

SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. xxxx

WHEREAS, the Solano County Planning Commission has considered Use Permit Application No. U-24-07 by Nicholas Stevens of American Asphalt for a General Cottage Industry Type II home-based business, and to allow for accessory buildings totaling greater than 5,000 sf on lots over four (4) acres in the Rural Residential (RR-5) zoning district, located at 4585 Pace Lane, approximately two (2) miles north of the City of Vacaville, APN 0106-040-140; and

WHEREAS, said Planning 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 August 15, 2024; and

WHEREAS, after due consideration, the Planning Commission has made the following findings regarding said proposal:

- 1. The establishment, maintenance, or operation of the proposed use is in conformity with the County General Plan with regard to traffic circulations, population densities, and distribution, and other aspects of the General Plan considered by the Zoning Administrator or Planning Commission to be pertinent.**

The zoning of the property, along with the existing use and proposed modifications is consistent with the goals, objectives, and policies of the Solano County General Plan concerning Rural Residential land use designation.

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

Existing external access to the site is via Pace Ln. The site has existing electrical power, a well, and a septic system with approved permits. The building plans will be reviewed and approved by the Solano County Building and Safety Division before a building permit is issued.

- 3. The subject use will not, under the circumstances of the 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 conditioned, the proposed Type II General Cottage Industry and 5,912 sf of accessory structures in total will not constitute a nuisance to surrounding properties, nor will they be detrimental to the health, safety, or welfare of County residents. The use is clearly incidental and subordinate to the use of the premises for residential purposes.

- 4. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. A Notice of Exemption shall be filed with the State Clearinghouse and Clerk of the Board.**

The CEQA Guidelines Section 15303 (Class 3) exemption consists of the construction and location of limited numbers of new small facilities, equipment, and structures, and installation of small new equipment and facilities in small structures.

The project consists of constructing a 3,840 sf accessory structure. 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. It has been determined that 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 has approved Use Permit Application No. U-24-07, subject to the following recommended conditions of approval:

ADMINISTRATIVE

1. **Land Use.** Approval is hereby granted to Nick Stevens. The Solano County Planning Commission has considered Use Permit Application No. U-24-07 for a General Cottage Industry Type II home-based business, and to allow for accessory buildings totaling greater than 5,000 sf on lots over four (4) acres in the Rural Residential (RR-5) zoning district. The development is in accord with the application materials and development plans submitted with Use Permit Application U-24-07 on March 31, 2024, and additional information submitted on May 22, 2024, as approved by the Solano County Planning Commission.
2. **Accessory Structure.** The use of the 3,840 square foot accessory building shall be limited to storage of home-based business vehicles and agricultural equipment or vehicles.
3. **Permit Term.** This Use Permit shall be in effect for a five (5) year period with the provision that a renewal may be granted if said request is received prior to the expiration date and the uses remain the same and in compliance with the Conditions of Approval.
4. **Renewal.** The permit term may be renewed administratively by the Zoning Administrator upon verification of the permit holder's continued compliance with the findings and conditions of approval. A Land Use Renewal application shall be submitted to the Planning Services Division prior to the expiration of the permit term.
5. **Revisions or Modifications in Land Use.** No additional land uses or activities for new or expanded buildings shall be established beyond those identified on the approved development plan submitted on March 31, supplemental information submitted on May 7, 2024, and detailed within the project description, without prior approval of a revision, amendment, or a new use permit and subsequent environmental review.
6. **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 the property or persons 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 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 the interest of the permittee.
7. **Fire District.** The permittee shall comply with the Dixon Fire Protection District requirements.

PLANNING

- 8. **Setbacks.** The 900 sf. carport located at the northeast corner of the parcel permitted by B2019-0022 shall be setback a minimum of 10 feet from the rear property line, consistent with the approved Site Plan, or secure approval of a Variance.
- 9. **General Cottage Industry.** In accordance with section 28.72.40 (f) of the Solano County Code, the project shall operate in accordance with the applicable standards required of a General Cottage Industry:
 - a. **Employees.** No more than three employees may work on the premises in addition to the members of the family residing on the premises. This limitation applies to all employees who enter the property daily, even if they work primarily at off-site locations.
 - b. **Scope of Operation.** The total area occupied by the cottage industry, including vehicles, equipment, office space, and storage, shall not exceed 3,000 sf on the property. All cottage industry activities and operations shall be conducted within an enclosed structure.
 - c. **Parking.** The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One (1) work vehicle belonging to the operator and three (3) personal employee vehicles may be parked in public view. This parking area shall not count toward the 3,000 sf limitation.
 - d. **Access.** The operator shall continue to participate in a road maintenance agreement to ensure adequate access to the site via private road.
 - e. **Nuisance.** There shall be no noise, glare, vibration, or fumes in excess of that which is customarily generated by single-family residential uses in the neighborhood.
 - f. **Large Vehicles.** A maximum of three large vehicles (between 14,001 pounds and 26,000 pounds), and one trailer per large vehicle may be kept on the property and must be stored within the enclosed building associated with the cottage industry. Storage of large vehicles shall be counted as part of the square footage of the cottage industry.
 - g. **Signage.** Signage associated with the cottage industry is not to exceed one nonilluminated sign of four (4) sf.

BUILDING AND SAFETY

- 10. **Building Permits.** The applicant shall apply for, secure, and abide by the conditions of a Building Permit for the proposed structure, as well as the unpermitted structure with an electrical connection on the northeastern corner of the parcel.
- 11. **Fire Sprinkler.** A Fire Sprinkler Construction permit shall be issued by the Fire Department prior to the construction of the accessory structure.

Action Required	When	Verified by	Date
File building permit application	Prior to construction		
Fire Sprinkler Construction Permit	Prior to construction		

ENVIRONMENTAL HEALTH

12. Hazardous Materials Business Plan. The facility shall create a Hazardous Materials Business Plan (HMBP) on the online California Environmental Reporting System (CERS) if it handles, stores, or uses hazardous materials in reportable quantities onsite. Reportable quantities of hazardous material are equal to or greater than 55 gallons of liquids, 200 cubic feet for gases, 500 lbs. for solids. The Hazardous Materials Business Plan (HMBP) consists of facility information, hazardous materials inventory, site diagram, emergency response plan, and an employee training plan.

13. Onsite Water Treatment System. 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 #805271. The facility shall submit annual reporting and once every three-year professional maintenance reports, as specified under Solano County Code Ch. 6.4-56.

Action Required	When	Verified by	Date
Submit HMBP to CERS	Within 30 days of bringing reportable quantities of hazardous materials onsite		
Submit annual OWTS monitoring reports	Annually		
Submit once every three years professional OWTS maintenance report	Every three (3) years		

14. Business License. The permittee shall obtain a business license associated with the Cottage Industry operation prior to the issuance of the Certificate of Occupancy for the proposed accessory building.

Action Required	When	Verified by	Date
Apply and secure business license	Prior to issuance of the Certificate of Occupancy		

15. Failure to Comply. Failure to comply with any of the conditions of approval or limitations 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.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on August 15, 2024, by the following vote:

AYES: Commissioners _____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

ABSENT: Commissioners _____

Paula Bauer, Chairperson
Solano County Planning Commission

Attest:

By: _____
James Bezek, Secretary