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Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT
Use Permit Renewal**

Application: U-10-13-EX1 Center for Land Based Learning
Applicant: Mary Kimball, Director

**Meeting of November 3, 2016
Agenda Item No. 1**

Project Planner: Karen Avery, Senior Planner
Location: 5265 Putah Creek Road, Winters
Assessor Parcel Number: 0107-010-070

General Plan: Agricultural
Zoning: A-40

Proposal

The applicant has requested extension No. 1 of Use Permit U-10-13, pursuant to condition of approval No. 6. 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 March 3, 2011, Use Permit U-10-13 was granted by the Solano County Zoning Administrator to add agricultural education with special events to an existing active farm.

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 Center for Land Based Learning is being operated in compliance with Use Permit No. U-10-13.

Permit Term

Per condition No. 6, staff recommends that this permit be extended for a 5 year term with provision that an extension may be granted if requested by the applicant prior to the expiration date of March 3, 2021.

Attachment:

Solano County Zoning Administrator Resolution No. 11-05

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 11-05**

WHEREAS, the Solano County Zoning Administrator has considered Use Permit Application No. U-10-13 of the **Center for Land-Based Learning (McNamara)** to add agricultural education with special events to an existing farm operation. The project is located at 5265 and 5118 Putah Creek Road, 4 miles east of the City of Winters in a "A-40" Agricultural Zoning District, APN 0107-010-070, 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 3, 2011, 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 addition of agricultural education in an Agricultural Zoning District is consistent with the goals, objectives and policies of the Solano County General Plan. The project as proposed by the applicant, along with the recommended conditions of approval will be consistent with the General Plan.

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

The site has existing electrical power, domestic water and septic system on-site. External access to the site will continue to be Putah Creek 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 Solano County Development Review Committee has reviewed the project permit and determined that the project will not present a detrimental or injurious impact on surrounding properties.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Use Permit Application No. U-10-13 subject to the following recommended conditions of approval:

General:

1. Approval is hereby granted to allow agricultural education with incidental special events at the facility located at 5265 and 5118 Putah Creek Road. The proposed use shall be established in accord with the application and site plan for Use Permit U-10-13, submitted December 30, 2010 for the Center for Land-Based Learning 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. No additional uses shall be established beyond those identified on the project plan without prior approval. No new or expanded buildings shall be constructed without prior approval of a minor revision to this use permit or approval of a new use permit.
4. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
5. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause of the revocation of this permit.
6. The subject use permit shall be in effect for a five (5) year period. An extension may be granted if said request is received prior to the expiration date of March 3, 2016 and the use is found to be in full compliance with the terms and conditions of this permit at that time. The permittee shall submit a "Report of Compliance" to the Department of Resource Management, along with the applicable "Periodic Review and Written Report fees", on the fifth (5th) anniversary of the issuance of this permit for review by the staff. The Report of Compliance shall address compliance of conditions no 1 through 25.

Environmental Health Division:

7. The existing facilities, including the residential farm house kitchen and the outdoor kitchen, do not meet the structural requirements of a commercial food facility as outlined in the California Health and Safety Code. Therefore, the onsite kitchen facilities are not approved for storing, preparing, serving, manufacturing or otherwise handling of food for dispensing to a consumer including use by caterers or other food vendors. A written statement shall be provided stating that use of all kitchen facilities will be limited to personal and private party activities.
8. In the event, the permittee chooses to expand the use of the existing kitchen facilities, necessary structural upgrades will be required in accordance with commercial food facility standards, prior to commencing any upgrades the permittee shall submit plans and specifications to this Division for review and approval of remodel or reconstruction of the kitchen facilities. In addition to the plans, a Food Facility Plan Submittal application and applicable plan check fees shall be submitted to Environmental Health, Consumer Protection, in order to initiate the plan review process. An annual Food permit is also required to operate a commercial food facility and shall be applied for upon final approval of facility plans and construction.
9. A State Small Water System permit from the Department of Resource Management, Environmental Health Services Division or Small Water System Permit from the State of

California, Department of Public Health, whichever is appropriate based on use, shall be obtained and maintained valid.

10. Portable toilets are approved for special events and facility rentals. According to the permittee, Yolo Pumping Services shall provide the chemical toilets and maintenance. Any service provider at the location shall have a valid license from Solano County for each service vehicle utilized in Solano County. Permanent toilet facilities are not required at this time based on the seasonal and special event type use of the proposed facilities.

Building Division

11. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2007 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 electric, 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."
12. Certificate of Occupancy "111.1 Use and 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 therefore as provided herein."
13. A separate permit will be required for any site improvements including but not limited to any grading.
14. A geotechnical/Soils report will be required for any expansions to existing buildings or for the construction of new buildings.
15. The building permit plans shall include a code analysis as listed below and if plans are submitted prior to January 1, 2011, the design shall be under the 2007 California Codes and all current rules, regulations, laws and ordinances of the local, state, and federal requirements. If plans are submitted after January 2, 2011, the design shall be as per the building codes enforced at the time of building permit application. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:
 - A) Occupancy Classification
 - B) Type of Construction
 - C) Seismic Zone
 - D) Location on Property
 - E) Height of all buildings and structures
 - F) Square footage
 - G) Occupant load

H) Allowable Floor Area

I) Height and Number of Stories

16. Plans and Specifications shall meet the requirements as per Section 106.1 of the 2007 California Building Code, or the most current edition of the code enforced at the time of building permit application. "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." Also Section 106.1.1; "Construction documents shall be dimensioned and drawn upon substantial material. Electronic media documents are permitted when approved by the building official. 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 site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2007 California Building Code or the current edition of the building codes enforced by the jurisdiction at the time of building permit application. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2007 California Building Code. The Solano County Building Division will be plan checking for the most restrictive requirements of the two. The shall be a complete site plan, drawn to scale, and designed by a licensed architect reflecting all site accessibility requirements for those areas open to the public for rent as per Section 106 of the 2007 California Building Code. Because this will be considered new construction due to the change in use and occupancy for all buildings, Section 1134B of the 2007 California Building Code does not apply. In new construction, accessibility shall be provided to all elements on the property offered to the public as per Section 11127B of the 2007 California Building Code. The change in use or occupancy of a building would require it to meet all of the current requirements in the code as per section 3406 of the 2007 California Building Code.
18. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst case requirements between Chapter 11B of the 2007 California Building Code and the ADA Federal Law.
19. The fire district will reassess the site for fire life and safety requirements.

Dixon Fire Department

20. The driveway must meet local fire codes. It must be a minimum of 20' wide, have a minimum overhead clearance of 13.5' the full width of the drive and capable of supporting a 50,000# fire apparatus.
21. Driveways can be narrower with other conditions imposed and approved by the fire code official.
22. If a mechanically operated or locked driveway gate exists or is installed, a KNOX keyway shall be provided. The purchase form for a Knox access system must be obtained from the Dixon Fire Department.

23. Permittee shall contact the Dixon Fire Department for inspection as to determining if a UL300 hood system and occupancy load is necessary for the farmhouse kitchen.
24. Portable fire extinguishers will need to be strategically located in any structure used by the public or employees. The property owner shall contact the fire department for extinguisher classification requirements and actual location.
25. The property owner shall contact the fire department to schedule a site tour for the fire code official for the purpose of facility familiarization and to determine if other safety related issues need addressing.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on March 3, 2011.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT



Michael Yankovich
Planning Program Manager