

BILL EMLÉN
 Director
 (707) 784-6765

TERRY SCHMIDTBAUER
 Assistant Director
 (707) 784-6765

MIKE YANKOVICH
 Planning Services Manager
 (707) 784-6765

DEPARTMENT OF RESOURCE MANAGEMENT



SOLANO COUNTY

675 Texas Street, Suite 5500
 Fairfield, CA 94533-6342
 (707) 784-6765
 Fax (707) 784-4805

www.solanocounty.com

Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

**Staff Report
 MU-17-05**

Application No. MU-17-05 (Sky Ranch) Project Planner: Eric Wilberg, Planner Associate		Meeting of November 1, 2018 Agenda Item No. 2	
Applicant Leland Perry 7351 Sky Ranch Lane Vacaville, CA 95688		Property Owner same	
Action Requested Consideration of Minor Use Permit application MU-17-05 to utilize an additional single-family residence for persons employed in agricultural operations located at 7351 Sky Ranch Lane, 5 miles northwest of the City of Vacaville within the Watershed and Conservation "W-160" Zoning District, APN: 0102-050-100.			
Property Information			
Size: 86.74 acres		Location: 7351 Sky Ranch Lane	
APN: 0102-050-100			
Zoning: Watershed & Conservation "W-160"		Land Use: Agriculture (vineyards, orchard)	
General Plan: Watershed		Ag. Contract: 1321	
Utilities: Well and septic		Access: Sky Ranch Lane	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Watershed	Watershed & Conservation "W-160"	Watershed/open space
South	Watershed	Watershed & Conservation "W-160"	Watershed/open space
East	Watershed	Watershed & Conservation "W-160"	Watershed/open space
West	Watershed	Watershed & Conservation "W-160"	Watershed/open space
Environmental Analysis The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.			
Motion to Approve The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Minor Use Permit No. MU-17-05 based on the enumerated findings and subject to the recommended conditions of approval.			

SETTING

The subject property is located at 7351 Sky Ranch Lane, 5 miles northwest of the City of Vacaville. The 86.74 acre parcel is situated within relatively steep terrain identified as the Vaca Mountains, generally exhibiting slopes in excess of 15%. Mountainous terrain and open space surround the subject site. Development in the vicinity is sparse, consisting of few roads, intermittent residential structures, and out buildings. The nearest residential structure is located ½ mile from the subject property.

The parcel is developed with a 4,374 sq. ft. primary residence, 2,500 sq. ft. barn, 1,500 sq. ft. pole barn, and a 2,000 sq. ft. utility building. On-site development utilizes a domestic water well and private septic system. A one acre man made, spring fed pond is located just south of the primary residence. Since 2001, the property has been entered into Williamson Act contract No. 1321. Four acres of vineyards and 18 acres of olive trees surround the residential development and constitute the agricultural production on-site. Access to the site is provided by Sky Ranch Lane which intersects with Mix Canyon Road one mile to the south.

BACKGROUND and OBJECTIVE

The subject site is located within the Watershed and Conservation “W-160” Zoning District which allows for one primary dwelling per lot. An additional single family dwelling is a conditionally allowed land use subject to the terms and conditions of a use permit. The intent of the additional dwelling is to house persons employed in agricultural activities on-site, similar to the agricultural employee housing land use found in the Agricultural Zoning Districts.

In 1998, the second floor of the existing 2,500 sq. ft. barn structure was converted to livable space via building permit B1998-0055. At that time, it was the only residential structure on-site. In 2010, construction of a new 4,374 sq. ft. single family dwelling began via building permit B2010-0625. It is intended that this residence become the primary dwelling and that the residential space within the barn be reclassified to another permissible use within the W-160 Zoning District.

The applicant proposes to utilize the existing residential space within the barn as an additional single family dwelling for persons employed in agricultural operations on-site. The applicant has filed an Agricultural Employee Housing Certification along with accompanying Use Permit application materials which state that employment activities will include planting, spraying, pruning, irrigation, and maintenance of the existing vineyards and olive orchard.

ANALYSIS

Agricultural Employee Housing units for an employee on parcels twenty (20) acres or more may be permitted for a maximum five (5) year period subject to the following conditions:

1. One or more occupants of the dwelling are employed by the owner or the lessee of the parcel;
2. Non-employee occupants of the dwelling are members of the employee’s family;
3. The employee occupant(s) of the dwelling has rent deducted from his or her wages; and
4. The employee occupant is required to live in the dwelling as a condition of his or her employment.

The property owner and employee have submitted the necessary documentation to certify that the proposed use meets the general and specific land use regulations contained in Section 28.71.40 of the Zoning Code.

Williamson Act

The subject property is entered into an active Williamson Act contract No. 1321. As seen in Table A of the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts the Agricultural Employee Housing land use is "compatible" on contracted property.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

The project involves utilizing permitted residential space within an existing barn to serve as Agricultural Employee Housing for an employee of the property owner. The existing agricultural use of the property along with residential and accessory structures would remain unchanged as a result of this use permit.

RECOMMENDATION

The Department recommends that the Zoning Administrator **ADOPT** the enumerated findings, and **APPROVE** Minor Use Permit No. MU-17-05, subject to the recommended conditions of approval.

MINOR 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 Agricultural Employee Housing is consistent with the goals, objectives and policies of the Solano County General Plan and Zoning Ordinance. The property is designated Watershed by the General Plan Land Use Diagram and the facility is a conditionally permitted land use within the Watershed and Conservation "W-160" Zoning District. The facility will perpetuate farming practices on-site and within the unincorporated County. 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 property is developed with a primary single family dwelling and agricultural employee housing along with accompanying domestic water well and private septic system. Access is provided via Sky Ranch Lane.

- 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 temporarily utilizing an Agricultural Employee Housing unit located at 7351 Sky Ranch Lane. The operation will make use of vehicles and equipment typical of commercial agricultural operations which are regularly implemented in an agricultural setting for orchard and vineyard establishment and on-going maintenance. The subject use will not constitute a nuisance to surrounding properties or persons residing, working, or passing through the agricultural or watershed areas.

ADDITIONAL FINDINGS

4. The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

CONDITIONS OF APPROVAL

General

1. Approval is hereby granted to Leland Perry to utilize an Agricultural Employee Housing unit consisting of the second floor of the existing 2,500 square foot barn at 7351 Sky Ranch Lane; APN 0102-050-100. The permitted use shall be established in accord with the application materials and development plans for MU-17-05, filed August 9, 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.
6. One or more occupants of the dwelling shall be employed by the owner or the lessee of the parcel.
7. Non-employee occupants of the dwelling shall be limited to members of the employee's family.
8. The employee occupant(s) of the dwelling shall have rent deducted from his or her wages.

9. The employee occupant shall be required to live in the dwelling as a condition of his or her employment.

Environmental Health Division

10. The permittee shall comply with Solano County Code Chapter 6.4 and 13.10 relative to water wells and septic systems. Under permit from Environmental Health, the permittee shall install a new onsite sewage disposal system or shall expand the existing on-site sewage disposal system so that it is within capacity of handling the waste flows for all residential development on-site, including the proposed two-bedroom agricultural employee housing which would require a capacity of 750 gallons of wastewater per day on-site.

Building and Safety Division

11. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2016 California Building Code. "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."
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."

Vacaville Fire Protection District

13. The permittee shall maintain compliance with all requirements of the Vacaville Fire Protection District.

Permit Term

14. 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 November 1, 2023 and the use shall remain the same and in compliance with the conditions of approval. The Zoning Administrator shall administratively approve the renewal if the following criteria are met:
 - 1) The permittee has filed a completed renewal application.
 - 2) The permittee has paid the renewal application fee as set by the Board of Supervisors.
 - 3) The use is being conducted in compliance with all conditions of approval.

Attachments

- A – Draft Resolution
- B – Site Plan
- C – Floor Plan
- D – Agricultural Employee Housing Certification

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. XX**

WHEREAS, the Solano County Zoning Administrator has considered Minor Use Permit Application No. MU-17-05 of **Leland Perry c/o Phillippi Engineering** to permit an additional single-family dwelling for persons employed in agricultural operations. The property is located at 7351 Sky Ranch Lane 5 miles northwest of the City of Vacaville within the Watershed and Conservation "W-160" Zoning District, APN: 0102-050-100, 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 November 1, 2018, 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 Agricultural Employee Housing is consistent with the goals, objectives and policies of the Solano County General Plan and Zoning Ordinance. The property is designated Watershed by the General Plan Land Use Diagram and the facility is a conditionally permitted land use within the Watershed and Conservation "W-160" Zoning District. The facility will perpetuate farming practices on-site and within the unincorporated County. 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 property is developed with a primary single family dwelling and agricultural employee housing along with accompanying domestic water well and private septic system. Access is provided via Sky Ranch Lane.

- 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 temporarily utilizing an Agricultural Employee Housing unit located at 7351 Sky Ranch Lane. The operation will make use of vehicles and equipment typical of commercial agricultural operations which are regularly implemented in an agricultural setting for orchard and vineyard establishment and on-going maintenance. The subject

use will not constitute a nuisance to surrounding properties or persons residing, working, or passing through the agricultural or watershed areas.

4. The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved the minor use permit application subject to the following recommended conditions of approval:

General

1. Approval is hereby granted to Leland Perry to utilize an Agricultural Employee Housing unit consisting of the second floor of the existing 2,500 square foot barn at 7351 Sky Ranch Lane; APN 0102-050-100. The permitted use shall be established in accord with the application materials and development plans for MU-17-05, filed August 9, 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.
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7. Non-employee occupants of the dwelling shall be limited to members of the employee's family.
8. The employee occupant(s) of the dwelling shall have rent deducted from his or her wages.
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- 13. The permittee shall maintain compliance with all requirements of the Vacaville Fire Protection District.

Permit Term

- 14. 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 November 1, 2023 and the use shall remain the same and in compliance with the conditions of approval. The Zoning Administrator shall administratively approve the renewal if the following criteria are met:
 - 1) The permittee has filed a completed renewal application.
 - 2) The permittee has paid the renewal application fee as set by the Board of Supervisors.
 - 3) The use is being conducted in compliance with all conditions of approval.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on November 1, 2018.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT

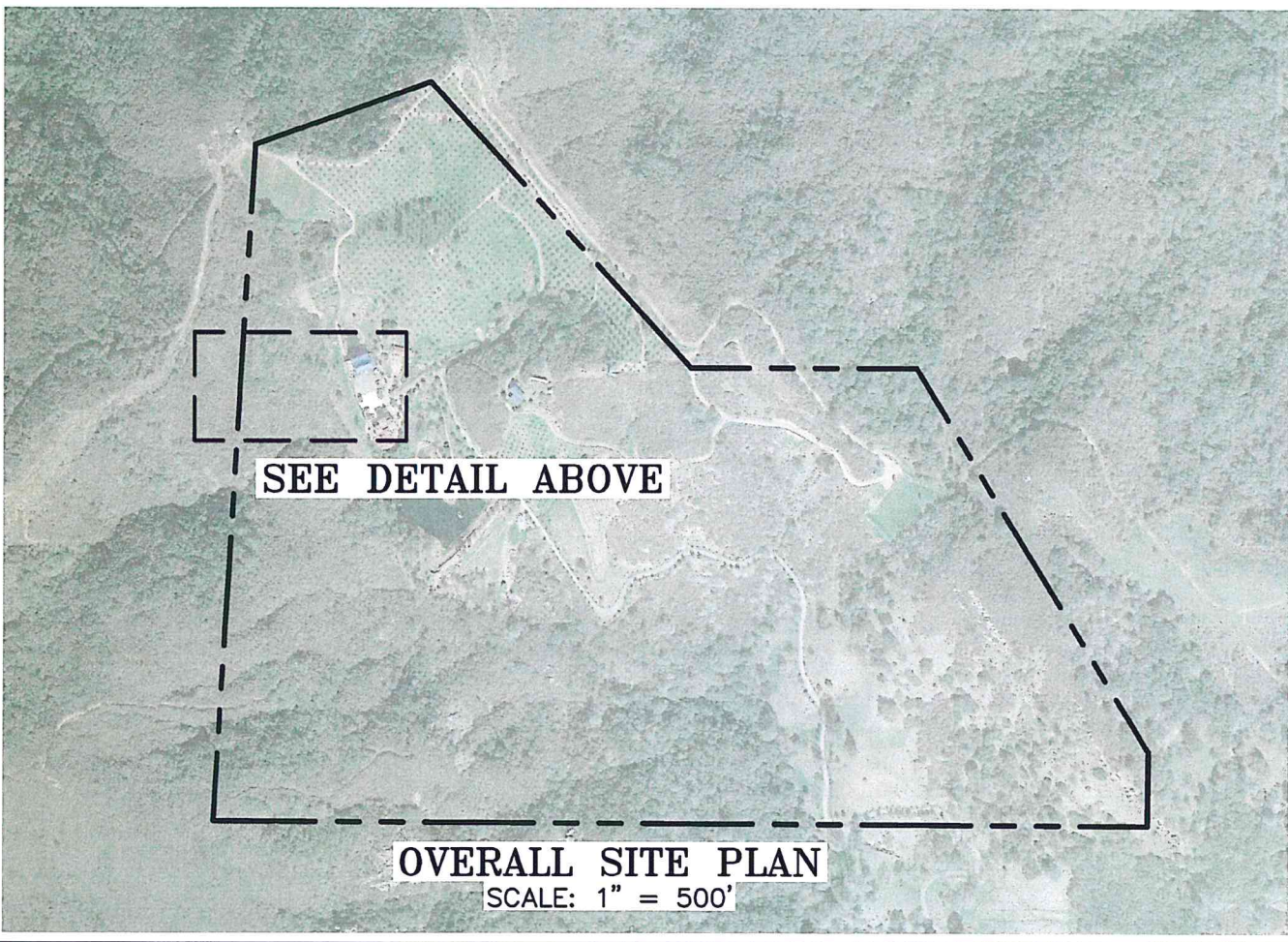
Michael Yankovich
Planning Program Manager

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SCALE

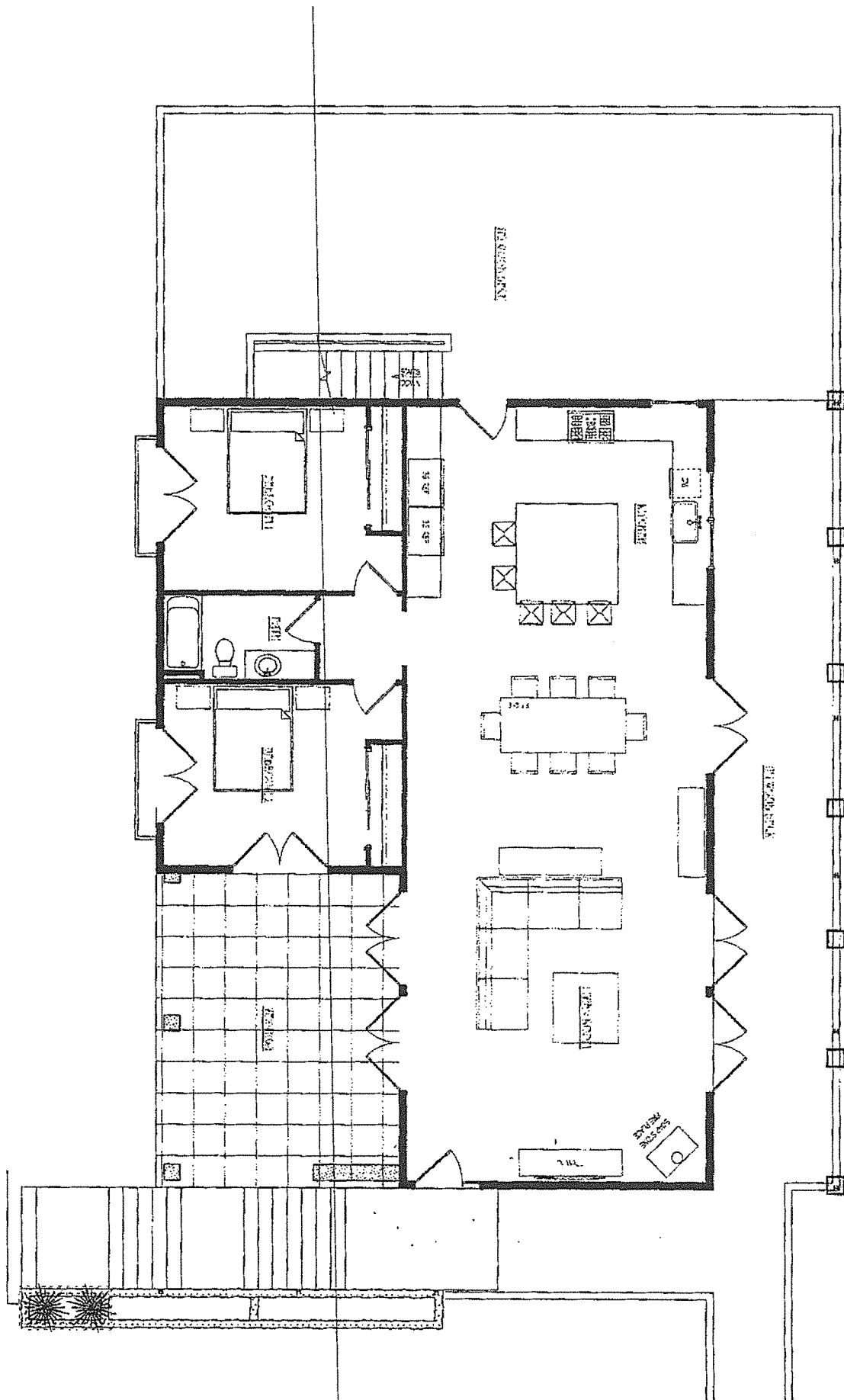


PROJECT NAME/LOCATION:
7351 SKY RANCH LANE

DRAFTED BY: GJM
CHECKED BY: SWT
PROJECT NO.: 20180370
DWG NAME: 20180370 H
ISSUE DATE: 05/16/2018



PHILLIPPI ENGINEERING
CIVIL ENGINEERING - LAND SURVEYING
425 MERCHANT STREET VACAVILLE, CA 95688
P.O. BOX 6556 VACAVILLE, CA 95696
OFFICE (707) 451-6556 FAX (707) 451-6555



Attachment C

BILL EMLEN
Director
(707) 784-6765

TERRY SCHMIDTBAUER
Assistant Director
(707) 784-6765

MIKE YANKOVICH
Planning Services Manager
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Planning Services Division

File No.

Agricultural Employee Housing Certification

Regulations governing the use of **Temporary Agricultural Employee Housing** are established under Section 28.71.40 of the Solano County Zoning Regulations. A temporary manufactured dwelling unit for an employee on parcels of twenty (20) acres or more is permitted for a maximum five (5) year period upon approval of an Administrative Permit and subject to the following specific requirements:

1. One or more occupants of the dwelling are employed by the owner or the lessee of the parcel.
2. Non-employee occupants of the dwelling are members of the employee's family.
3. The employee occupant(s) of the dwelling has rent deducted from his or her wages.
4. The employee occupant is required to live in the dwelling as a condition of his or her employment.

In order to assist Planning staff in the review of your Administrative Permit application for Temporary Agricultural Employee Housing, please provide answers to the following questions, giving additional details of the commercial agricultural land use when necessary.

Supplemental Questions

1. List the number of employees who will occupy the unit:
2. Location of workplace, select one. (Employees may hold more than one job. Do not include workplace(s) of other employer(s). <input type="checkbox"/> The employee(s) will work exclusively at the property on which the housing unit located, or; <input checked="" type="checkbox"/> The employee(s) will work at the property on which the housing unit is located, plus the following locations: <i>7110 Pleasant Valley Rd, UAcville</i>
3. Describe the commercial agricultural use of the property. <i>Grape + Olive trees</i>
4. Describe the various job activities required of the agricultural employee(s). <i>Planting, spraying, pruning, maintenance</i>

5. Explain why on-site employee housing is a convenience to you as an employer.

water transfer all hr. of the day, security
operational factors

6. Type of employment:

- Full-time
 Part-time

7. Duration of employment:

- Temporary. The housing unit will be occupied for less than one year.
 Seasonal. The housing unit will be occupied for more than one year, but for less than 180 days each year.
 Full-time. The housing unit will be occupied for more than one year and for more than 180 days each year.

8. To the best of your knowledge, will you continue to have a need for on-site employee housing five years from now?

- Yes
 No

DECLARATION of INFORMATION

Please select your interest in the property:

- I am an owner of record of the property on which the housing unit will be located, or an officer or agent of the owner with authority to file the land use permit application on behalf of the property owner.
- I am a lessee of the property and conduct agricultural operations on the property pursuant to my lease. I have authority from the property owner(s) to file the land use permit application and to install the housing unit on the property if the application is approved.

I/we hereby acknowledge that the Solano County Zoning Code restricts the use of an Agricultural Employee Housing unit. I/we understand the four (4) specific standards and agree that the proposed Agricultural Employee Housing unit, if approved and installed, will comply with those conditions at all times during the term of the permit. In addition, I/we promise to remove the Agricultural Employee Housing unit from the property upon expiration of the permit, and agree that Solano County may remove the unit from the property at my/our sole cost and expense if the unit remains on the property in excess of sixty (60) days following the expiration of the permit.

(Initial) ef (Initial) _____

Declaration: I/we declare under penalty of perjury that the information provided with the land use permit application is true and correct and that the operation shall remain in compliance with the above standards.

Owner's or Lessee's Signature:  Date: _____

Owner or Lessee: _____
Print Name

Agricultural Employee's Signature: _____ Date: _____

Agricultural Employee: _____
Print Name

Declaration: I/we declare under penalty of perjury that the information provided with the land use permit application is true and correct and that the operation shall remain in compliance with the above standards.

Owner's or Lessee's Signature: _____ Date: _____

Owner or Lessee: _____
Print Name

Agricultural Employee's Signature: _____ Date: _____

Agricultural Employee: Eduardo Savala
Print Name