

Published Notice Required?	Yes <u>x</u>	No
Public Hearing Required?	Yes <u>x</u>	No

RECOMMENDATION:

- 1. Determine that the project qualifies for a Class 3 Categorical Exemption pursuant to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303(c) and (e): New Construction or Conversion of Small Structures.
- 2. Conduct a noticed public hearing to consider Variance Application No. V-25-01 by Alex Keedy to reduce the front and side yard setbacks; and
- **3. ADOPT** the attached resolution with respect to the mandatory and suggested findings and **APPROVE** Variance No. V-25-01 subject to the recommended conditions of approval.

EXECUTIVE SUMMARY:

The applicant is requesting a Variance to reduce the front yard setback from 60 feet to 30 feet for a new 960 square foot accessory structure that will function as a barn for the pasture. The 5-acre property in the RR-5 zoning district is a legal lot with limited buildable area, as compared to the other parcels in the surrounding area. Applying the required setbacks in the zoning district would present a hardship for the property owner. Granting the Variance will not constitute a special privilege and will allow full use of the limited remaining undeveloped space.

PROJECT LOCATION MAP:

The project is in northern Solano County, 3.35 miles southwest of the City of Winters at 8350 Olive School Lane. As identified by the General Plan, the property is situated in the Rural Residential region where agriculture is not the sole land use, commercial agriculture production capability is low, and instead, where self-sufficiency and privacy are desirable.

The subject property is zoned Rural Residential 5-acre minimum (RR-5), and is developed with a primary

dwelling, detached garage, ground mount solar panels, a couple of accessory structures and a pasture that is used by the property owners. Access to the property is via an existing driveway from Olive School Lane.

BACKGROUND:

A. Prior approvals:

This parcel was deemed legal in 1978 through recordation of Parcel Map 16-09, in which the subject parcel was recoded in conjunction with another parcel, 3A and 3B respectively. There are no building permit records for the construction of the primary dwelling or the detached garage.

B. Applicant/Owner:

Owner and Applicant: Alexander Keedy

C. General Plan Land Use Designation/Zoning:

General Plan: Rural Residential. Provides for single-family residences on 2.5-10-acre parcels. Clustering is permitted.

Zoning: Rural Residential 5-acre "RR-5"

D. Existing Use:

The subject property is currently being used as a private residence with a pasture.

E. Adjacent Zoning and Uses:

North: Rural Residential "RR-2.5", Private Residence

South: Rural Residential "RR-2.5", Private Residence

East: Rural Residential "RR-5", Private Residence

West: Rural Residential "RR-5", Private Residence

F. Environmental Analysis:

The project qualifies for a Class 3 Categorical Exemption pursuant to the California Environmental Quality Act Guidelines Section 15303(c) and (e), New Construction or Conversion of Small Structures. The guidelines state examples of appurtenant accessory structures including, but not limited to garages, carports, patios, swimming pools and fences are exempt from CEQA. The guidelines also state that structures not involving the use of significant amounts of hazardous substances and not exceeding 2,500 square feet in floor area are exempt.

The proposed residential accessory structure is incidental to the property, as the property has a pasture which consists of emus, cows, goats, and chickens. The proposed structure will be used as a barn for storage of tools and equipment for maintenance of the pasture. Additionally, the 960 square foot barn is well under the 2,500 square foot threshold and will not store any hazardous substances or be constructed on a hazardous waste site.

VI. ANALYSIS:

A. Project Description:

The applicant is requesting to reduce the front yard setback from 60 feet to 30 feet to allow construction of a 40' x 24' (960 square foot) accessory building. The accessory building will function as a barn to serve the 1-acre pasture on the property. Tools and equipment for maintenance of the farm will be stored in the barn. Due to the seasonal creek that runs through the property, lack of bridge access, and the topography of the southern portion property, usable buildable space is limited to the northern part of the parcel.

B. General Plan Consistency:

The subject site is designated Rural Residential by the Solano County General Plan. As indicated in the Solano County General Plan Residential Land Use Descriptions (General Plan Table B-2), self-sufficiency and privacy are desirable traits for Rural Residential land use designations. The proposed barn will serve an existing pasture, that is only used by the owners of the property for their own needs, and not for commercial agriculture production.

C. Zoning Consistency:

The Rural Residential 5-acre, "RR-5" Zoning District is consistent with this designation. The property is served by private well water and has a private sewage disposal system. The proposed barn is considered an accessory structure, which is permitted by right.

D. Development Standards:

The development standards for accessory buildings in the Rural Residential Zoning Districts require front setbacks to be a minimum of 60 feet, with side and rear setbacks required at a minimum of 10 feet. A minimum of 10-foot setback is also required in between structures. The maximum height allowed for accessory buildings is 35 feet.

The proposed barn meets all the development standards except for the front yard setback, which the applicant seeks a variance for. The proposed 960 square foot barn will have a height of 21 feet. The property is in the Fire Protection State Responsibility Area (SRA) which requires any structure to have a 30-foot setback from all property lines. The proposed barn meets all the development requirements for the SRA.

E. Development Review Committee:

The Development Review Committee meeting was scheduled and met on January 29, 2025. The comments and concerns raised during the meeting have been incorporated into the Conditions of Approval.

VII. FINDINGS:

1. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

2. Variance granted shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which subject property is situated.

The subject parcel is triangular with limited buildable area compared to surrounding properties. Enforcing the

required zoning setbacks would create a hardship for the property owner. Exhibit C illustrates these limitations for the proposed barn.

The barn's west side faces the pasture it will serve. To the south, there is a chicken coop and composting area, while the east side contains a garden and well. Further east, the leach field, solar panels, PG&E electrical pole, and septic tank are located. A seasonal creek runs east to west across the property, restricting development to the northern side due to the absence of a bridge. Additionally, the southern portion consists of a steep hillside with elevation gains of up to 55 feet, making construction difficult and requiring costly grading.

Attachment B shows that most nearby parcels have accessory structures. Unlike the subject parcel, these properties are rectangular and are not bisected by a creek, allowing for greater functional buildable space.

The proposed barn is situated in the most practical location, ensuring visibility while avoiding conflicts with the well, septic system, and existing land uses. Its proximity to the pasture enhances functionality. The requested setback reduction does not grant a special privilege and will not impact adjacent properties.

VIII. RECOMMENDED CONDITIONS OF APPROVAL: Refer to Exhibit A Draft Resolution for a complete list of the Conditions of Approval listed for the project.

ATTACHMENTS: Exhibit A - Draft Resolution Exhibit B - Vicinity Map

Exhibit B - Vicinity Map Exhibit C - Site Plan Exhibit D - Elevations and Floor Plan

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. 25XX

WHEREAS, the Solano County Planning Commission has considered Variance Application No. V-25-01 of **Alexander Keedy** to reduce the 60-foot front setback to 30 feet for a 960 square foot Accessory Building located at 8350 Olive School Lane, in the unincorporated portion of the City of Winters, within the Rural Residential "RR-5" Zoning District: APN 014-160-080.

WHEREAS, the Commission 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 May 1, 2025; and

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

1. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.

The subject property is located on a 5-acre triangular shaped parcel with a seasonal creek that runs through the property east to west. The primary dwelling, pasture, ground mount solar array, leach fields, septic tanks, well and proposed accessory structure are situated on the north side of the creek, where the land is relatively flat. In contrast, the southern portion of the parcel, features elevation changes ranging from 5 to 55 feet, making development on that side challenging. As a result, the buildable and usable space is limited to the north side of the creek.

Most parcels located within this area of Winters have accessory structures located in relatively flat areas given the topography of the area. The strict application of the zoning ordinance concerning setbacks dimensions between the accessory structure and property lines would deprive the subject site of privileges enjoyed by other properties in the vicinity.

2. Variance granted shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which subject property is situated.

Approval of the variance would not constitute a grant of special privilege. A review of aerial imagery shows that most parcels in the vicinity are rectangular shape and do not have the creek intersecting the property roughly in half. The subject property is the only property in the immediate vicinity where the creek crosses the property in such a manner that it restricts 60 percent of the parcel from having functional buildable space. Granting this variance would provide parity, allowing the property owner to enjoy the same permitted uses as neighboring properties.

3. The proposed Variance to reduce the 60-foot setback to 30-feet is consistent with the State Board of Forestry and Fire Protection's State Responsibility Area (SRA) Fire Regulations.

The proposed project is in the High Fire Hazard Zone and in the State Responsibility Area. The proposed Accessory Building seeks a variance from the zoning requirement of a 60-foot front setback; however, the 30-foot setback adheres to the State Board of Forestry and Fire Protection's State Responsibility Area fire requirement of a 30-foot front setback.

4. The project qualifies for an exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

Class 3 consists of construction and location of limited number of small new facilities, equipment, and structures. The guidelines state examples including, but not limited to, garages, carports, and structures not exceeding 2500 square feet.

The project consists of a new 960 square foot barn. There is no evidence in the record that the project would result in substantial, or potentially substantial, adverse environmental changes to any of the physical conditions within the area, including land, air, water, minerals, flora, fauna, ambient noise, or objects of historic or aesthetic significance. The project is not in an environmentally sensitive location, is not on a hazardous waste site, will not cause substantial change in the significance of a historical resource, and will not result in damage to scenic resources within a scenic highway.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby approve Variance Application No. V-25-01 to reduce a 60-foot front setback to 30 feet subject to the following recommended conditions of approval:

1. The proposed structure shall be established in accord with the application materials and site plan filed on February 26, 2025, for Variance Application No. V-25-01, and as approved by the Solano County Planning Commission and as conditioned herein.

Building & Safety Division

- 2. Prior to any construction or improvements taking place, a building permit application shall first be submitted as per the 2022 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 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.
- 3. The proposed accessory building shall meet all the State Responsibility Area (high fire hazard) requirements of the 2022 California Residential Code section 337.

Public Works – Engineering Services Division

4. The Applicant shall ensure proper drainage by aligning site grading with the existing positive drainage pattern to direct water away from the proposed barn. Utilize downspouts, swales, slopes, or drainage systems to prevent water accumulation and erosion.

5. The Applicant shall apply for, secure, and abide by the conditions of an encroachment permit for any work within the Public Right-of-Way. Driveways shall be maintained in such a manner as to prevent soil, rocks, and debris from tracking onto public roads.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on May 1, 2025, by the following vote:

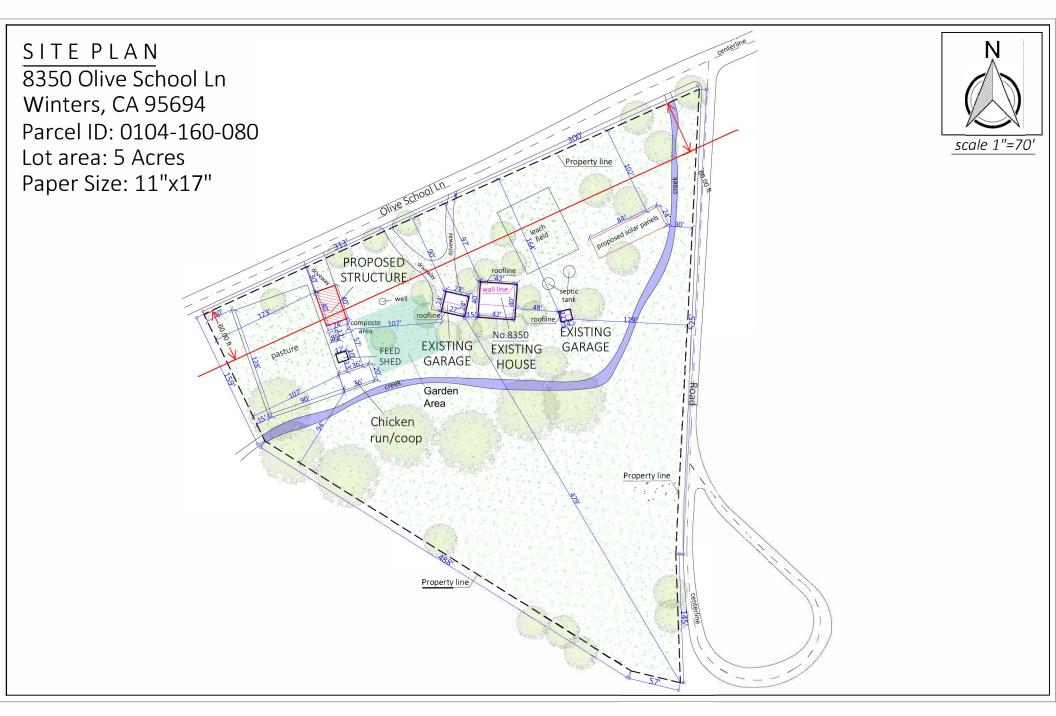
AYES:	Commissioners	
NOES:	Commissioners	
ABSTAIN:	Commissioners	
ABSENT:	Commissioners	
	By:	
		ector De La Rosa, Chair
	S	olano County Planning Commission

Attest:

By:

James Bezek, Secretary





Attachment D File # PC 25-017

