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DEPARTMENT OF RESOURCE MANAGEMENT



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Planning Services Division

**Zoning Administrator
Staff Report**

File No.	U-04-19-EX2	Meeting of	August 4, 2016
Applicant	Paul Lum	Agenda Item No.	1
Location	7690 Timm Road, Vacaville	Project Planner	Eric Wilberg
APN	0106-040-460		

Project Description

The applicant is requesting a five year time extension of Use Permit U-04-19 pursuant to Condition of Approval No. 11. Section 28.106(N) of the Zoning Regulations allows the Zoning Administrator to administratively approve a use permit renewal if all of the following criteria are met:

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

Background

On October 21, 2004 the Zoning Administrator granted Use Permit U-04-19 for use of a temporary manufactured home utilized for Agricultural Employee Housing located at 7690 Timm Road, APN 0106-040-450. The unit was then installed on the property via Building Permit B2004-0696 issued November 23, 2004.

On July 1, 2010 the Zoning Administrator approved Tentative Parcel Map MS-09-03 to split the parent parcel into two lots. The subsequent Parcel Map was recorded November 17, 2010. The housing unit is now located on APN 0106-040-460.

Review and Recommendation

Based on the application materials submitted for this renewal and review of the approved development plans and conditions of approval, staff has determined that the Agricultural Employee Housing is being operated in compliance with U-04-19. Staff recommends approval based on the following findings:

1. The applicant filed an application for a renewal.
2. The applicant has paid the necessary permit renewal fee.
3. The permitted use is operating in compliance with the conditions of approval as set forth in U-04-19.

Permit Term

Staff recommends that the applicant's request for the renewal be granted, with Condition of Approval No. 11 being amended as follows:

*"The permit shall be in effect for a five (5) year period with provision that an extension may be granted if said request is received prior to the expiration date of **October 21, 2019**, and depending upon the circumstances at that time."*

Attachments: Zoning Administrator Resolution No. 04-27 & Assessor's Parcel Map Bk 106 Pg 04

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 04-27**

WHEREAS, the Solano County Zoning Administrator has considered Use Permit Application No. U-04-19 of **Paul Lum** for use of a temporary manufactured home as Agricultural Employee Housing on property located at 7690 Timm Road in an "A-40" Exclusive Agricultural Zoning District, 2 miles north of the City of Vacaville, APN: 0106-040-450, 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 21, 2004, and

WHEREAS, after due consideration, the said 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 use is consistent with the goals, objectives, and policies of the Solano County General Plan, including, but not limited to the Residential Land Use Section of the Land Use and Circulation Element and Chapter II of the Housing Element of the General Plan.

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

The temporary manufactured home will utilize the existing domestic well, on-site septic and gravel driveway from Timm Road. Therefore, adequate utilities, access roads, drainage and other necessary facilities are being provided.

3. That the applicant exhibits proof that such use will not, under the circumstances of the 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.

The proposed project qualifies for a Class 3 Categorical Exemption from CEQA. On the basis of a site inspection conducted by staff on September 29, 2004, as well as the information provided in the permit application, staff believes the use would not constitute a nuisance nor would it be detrimental to the comfort or general welfare of persons residing in or passing through the neighborhood.

ADDITIONAL FINDINGS

4. That one or more occupants of the dwelling are employed by the owner or the lessee of the parcel.

The dwelling is proposed to be occupied by an employee of the owner of the parcel.

5. That non-employee occupants of the dwelling are members of the employee's family.

Non employee occupants of the dwelling would be members of the employee's family.

6. That the employee occupant(s) of the dwelling has rent deducted from his or her wages.

The applicant has provided the Department of Resource Management with a signed affidavit which declares the employee occupant will have rent deducted from his wages.

7. That the employee occupant is required to live in the dwelling as a condition of his or her employment.

The affidavit cited in finding number six above also declares the employee is required to live in the dwelling as a condition of his employment.

WHEREAS, the Zoning Administrator has approved Use Permit Application No. U-04-19 subject to the following recommended conditions of approval:

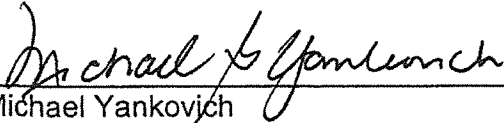
1. The proposed use shall be established in accord with the plans and information submitted with Use Permit Application No. U 04-19 by Paul Lum on August 27, 2004 and as approved by the Solano County Zoning Administrator.
2. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.
3. The use shall remain accessory and incidental to the bona-fide agricultural use conducted on the premises.

4. Prior to issuance of the building permit for installation of the temporary manufactured home, The existing mobile home, labeled "guest house" on the site plan (Exhibit B) shall be removed from the property or relocated on the property, disconnected from utilities and converted to storage use with the appropriate building permits.
5. All requirements of the Solano County Environmental Health Services Division shall be met including maintenance of the sewage disposal system so as to not create a public nuisance.
6. The temporary manufactured home shall be a minimum distance of 10 feet from any other structure.
7. The area under and around the temporary manufactured home shall be maintained clear of all dry vegetation and combustible growth for a distance of not less than 30 feet.
8. 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.
9. Upon expiration of the permit, should no extension be granted, the temporary manufactured home shall be disconnected and removed from the property
10. Prior to the issuance of a building permit for the temporary manufactured home, the permittee shall secure a Certificate of Deposit or similar instrument in the amount of Three Thousand (\$3,000.00) Dollars to insure removal of said manufactured home. This document shall be made payable to Solano County with the interest payable to depositor; shall not be released, except as authorized by the Zoning Administrator, upon receipt of a written request and satisfactory evidence that the temporary residence has been removed; and shall be forfeited to the County of Solano if the residence is not removed within the period of this permit. Except as provided for above, the original Certificate of Deposit or similar instrument shall not be released from control of Solano County other than through a direct exchange in a Solano County office for an acceptable Certificate or instrument which does not place an unwarranted expense, workload or risk on the County of Solano.
11. The permit shall be in effect for a five (5) year period with provision that an extension may be granted if said request is received prior to the expiration date of October 21, 2009, and depending upon the circumstances at that time.

Solano County Zoning Administrator Resolution
U-04-19, Lum

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on October 21, 2004.

BIRGITTA CORSELLO, DIRECTOR
RESOURCE MANAGEMENT



Michael Yankovich
Planning Program Manager

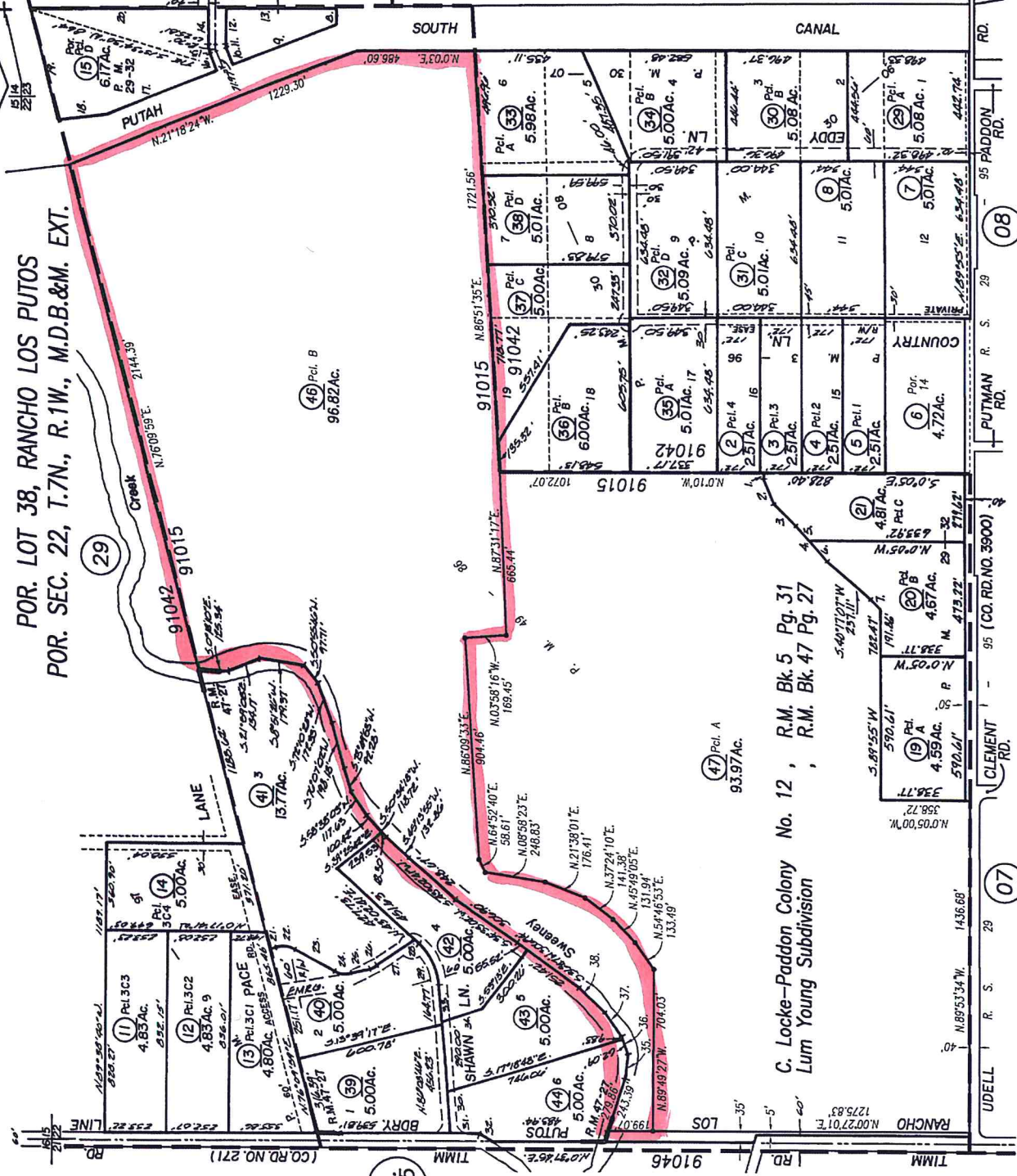
R:\PLANNING\U-) Use Permits\2004\U-04-19 (Lum)\U-04-19 (Lum) za resolution.docOctober 14, 2004

106-04

Tax Area Code
91015
91042

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

1" = 400'



1.	S. 86°50'W.	16.45'
2.	S. 66°00'05"W.	115.04'
3.	S. 45°12'57"W.	141.26'
4.	S. 49°14'21"W.	191.18'
5.	S. 49°14'21"W.	74.35'
6.	S. 49°14'21"W.	116.82'
7.	S. 45°32'04"W.	54.83'
8.	N. 69°55'54"E.	42.50'
9.	N. 21°00'16"W.	489.45'
10.	N. 68°59'44"E.	66.14'
11.	R=30	L=11.06'
12.	N. 89°52'46"W.	144.80'
13.	S. 07°04'06"E.	482.27'
14.	N. 89°52'46"W.	144.57'
15.	R=100	L=36.87'
16.	N. 68°59'44"E.	66.14'
17.	N. 21°00'16"W.	532.48'
18.	N. 61°19'57"W.	175.25'
19.	N. 73°35'42"E.	470.76'
20.	S. 07°04'06"E.	774.04'
21.	S. 13°39'17"E.	27.22'
22.	R=100	L=72.67'
23.	S. 27°58'55"W.	185.66'
24.	R=100	L=72.67'
25.	S. 13°39'17"E.	23.99'
26.	R=100	L=35.59'
27.	S. 34°02'44"E.	182.02'
28.	N. 43°02'41"E.	23.90'
29.	R=250	L=188.07'
30.	N. 03°37'45"E.	89.99'
31.	N. 03°37'45"E.	177.90'
32.	N. 30°06'10"E.	61.02'
33.	N. 65°08'46"E.	153.10'
34.	S. 17°18'48"E.	147.48'
35.	N. 84°25'35"W.	109.91'
36.	S. 72°41'12"W.	71.92'
37.	S. 52°02'47"W.	118.71'
38.	S. 45°47'30"W.	149.73'

040-46&47 (Pm)	11-17-10	JS
R.S. 29-95	10-21-10	Cf
040-06Chp Dd	1-24-01	FG
Rm47-27	9-18-86	DJ
REVISION	DATE	BY

POR. LOT 38, RANCHO LOS PUTOS
POR. SEC. 22, T.7N., R.1W., M.D.B.&M. EXT.

C. Locke-Paddon Colony No. 12 ; R.M. Bk. 5 Pg. 31
Lum Young Subdivision

Assessor's Map Bk. 106 Pg. 04
County of Solano, Calif.

11-12

Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles