall not be allowed which generate significant amounts of traffic. A permit on a private road which involves an increase in traffic may be approved by the Planning Commission only after evidence is shown that the proposed use will not unduly burden adjacent property owners on the private road.
 - d. Uses which generate traffic beyond that normally associated with rural areas or which may have impacts associated with increased lighting or noise shall be limited to daytime hours.
 - e. Enterprises shall remain secondary to the residential use of the property and shall be located behind the front building line of the residence, and a minimum of twenty feet from side property lines and twenty-five feet from rear property lines.
 - f. When enterprises are to be contained within a building or area exceeding the allowable size limitations, that area to be used for the enterprise shall be physically separated from the remaining area and in no case shall an existing

garage be converted to a rural resident enterprise unless additional enclosed parking is provided in conformance with the County's parking standards.

- g. Signs shall be limited to one non-illuminated name plate not to exceed twenty square feet mounted on or directly adjacent to the residence or proposed use. No advertising signs shall be permitted.
 - h. Areas dedicated to outside storage or use shall be adequately screened or fenced so as not to have a visual impact on neighboring properties.
 - i. Adequate parking shall be provided as determined necessary by the Zoning Administrator or Planning Commission. Access to the enterprise shall be limited to the existing residential driveway.
 - j. Industrial uses, including uses involving heavy machinery, trucking and transportation operations, or uses which involve the use, storage or disposal of hazardous materials, chemicals or other objectionable elements, shall not be permitted.
9. No machinery work shall occur between the hours of 8am to 5pm, Monday through Friday or on federal holidays.
10. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
11. 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 the date of granting this permit, October 20, 2005. The cost associated with the periodic reviews shall be charged at that time.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on October 20, 2005.

BIRGITTA E. CORSELLO, DIRECTOR
RESOURCE MANAGEMENT



Michael Yankovich
Planning Program Manager