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Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT  
Use Permit Renewal**

<b>Application:</b>	U-13-05-MR1-CR1	<b>Meeting of:</b>	April 18, 2019
<b>Applicant:</b>	Long Nguyen (Chua Pho-Tu)	<b>Agenda Item No.</b>	2
<b>Project Planner:</b>	Travis Kroger		
<b>Location:</b>	7233 Pleasants Valley Road	<b>General Plan:</b>	Agriculture
<b>Assessor Parcel Number:</b>	0102-130-120	<b>Zoning:</b>	A-20

**Proposal**

The applicant has requested compliance review No. 1 for Land Use permit U-13-05-MR1 pursuant to condition of approval No. 2. 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 January 2, 2014 the Solano County Zoning Administrator granted Land Use permit U-13-05 for a Cottage Industry offering monthly meditation classes. On August 18, 2016 the Solano County Zoning Administrator granted Minor Revision No. 1 to construct a 398 square foot addition to the existing meditation school structure.

**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 existing Cottage Industry is being operated in compliance with Land Use permit U-13-05-MR1.

**Permit Term**

Per condition 2 of U-13-05-MR1, staff recommends that U-13-05-MR1 be found to be in compliance with the conditions of approval, with the next compliance review be due January 2, 2024.

**Attachment:** Solano County Zoning Administrator Resolution 16-06.

**SOLANO COUNTY ZONING ADMINISTRATOR  
RESOLUTION NO. 16-06**

**WHEREAS**, the Solano County Zoning Administrator has considered Minor Revision No. 1 to Use Permit No. U-13-05 of **CHUA PHO-TU (Wisdom Meditation)** to construct a 398 square foot addition to an existing building operating as a cottage industry offering one meditation class per month located at 7233 Pleasants Valley Road, 4 miles northwest of the City of Vacaville in an "A-20" Exclusive Agricultural Zoning District, APN: 0102-130-120, 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 18, 2016, 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.**

The operation of the Type II Cottage Industry is a conditionally permitted land use within the Exclusive Agricultural zoning district, which is consistent with the Agricultural General Plan designation. The accessory use of the property for meditation training once per month for up to 15 persons is incidental and subordinate to the use of the premises for residential purposes. The proposed land use is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan.

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

The site will continue to be served by on-site domestic water well and septic system. The site is accessed via private driveway off of Pleasants Valley 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.**

As conditionally permitted, the proposed Type II Cottage Industry will not change or adversely affect the residential or rural character of the property or its surroundings. The proposed land use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare to persons within the County of Solano.

- 4. The project qualifies for a Class 1 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(e), Existing Facilities. The proposed 398 square foot expansion of the residential accessory structure is negligible and less than the 2,500 sq. ft. threshold prescribed in the CEQA Guidelines.**

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved Minor Revision No. 1 to Use Permit Application No. U-13-05 subject to the following recommended conditions of approval:

**General**

1. The establishment and operation of the Type II Cottage Industry for meditation training purposes shall be conducted in accord with the application materials, development plans and site plan for Minor Revision No. 1 of Use Permit U-13-05, as approved by the Solano County Zoning Administrator.
2. This permit shall be subject to periodic renewal every five (5) years. A renewal may be granted if said request is received prior to the expiration date of January 2, 2019 and the use is found to be in full compliance with the permit terms and conditions at that time. Prior to permit expiration, the permittee shall submit an application for renewal along with applicable renewal fees as may be set by the County Board of Supervisors.
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 for revocation of this permit.
6. Granting of Minor Revision No. 1 shall supersede the original use permit, U-13-05.

**General Requirements for Cottage Industries**

7. The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes. Only a resident-occupant of an existing on-site primary residence may operate a cottage industry; a cottage industry cannot exist in the absence of a dwelling unit.
8. The cottage industry shall not produce evidence of its existence in the external appearance of the accessory structure or premises, or in the creation of noise, odors, smoke, vibrations or other nuisances to a degree greater than that normal for the neighborhood.
9. The conduct of the cottage industry shall not prevent the use of the required garage or parking spaces for vehicle parking on a daily basis.
10. The site shall maintain direct access to a public road or access from an adequate private road. Where access to the site is by private road, the permittee for the cottage industry permit must demonstrate either (1) active financial participation in a road maintenance association, or (2) written consent to use the private road for business purposes from all co-owners of the private road easement.
11. The property is limited to one cottage industry.

12. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), with the exception of outdoor storage of materials or products as specifically provided by the use permit, when completely screened from the street and adjoining properties. Any accessory building used for a cottage industry must comply with applicable building codes.
13. No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.
14. No land use or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness; radioactivity, electrical or other disturbances; glare; liquid or solid refuse or wastes; or other substances, condition or element referred to herein as dangerous or objectionable elements in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.

**Specific Standards for Cottage Industries—General (Type II)**

15. Not more than three (3) employees may work on the premises in addition to the residents living on the premises. This limitation applies to all employees who come onto the property on a daily basis, even if they work primarily at off-site locations.
16. The total area occupied by the cottage industry, including storage, shall not exceed three thousand (3,000) square feet
17. The parcel must maintain a minimum lot size of at least four acres, excluding roads, canals, or railroad rights of way.
18. The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One work vehicle belonging to the operator and three personal employee vehicles may be parked in public view. Additionally, one customer parking space shall be provided for every 500 square feet of retail area. This parking area shall not count toward the 3,000 square foot limitation.
19. A maximum of three large vehicles and one trailer per large vehicle may be kept on the property in connection with a cottage industry. Large vehicles are defined as having a gross vehicle weight rating (GVWR) between 14,001 lbs. and 26,000 lbs. Such vehicles may only be stored in an enclosed building in connection with a cottage industry. Storage of large vehicles shall be counted as part of the square footage of a cottage industry. Vehicles with a GVWR exceeding 26,000 lbs. may not be stored on the property in connection with a cottage industry.
20. No more than one (1) non-illuminated sign not exceeding four (4) square feet may be permitted.
21. Two or more separate businesses, with separate business licenses, may be permitted as a single cottage industry. However, when added together, those businesses cannot exceed the limitations set forth above for a single cottage industry.
22. Customers or clients may come to premises during any the hours 8:00 a.m. to 6:00 p.m.

**Building and Safety Division**

23. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2010 California Building Code, or the latest edition of the codes 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."
24. The business will be open to the public and shall meet the most restrictive requirements between the California Disabled Access and Federal ADA laws and regulations.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on August 18, 2016.

BILL EMLLEN, DIRECTOR  
RESOURCE MANAGEMENT

  
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Michael Yankovich  
Planning Program Manager