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DEPARTMENT OF RESOURCE MANAGEMENT



**SOLANO
 COUNTY**

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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

**Staff Report
 U-17-02**

Application No. U-17-02 Project Planner: Eric Wilberg, Planner Associate		Meeting of June 15, 2017 Agenda Item No. 3	
Applicant Antonio Ferreira 7716 Elaine Way Vacaville, CA 95688		Property Owner same	
Action Requested Consideration and approval of Use Permit U-17-02 to establish and operate a landscape maintenance business as a Cottage Industry - General located at 7716 Elaine Way 3 miles north of the City of Vacaville within the Rural Residential "RR-5" Zoning District; APN 0105-010-360.			
Property Information			
Size: 6.81 acres		Location: 3 miles N of City of Vacaville	
APN: 0105-010-360			
Zoning: Rural Residential "RR-5"		Land Use: Rural Residential	
General Plan: Rural Residential		Ag. Contract: n/a	
Utilities: Domestic well, septic system		Access: Elaine Way	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Rural Residential	Rural Residential "RR-5"	Residential
South	Rural Residential	Rural Residential "RR-5"	Residential
East	Rural Residential	Rural Residential "RR-5"	Residential
West	Agriculture	Exclusive Agriculture "A-20"	Agriculture/vacant hillside
Environmental Analysis The project qualifies for a Class 3 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303(e), New Construction of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; including accessory (appurtenant) structures such as garages, carports, patios, swimming pools, and fences.			
Motion to Approve The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Use Permit No. U-17-02 based on the enumerated findings and subject to the recommended conditions of approval.			

SITE DESCRIPTION

The subject property is located within the unincorporated English Hills area of the County, 3 miles north of the City of Vacaville. The 6.81 acre parcel is generally hillside property sloping up towards the west away from West Ranch Lane. Residential development on-site is clustered near the northwest corner of the lot and consists of a Primary residence, Secondary residence, two storage containers, and a pole barn. The lot is bound to the north by rural residence, to the east by West Ranch Lane, to the south a rural residence, and to the west by vacant hillside. Parcels surrounding the property exhibit characteristics similar to that of the subject site. Lots are relatively hilly, generally five acres in size, and developed with single family residences.

PROJECT DESCRIPTION

The applicant, Antonio Ferreira, is requesting approval of U-17-02 to establish and operate a landscape maintenance business as a Cottage Industry General located at 7716 Elaine Way. The applicant resides in the Primary Dwelling on-site; however provides landscaping services off-site, with non-resident employees of the business meeting at various job locations. The proposal includes construction of a 60' x 40' metal garage to house the three trucks and trailers utilized as part of the business as well as storage of equipment and materials. A 15' x 60' unenclosed overhang would extend off the side of the garage. Two existing 8' x 28' cargo containers would also be utilized for storage. As part of this approval an approximate 400 square foot pole barn as well as various lean-to shelters would be demolished and removed from the site. The residential development is currently served by on-site domestic water well, private septic system, and electrical service. No additional utilities are required. The site is accessed by two private driveways, one off Elaine Way and the other off West Ranch Lane. The business operates between 7 a.m. – 6 p.m. Monday through Saturday. Customers and clients do not access the property.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Class 3 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303(e), New Construction of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; including accessory (appurtenant) structures such as garages, carports, patios, swimming pools, and fences. The primary use of the property is for residential purposes. By definition, the home based business cannot operate in the absence of a Primary Dwelling and is accessory to the residence therefore qualifying for his exemption.

LAND USE CONSISTENCY

General Plan and Zoning

The property is designated Rural Residential by the Solano County General Plan. As indicated on the General Plan land use consistency table (General Plan Table LU-7) the Rural Residential "RR-5" Zoning District is consistent with this designation.

Rural Residential Zoning Regulations require issuance of a Use Permit in order to operate a Cottage Industry – General home based business. The property is developed with Primary and Secondary Single Family Residences and is therefore able to pursue the cottage industry as an accessory use on-site. The Cottage Industry – General has specific development and operational standards that must be met in order to comply with Zoning Regulations. The following details demonstrate the proposed use compliance with these regulations:

- The cottage industry is incidental and subordinate to the use of the premises for residential purposes. The owner/ occupant of the residence will be conducting the cottage industry.

- The cottage industry will be located within proposed residential accessory structures and would not prevent the use of the required garage or parking space(s).
- The cottage industry is located on a private road and the permittee has supply proof of financial participation in a road maintenance agreement and written consent of other property owners utilizing the private road (Attachment D).
- The cottage industry does not exceed the per parcel allowance of one per lot.
- The cottage industry does not have employees on the premises and would not exceed the three (3) non-resident employee maximum working on the premises.
- The total area occupied by the cottage industry, including storage is 2,824 square feet and would not exceed the 3,000 sq. ft. maximum afforded to a Cottage Industry – General.
- The cottage industry is located on a 6.81 acre parcel, exceeding the 4 ac. lot size requirement.
- The cottage industry does not involve on-site retail and would not exceed the 1,000 sq. ft. retail sales area afforded to a Cottage Industry – General.
- The cottage industry does not facilitate employees or customers on-site and would not prohibit sufficient parking on-site.
- The cottage industry utilizes three large vehicles and one trailer per large vehicle and would not exceed vehicle allowances for a Cottage Industry – General.
- The cottage industry does not involve customers or clients accessing the site and therefore would not be subject to specified hours of operation.

The proposal meets or exceeds the general and specific requirements for the Cottage Industry – General as specified in the Zoning Ordinance.

RECOMMENDATION

The Department recommends that the Zoning Administrator **ADOPT** the resolution enumerating the mandatory and suggested findings, and **APPROVE** Use Permit No. U-17-02, subject to the recommended conditions of approval.

USE PERMIT MANDATORY FINDINGS

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 proposed Cottage Industry – General is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan. The home based business is a conditionally permitted land use within the Rural Residential “RR-5” Zoning District. As detailed in the Analysis of this report, the proposal meets or exceeds the general and specific land use regulations pertaining to this use.

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

The project has developed utilities, access roads, and drainage necessary for the facility. The operation fronts along Elaine Way and West Ranch Lane. The applicant has supplied documentation that supports active participation in the private road maintenance agreement and written consent from property owners along the private 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 project involves the operation of a Cottage Industry – General landscape maintenance business at 7716 Elaine Way. Vehicles, equipment, and materials utilized by the business would be located within three accessory structures on-site. All landscape maintenance activities are performed off-site. The operation is not expected to generate nuisances.

ADDITIONAL FINDINGS

- 4. The project qualifies for a Class 3 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303(e), New Construction of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; including accessory (appurtenant) structures such as garages, carports, patios, swimming pools, and fences.**

CONDITIONS OF APPROVAL

General

- 1. Approval is hereby granted Antonio Ferreira to operate a landscape maintenance business as a Cottage Industry – General consisting of a 2,400 square foot metal garage and two 8' x 28' equipment storage containers at 2275 Julian Lane; APN 0149-060-120. The permitted use shall be established in accord with the application materials and development plans for U-17-02, submitted February 23, 2017 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. Any expansion or change in the use may require a new or modified use permit and further environmental review.**
- 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 a new use permit or minor revision or amendment to the permit.**
- 5. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.**

General and Specific Cottage Industry - General

6. 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 the cottage industry; the cottage industry cannot exist in the absence of a dwelling unit.
7. The cottage industry shall not produce evidence of its existence in the external appearance of the dwelling, accessory structures or premises, or in the creation of noise, odors, smoke, vibrations or other nuisances to a degree greater than that normal for the neighborhood.
8. 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.
9. The site of the cottage industry shall have direct access to a public road or access from an adequate private road. Where access to the site is by private road, the permittee must demonstrate either:
 - a. Active financial participation in a road maintenance association, or
 - b. Written consent to use the private road for business purposes from all co-owners of the private road easement.
10. A maximum of one cottage industry per parcel shall be allowed.
11. 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 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.
12. 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.
13. No land 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.
14. The permittee shall submit plans and a complete statement of any proposed machinery, processes and products, and specifications or standards for the mechanisms and techniques to be used in obviating the emission of dangerous and objectionable elements.

Business License

15. The permittee shall secure and abide by the terms and conditions of a Business License issued by this Department. This approved Use Permit shall constitute as the "Zoning Clearance" necessary to file for the license.

Building and Safety Division

16. Prior to any construction or improvements taking place, a building permit application shall first be submitted as per Section 105 of the 2013 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."

Permit Term

17. The permit shall be in effect for a five (5) year period with provision that a renewal may be granted if said request is received prior to the expiration date of June 15, 2022 and the use shall remain the same and in compliance with the conditions of approval.

Attachments:

Draft Resolution
Assessor's Parcel Map
Site Plan, partial
Private Road Maintenance Participation

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered Use Permit Application No. U-17-02 of **Antonio Ferreira (Ferreira's Landscape Maintenance)** to establish and operate a landscape maintenance business as a Cottage Industry General located at 7716 Elaine Way 3 miles north of the City of Vacaville within the Rural Residential "RR-5" Zoning District, APN: 0105-010-360, 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 June 15, 2017, 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 proposed Cottage Industry – General is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan. The home based business is a conditionally permitted land use within the Rural Residential "RR-5" Zoning District. As detailed in the Analysis of this report, the proposal meets or exceeds the general and specific land use regulations pertaining to this use.

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

The project has developed utilities, access roads, and drainage necessary for the facility. The operation fronts along Elaine Way and West Ranch Lane. The applicant has supplied documentation that supports active participation in the private road maintenance agreement and written consent from property owners along the private 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 project involves the operation of a Cottage Industry – General landscape maintenance business at 7716 Elaine Way. Vehicles, equipment, and materials utilized by the business would be located within three accessory structures on-site. All landscape maintenance activities are performed off-site. The operation is not expected to generate nuisances.

4. The project qualifies for a Class 3 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303(e), New Construction of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; including accessory (appurtenant) structures such as garages, carports, patios, swimming pools, and fences.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Use Permit Application No. U-17-02 subject to the following recommended conditions of approval:

General

1. Approval is hereby granted Antonio Ferreira to operate a landscape maintenance business as a Cottage Industry – General consisting of a 2,400 square foot metal garage and two 8' x 28' equipment storage containers at 2275 Julian Lane; APN 0149-060-120. The permitted use shall be established in accord with the application materials and development plans for U-17-02, submitted February 23, 2017 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. Any expansion or change in the use may require a new or modified use permit and further environmental review.
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 a new use permit or minor revision or amendment to the permit.
5. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.

General and Specific Cottage Industry - General

6. 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 the cottage industry; the cottage industry cannot exist in the absence of a dwelling unit.
7. The cottage industry shall not produce evidence of its existence in the external appearance of the dwelling, accessory structures or premises, or in the creation of noise, odors, smoke, vibrations or other nuisances to a degree greater than that normal for the neighborhood.
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 - b. Written consent to use the private road for business purposes from all co-owners of the private road easement.
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 13. No land 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.
 14. The permittee shall submit plans and a complete statement of any proposed machinery, processes and products, and specifications or standards for the mechanisms and techniques to be used in obviating the emission of dangerous and objectionable elements.

Business License

15. The permittee shall secure and abide by the terms and conditions of a Business License issued by this Department. This approved Use Permit shall constitute as the "Zoning Clearance" necessary to file for the license.

Building and Safety Division

16. Prior to any construction or improvements taking place, a building permit application shall first be submitted as per Section 105 of the 2013 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."

Permit Term

17. The permit shall be in effect for a five (5) year period with provision that a renewal may be granted if said request is received prior to the expiration date of June 15, 2022 and the use shall remain the same and in compliance with the conditions of approval.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on June 15, 2017.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager

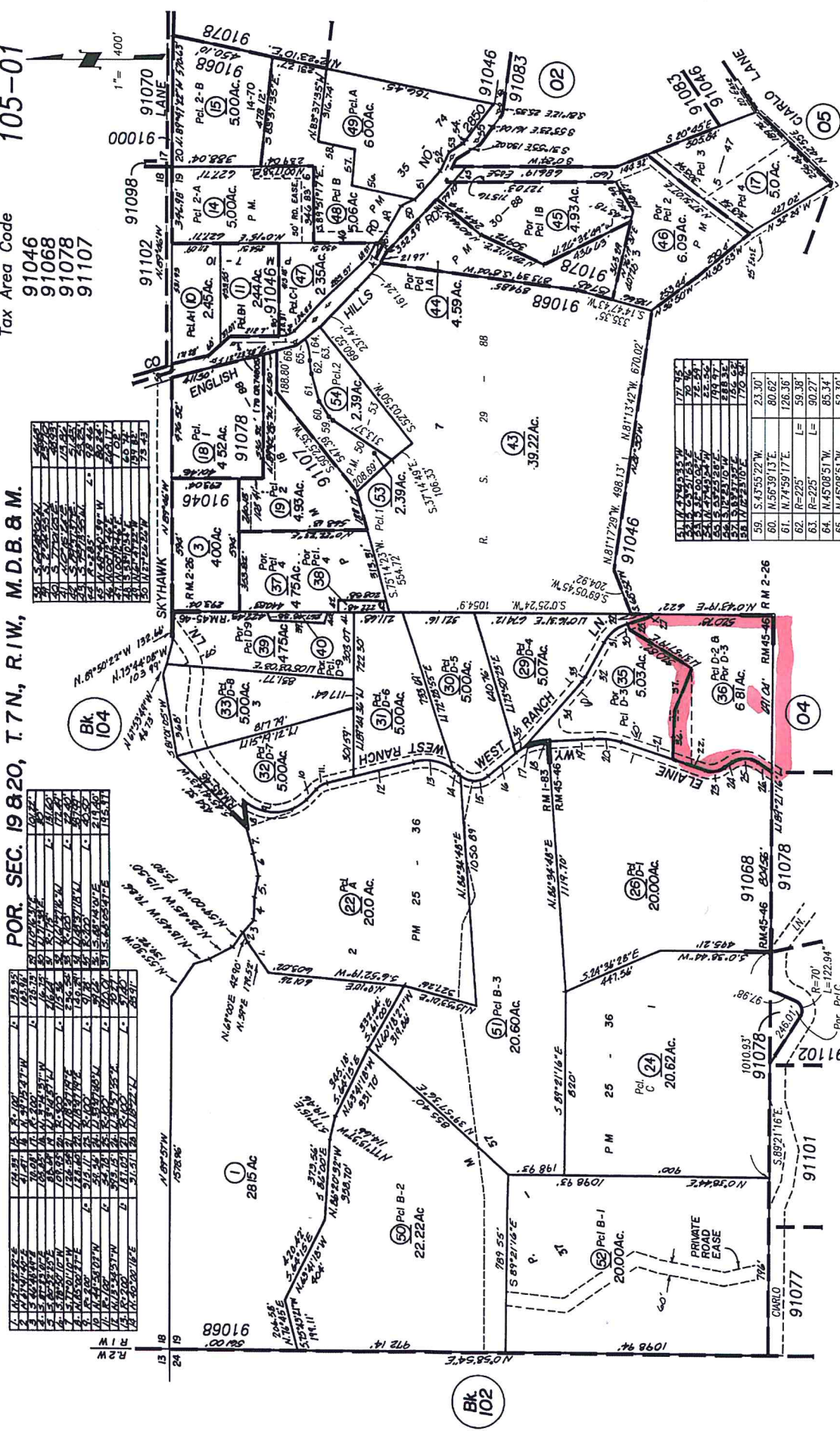
R:\PLANNING\ALL ZONING ADMINISTRATOR STAFF REPORTS\2017\June 15, 2017\U-17-02 (Ferreira)\U-17-02 (Ferreira's Landscape) ZA Resolution.docx(June 8, 2017)

DRAFT

Tax Area Code
 91046
 91068
 91078
 91107

POR. SEC. 19 & 20, T. 7N., R. 1W., M.D.B. & M.

Parcel No.	Area (Ac.)	Owner	Assessor's Parcel No.
1	28.15	...	1
2	20.00	...	2
3	4.00	...	3
4	4.52	...	4
5	5.00	...	5
6	5.00	...	6
7	5.00	...	7
8	5.00	...	8
9	5.00	...	9
10	5.00	...	10
11	5.00	...	11
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63	5.00	...	63
64	5.00	...	64
65	5.00	...	65
66	5.00	...	66



105-01

1" = 400'

Parcel No.	Area (Ac.)	Owner	Assessor's Parcel No.
38	4.75	...	38
39	4.75	...	39
40	4.75	...	40
41	4.75	...	41
42	4.75	...	42
43	4.75	...	43
44	4.75	...	44
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60	4.75	...	60
61	4.75	...	61
62	4.75	...	62
63	4.75	...	63
64	4.75	...	64
65	4.75	...	65
66	4.75	...	66

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

Parcel No.	Area (Ac.)	Owner	Assessor's Parcel No.
65	5.00	...	65
66	5.00	...	66

105-01

1" = 400'

Assessor's Map Bk. 105 Pg. 01
 County of Solano, Calif.

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

Parcel No.	Area (Ac.)	Owner	Assessor's Parcel No.
59	5.00	...	59
60	5.00	...	60
61	5.00	...	61
62	5.00	...	62
63	5.00	...	63
64	5.00	...	64
65	5.00	...	65
66	5.00	...	66

Olivas Sub. - R.M. Bk. 1, Pg. 83
 Esquivel Sub. No. 2 - R.M. Bk. 2, Pg. 26
 West Ranch Estates - R.M. Bk. 45, Pg. 46

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



Google Earth

Western Ranch

Entrance #2

Bolt & Chain Down

New Concrete Pad

Entrance #1

New Shed 60x40

Remove

© 2016 Google

Regarding the property of

7716 Elaine way
Vacaville, CA 95688
(707) 592-9788
Ferreiras @earthlink.net

May 4, 2017

To Whom it may Concern:

This letter is to confirm that Ferreiras are apart of the H.O.A. here, assist with road repairs, and cut back weed and fire hazards along the road side near property.

Sincerely yours,

Print name: *TIM & ROXANNE YOUNG*

Sign name: *Tim & Roxanne Young*

Regarding the property of

7716 Elaine way
Vacaville, CA 95688
(707) 592-9788
Ferreiras @earthlink.net

May 4, 2017

To Whom it may Concern:

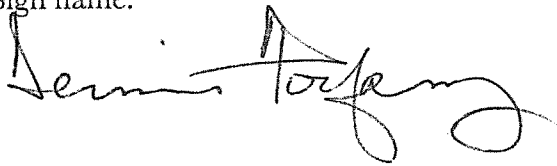
This letter is to confirm that Ferreiras are apart of the H.O.A. here, assist with road repairs, and cut back weed and fire hazards along the road side near property.

Sincerely yours,

Print name:

DENNIS FORFANG
7717 W. RANCH LN. V.V.

Sign name:

A handwritten signature in black ink that reads "Dennis Forfang". The signature is written in a cursive style with a large, looping "D" and "F".

Regarding the property of

7716 Elaine way
Vacaville, CA 95688
(707) 592-9788
Ferreiras @earthlink.net

May 4, 2017

To Whom it may Concern:

This letter is to confirm that Ferreiras are apart of the H.O.A. here, assist with road repairs, and cut back weed and fire hazards along the road side near property.

Sincerely yours,

Print name: ROBERT GIARAMITA 7731 W. RANCH LN

Sign name: 