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DEPARTMENT OF RESOURCE MANAGEMENT



**SOLANO
COUNTY**

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Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT
Compliance Review**

Application: U-81-20 MR 3 CR 2
Applicant: Robert Hager Jr (GV Cellars)
Project Planner: Nedzlene Ferrario

**Meeting of March 16, 2017
Agenda Item No. 3**

Location: 1635 Mason Road
Assessor Parcel Number: 0148-020-120 & 090

General Plan: Agriculture
Zoning: A-40

Proposal

The applicant has requested a compliance review of Use Permit U-81-20-MR3 CR 2, pursuant to condition of approval No. 8. Per Zoning Regulations Section 28.106(N), the Zoning Administrator shall administratively approve a compliance review request so long as the following requirements are satisfied:

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

Background

On August 5, 2004, Use Permit 81-20 Minor Revision 3 was granted by the Solano County Zoning Administrator. The use permit included a condition of approval that a compliance review be conducted every five years.

Review and Recommendation

Upon review of the permit conditions of approval and materials submitted by the applicant, staff has determined that the existing communication facility is being operated in compliance with Use Permit U-81-20 MR 3.

Permit Term

Per condition No. 8, staff recommends that the next compliance review be conducted in five years prior to August 5, 2019.

Attachment: Use Permit U-81-20 MR 3 and conditions of approval



Department Of Resource Management
470 Chadbourne Road, 2nd Floor
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Planning Division
(707) 421-6765

ORIGINAL

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 Solano County
 Environmental Management
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LAND USE PERMIT NO. U-81-20
(Minor Revision No. 3)

BEN VOLKHARDT

(permittee)

To revise the conditions of approval for an existing winery to delete Condition No. 8 which prohibits an existing off-premise sign. The project is located at 1635 Mason Road, Suisun in an "A-40" Exclusive Agricultural Zoning District. APN's: 0148-020-090 & 120.

(Land use, location and zone district)

In addition to the zoning regulations, the building laws and other ordinances, the conditions of granting this permit, if any, are attached.

Granting or conditional granting of this permit does not release the permittee from complying with all other county, state or federal laws. Failure to comply with all the aforementioned provisions and conditions will be cause for the revocation of this Permit by the County Planning Commission.

Failure, neglect or refusal to exercise this Permit within a period of one (1) year from the date of granting thereof, shall automatically cause the same to become and remain null and void.

Date Granted August 5, 2004

SOLANO COUNTY ZONING ADMINISTRATOR

Issued by: *Birgitta Corsello*
 Birgitta Corsello

Date 8/25/04

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 04-20**

WHEREAS, the Solano County Zoning Administrator has considered Minor Revision No. 3 to Use Permit No. U-81-20 of **Ben Volkhardt** to revise the conditions of approval for an existing winery to delete Condition No. 8 which prohibits an existing off-premise sign. The project is located at 1635 Mason Road, Suisun in an "A-40" Exclusive Agricultural Zoning District, APN's: 0148-020-090 & 120, 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 August 5, 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 proposed operation of the winery and the minor revision to continue the use of an existing off-site sign is consistent with the goals, objectives, and policies of the Solano County General Plan, including, but not limited to the Agricultural Land Use Section of the Land Use and Circulation Element.

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

Access to the site is obtained via Mason Road. The operation is served by necessary utilities, including an on-site septic system and City of Vallejo water. Adequate utilities, access roads, drainage and other necessary facilities have been 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 revision qualifies for a Class 1 Categorical Exemption from CEQA. On the basis of a site inspection conducted by staff on June 22, 2004, as well as a lack of complaints on file with the Department of Resource Management, staff believes the existing use does not constitute a nuisance nor does it detrimental to the comfort or general welfare of persons residing in or passing through the neighborhood.

ADDITIONAL FINDINGS

1. The proposed signs are in substantial conformance with the sign and design criteria provided in Section 28.66.030 (F) of the Sign Regulations.

The proposed sign meets the pertinent standards as set forth in the Sign Regulation Section of the Solano County Zoning Ordinance.

WHEREAS, the Zoning Administrator has approved Minor Revision No. 3 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-81-20 as amended in this Minor Revision and as approved by the Solano County Planning Commission.
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.
4. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
5. All parking shall remain onsite and if found inadequate, additional parking may be required as determined necessary by the Zoning Administrator.
6. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for revocation of the use permit.
7. All requirements of the Solano County Building and Safety Division shall be met, including:
 - a. 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.

- b. Except as exempted in Chapter 31 of the Solano County Code, no person shall commence or perform any grading, filling, excavation, or clearing of vegetation for any purpose without having first obtained a grading permit from the Building and Safety Division.
- 8. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of regular compliance reviews occurring at five (5) year intervals from the date of granting this permit. The applicant is required to pay all applicable fees for periodic review as approved by the Board of Supervisors.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on August 5, 2004.

BIRGITTA CORSELLO, DIRECTOR
RESOURCE MANAGEMENT



Michael Yankovich
Planning Program Manager



Solano County Planning Department

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LAND USE PERMIT NO. U-81-20

BEN VOLKHARDT

(permittee)

To ESTABLISH A WINERY AND RELATED FACILITIES in an "A-40"

Exclusive Agricultural District, located on the north side

of Mason Road approximately one mile northwest of Green Valley

Road.

(Land use, location and zone district)

In addition to the zoning regulations, the conditions of granting this permit, if any, are as follows:

(See attached sheet)

This permit shall not take effect unless permittee signs in the space below within thirty (30) days after the date of granting hereof.

I agree to conform fully to this Use Permit and all of the foregoing conditions.

X Ben Volkhardt
Permittee's Signature

6 De Leu Dr Suison
Address

4/21/81
Date

Granting or conditional granting of this permit does not release the permittee from complying with all other county, state or federal laws. Failure to comply with all the aforementioned provisions and conditions will be cause for the revocation of this Use Permit by the County Planning Commission.

Failure, neglect or refusal to exercise this Use Permit within a period of one (1) year from the date of granting thereof, shall automatically cause the same to become and remain null and void.

Appeals from action to grant this permit may be filed by any person within ten days of the date granted. Any such appeal shall stay all proceedings until determination of the appeal.

SOLANO COUNTY PLANNING COMMISSION

By: Gloria E. Munk
Planning Director/Secretary

Date Granted April 16, 1981

SOLANO COUNTY ZONING ADMINISTRATOR

By: _____

SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO. 3377

WHEREAS: The Solano County Planning Commission has considered in public hearing Use Permit Application No. U-81-20 of BEN VOLKHARDT to ESTABLISH A WINERY AND RELATED FACILITIES in an "A-40" Exclusive Agricultural District, located on the north side of Mason Road approximately one mile northwest of Green Valley Road, and

WHEREAS: The said Commission has reviewed the report of the Planning Department, and

WHEREAS: The said Commission heard testimony relative to the subject application, and

WHEREAS: After due consideration, said Commission has made the following findings in regard to this proposal:

1. A Negative Declaration has been prepared for this project.
2. The use would not have a negative effect on surrounding properties.
3. The processing of grapes other than those produced on the premises would provide a service to commercial agriculture within the surrounding area.
4. The project will not be open to the public for winery tours or full-time commercial retail sales.
5. The project proposes an offsite sign prohibited by County Zoning Regulations.

Be it, therefore,

RESOLVED: That the Planning Commission does hereby ADOPT the said Negative Declaration of environmental impact prepared in regard to the project and does hereby GRANT Use Permit Application No. U-81-20 of Ben Volkhardt subject to the following conditions:

1. The use shall be established in accord with the plans submitted with the Use Permit Application No. U-81-20 and approved by the Solano County Planning Commission.
2. The proposed offsite sign shall not be established.
3. Operation of the winery must meet all regulations and requirements of the Solano County Department of Public Health including disposal of wastewaters and grape pomace.
4. The applicant shall take measures necessary to prevent offensive dust, noise and odor to neighboring properties during construction and operation of the winery.
5. All requirements of the Department of Public Works and County Fire Warden shall be met.

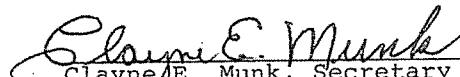
6. All parking shall remain onsite and if found inadequate, additional parking may be required as determined necessary by the Zoning Administrator.
7. Any expansion of the operation will require a new or modified Use Permit and further Environmental Review.
8. The applicant shall take the necessary action to bring the existing mobilehome into compliance with County requirements.
9. The permit shall be granted for a ten (10) year period with the provisions that an extension may be granted if the request is received at least sixty (60) days prior to the expiration date of April 16, 1991, depending upon the circumstances at the time.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on April 16, 1981 by the following vote:

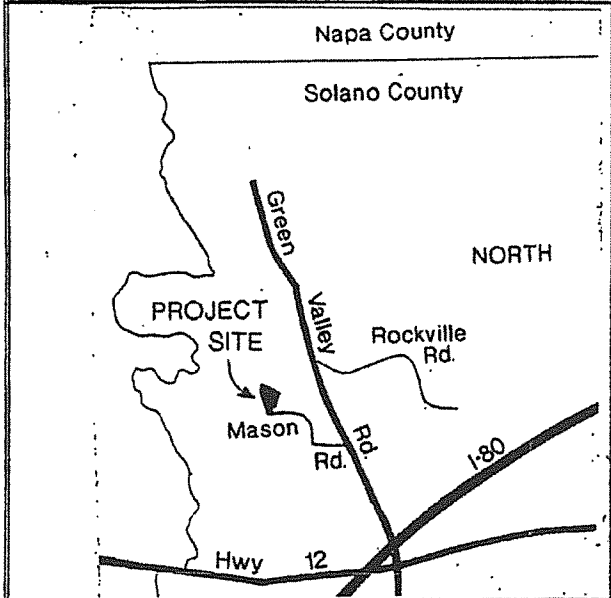
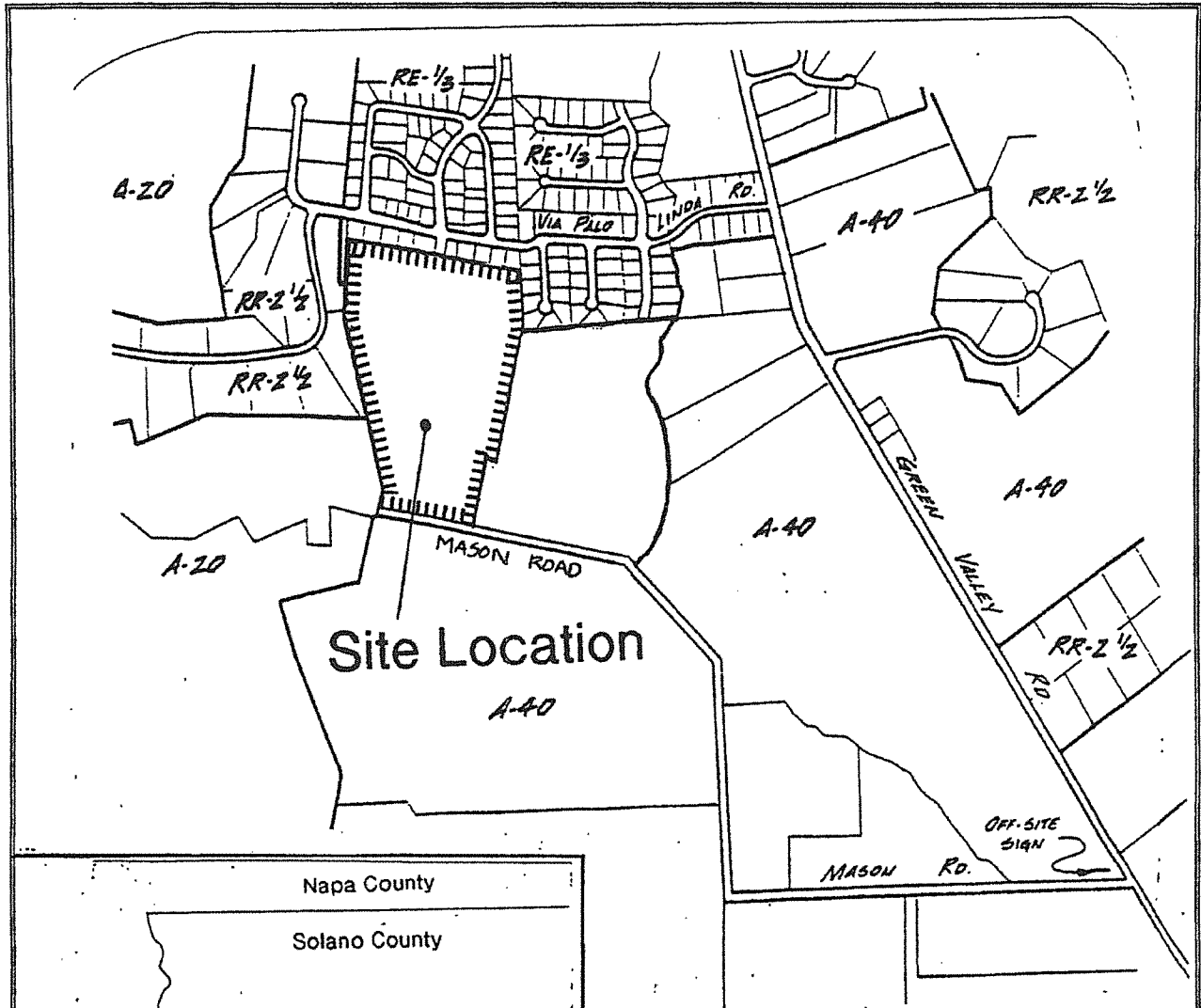
AYES: Commissioners Moss, Anderson, Courtland, Lenzi,
Kinney, Ficklin and Stewart

NOES: Commissioners None

ABSENT: Commissioners Sullivan and Lanza


Clayne E. Munk, Secretary

TLC/jf



Solano County Dept. of Environmental Management
Planning Division Approval

Application No(s): U-81-20 MR.3

Date Approved: 8/5/04 NORTH

Approved By: ZA

Conditionally Approved

PROJECT: Volkhardt, Minor Revision No. 3 to U-81-20

Exhibit A

SOLANO COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

SCALE: NTS