

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento CA 95812-3044

From: (Public Agency): Solano County
Department of Resource Management
675 Texas Street, Suite 5500, Fairfield, CA 94533

County Clerk
County of Solano
675 Texas Street, 6th Floor
Fairfield CA 94533

(Address)

FILEDProject Title: Discovery Land Care Revision

MAY - 5 2025

Project Applicant: Brenda Bray

Bill Emien, Clerk of the
Board of Supervisors of
the County of Solano,
State of California

Project Location - Specific:

5778 Dixon Road West 0.75 miles northwest of the City of Dixon.

Deputy Mindy ShepherdProject Location - City: _____ Project Location - County: Solano

Description of Nature, Purpose and Beneficiaries of Project:

Rev #1 of MU-12-05 to change the number of employees who work off-site from two (2) to five (5), parking and storage locations of supplies and equipment, and convert the as-built apartments in the existing egg barn into an employee breakroom and ADA restroom.

Name of Public Agency Approving Project: Solano CountyName of Person or Agency Carrying Out Project: Solano County Department of Resource Management

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
☒ Categorical Exemption. State type and section number: Section 15301 Class 1 – Existing Facilities
☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The work proposed by this permit includes alterations including changes to interior walls, electrical and plumbing alterations, repair of deteriorated structures, and additions of less than 50% of the existing floor area, all of which are consistent with a Class 1 exemption.

Lead Agency

Contact Person: Travis Kroger Area Code/Telephone/Extension: 707-784-6765

If filed by applicant:

1. Attach certified document of exemption finding.
 2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: Travis Kroger Date: 5/1/2025 Title: Senior Planner☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Document Posted From

5/5/25

to _____

Revised 2011

Deputy Clerk of the Board

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 25-03**

WHEREAS, the Solano County Zoning Administrator has considered Revision No. 1 of Minor Use Permit Application No. MU-12-05 of Brenda Bray (Discovery Land Care) to revise the existing Cottage Industry – Limited landscape care and maintenance business to change the number of employees who work off-site from two (2) to five (5), change the parking and storage locations of supplies and equipment as shown on the provided site plan, and convert the as-built apartments in the existing egg barn into an employee breakroom and ADA restroom, located at 5778 Dixon Road West 0.75 miles northwest of the City of Dixon, in a "A-40" Exclusive Agricultural Zoning District, APN" 0109-020-080; 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 April 17, 2025; and

WHEREAS, after due consideration, the Zoning Administrator has made the following findings regarding said proposal:

1. **That the establishment, maintenance, or operation of the use or building conforms with the General Plan for the County concerning traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

The project site is designated Agriculture by the General Plan Land Use diagram (Figure LU-1) of the Solano County General Plan. The existing zoning designation of A-40 is consistent with the existing General Plan designation. The proposed use is conditionally permitted within the A-40 zoning district.

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

The site is accessed via Dixon Avenue West, a public road, and is developed with a residential well and private sewage disposal system. As proposed and conditioned, the existing and proposed facilities and development are adequate for the existing and proposed structures and land use.

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.**

With the proposed conditions, this project will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

4. **The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to the following:**

The project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 Class 1 – Existing Facilities.

The work proposed by this permit includes alterations including changes to interior walls, electrical and plumbing alterations, repair of deteriorated structures, and additions of less than 50% of the existing floor area, all of which are consistent with a Class 1 exemption.

With the implementation of standard County conditions of approval, the development and operation of the proposed project is not anticipated to cause significant effects on the environment.

BE IT THEREFORE RESOLVED that the Zoning Administrator has approved Revision No. 1 of Minor Use Permit MU-12-05 subject to the following recommended conditions of approval:

ADMINISTRATIVE

1. **Land Use.** The proposed land uses shall be established and operated in accordance with the application materials and development plans submitted for Revision No. 1 of Minor Use Permit MU-12-05, revised October 18, 2024, and as approved by the Solano County Zoning Administrator. Approval of this revision would authorize submittal of applications for all permits associated with the proposed development and permitting of existing unpermitted structures, and continued operation of the existing Cottage Industry - Limited landscape business and Nursery in compliance with all applicable standards and permitting requirements. All existing unpermitted development must either be properly permitted or removed within one (1) year of approval of this permit.
2. **Revisions or Modifications of Land Use.** Pursuant to Section 28.106(I) of the County Code, no additional land uses or activities including new or expanded buildings shall be established beyond those identified on the approved development plan and detailed within the project description without prior approval of a revision, amendment, or new use permit and subsequent environmental review or a determination by the Director of Resource Management that the proposed modification is in substantial compliance with the existing approval.
3. **Indemnification.** By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers, and employees shall not be responsible for injuries to property or person arising from the issuance or exercise of this permit. The permittee shall defend, indemnify, and hold harmless the County of Solano, its officers, and employees, from all claims, liabilities, losses, or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance and/or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.
4. **Permits Required.** The Project shall comply with all applicable Solano County Zoning regulations and Building Code provisions and secure all required local, state, regional and federal permits required to operate. All existing construction of new structures or modification or expansion of existing structures completed without permits will require after the fact building, grading, septic and any other permits specified by applicable regulations.

5. **Failure to Comply.** Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit and cessation of the permitted uses at the Permittee's expense.
6. **Exercise of Permit.** The permit shall be deemed exercised once all **required** action items below have been completed and verified by County staff. If the permit is not exercised within one year of the date of issuance, the permittee may request that a 1-time extension of one (1) year to exercise the permit be granted by the Zoning Administrator, otherwise the permit will be deemed null and void with no further action.
7. **Permit Term.** This Use Permit is subject to renewal every five (5) years pursuant to Section 28.106(N) of the Solano County Code. Renewal may be granted if said application is received prior to April 17, 2030, and the use remains in compliance with these Conditions of Approval.

Action Needed - Administrative				
COA #	Required to exercise Y/N	Action	When	Verified
7 above	N	Submit renewal application	Every 5 years	

OPERATIONAL CONTROLS

8. **Hazard or Nuisance.** 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 residents, visitors, or property in the surrounding areas.
9. **Junk & Debris.** The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
10. **Fugitive Dust.** Any access from unpaved dirt roads and with unpaved on-site access roads and parking areas shall control fugitive dust with water trucks, sprinkler system or other practices acceptable to the applicable air quality management district, as needed to prevent airborne dust.
11. **Odor.** The facility shall not cause objectionable odors on adjacent properties.
12. **Lighting and Glare.** All light fixtures shall be installed that have light sources aimed downward and shielded to prevent glare or reflection or any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property.
13. **Business Area.** The maximum area devoted to Discovery Land Care office space, product and vehicle storage and the nursery's non-plant inventory shall not exceed 3,000 square feet in the area as depicted on the approved Site Plan. In the event the nursery use is terminated, the maximum area devoted to the cottage industry shall not exceed 1,500 square feet.

14. **PARKING.** No more than one work vehicle belonging to the operator and 2 personal employee vehicles may be parked in a location visible from Dixon Avenue West.

BUILDING AND SAFETY DIVISION

15. **Building Permit Application.** Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2022 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 shall first make application to the building official and obtain the required permit."
16. **Certificate of 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.
17. **Building Permit Plans.** The Building Permit plans shall include a code analysis as listed below and the design shall be under the current California Codes and all current rules, regulations, laws, and ordinances of local, State, and federal requirements. Upon Building Permit submittal, the licensed architect shall provide the following Code Analysis:
- a. Occupancy Classification
 - b. Type of Construction
 - c. Seismic Zone
 - d. Location on Property
 - e. Height of all buildings and structures
 - f. Number of stories
 - g. Occupant Load
 - h. Allowable Floor Area
18. **Plans and Specifications.** Shall meet the requirements as per section 105 of the current California Building Code. "Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional." Electronic media documents are permitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of work proposed, and show in detail that it will conform to the provisions of this code and relevant laws, ordinance, rules, and regulations, as determined by the building official."
19. Complete calculations signed & stamped by a CA registered professional engineer or architect demonstrating that the structure will be brought into compliance with the 2022 California Building Code
20. For each existing unpermitted structure, either application for a demolition permit is required to remove the structure, or application for a Building Permit is required. The plans shall comply with the 2022 California Building Code and the following design criteria:

- **Wind:** Basic Wind Speed 93 MPH, Exposure C.
- **Seismic:** Seismic Design Category D.
- **Snow:** Ground Snow Load 0 pounds per square foot
- **Minimum Foundation Depth:** 12 inches

Action Needed - Building Division				
COA #	Required to exercise Y/N	Action	When	Verified
15 above	Y	Submit Building Permit or Demolition Permit application for all unpermitted structures	By April 17, 2026	

DIXON FIRE PROTECTION DISTRICT

21. Comply with the Dixon Fire District requirements.

ENVIRONMENTAL HEALTH DIVISION

22. **Sewage Disposal Requirements.** The facility shall continue to operate and maintain the existing alternative onsite wastewater treatment system (OWTS) in accordance with Solano County Code Ch. 6.4. Records indicate that the OWTS system is under County Operation and Maintenance permit # 802831. The facility shall submit annual reporting and once every three-year professional maintenance reports, as specified under Solano County Code Ch. 6.4-56.
23. **Septic Permit Required.** A septic permit will be required when the building permit application to legalize the unpermitted garage residence is submitted. The employee restrooms and break room shall either be connected to the existing septic system or shall be connected to the new system. The facility shall either connect any remaining plumbing fixtures within the two unpermitted residences within the former chicken coop to an approved septic system, or they shall remove the plumbing fixtures under Building Division permit. The new septic system will need to be constructed, maintained, and operated in accordance with Solano County Code Ch. 6.4. Any alternative type septic system will need to submit annual pump count reporting and once every three-year septic professional maintenance reports as specified under Solano County Code Ch. 6.4-56.
24. **Hazardous Materials.** The facility shall create a Hazardous Materials Business (HMBP) if it handles, stores, or uses hazardous materials in reportable quantities. Reportable quantities of hazardous materials are those equal to or greater than 55 gallons of liquids, 200 cubic feet for gases, 500 lbs. for solids. Within 30 days of exceeding any of the threshold hazardous materials quantities, the HMBP must be created on the online California Environmental Reporting System (CERS).

Action Needed - Environmental Health Division				
COA #	Required to exercise Y/N	Action	When	Verified
22 above	N	Submit annual septic O & M permit reports	Annually	
23 above	N	Obtain septic permit as part of effort to legalize ADU	Concurrent with building permits to legalize ADU	
24 above	N	Create HMBP	Per condition when required	

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on April 17, 2025.

JAMES BEZEK, DIRECTOR
RESOURCE MANAGEMENT



Allan M. Calder, Planning Manager
Department of Resource Management