

RESOLUTION NO. 2020 - 149

RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS APPROVING USE PERMIT NO. U-19-03

Whereas, on June 4, 2020, the Solano County Planning Commission approved Use Permit Application No. U-19-03 of April Russell Harris to permit indoor and outdoor retail business operations in excess of 1500 sq. ft. on property located at 2525 thru 2529 Clayton Road 1.5 miles west of the City of Fairfield (APN's: 0151-140-050 and -060) in the ATC Zoning District, including areas dedicated to outside retail sales associated with the Simply Savvy, Suisun Valley Antiques/John's Hauling and outdoor beer and wine tasting area associated with the Filling Station; and

Whereas, Mary Browning has timely filed an appeal challenging the Planning Commission's decision; and

Whereas, the Board has reviewed the appeal, the report of the Department of Resource Management, the record of the Planning Commission's proceedings, and has heard testimony relative to the subject application and appeal at the duly noticed public hearing held on July 28, 2020, and

Whereas, after due consideration, the Board affirms the following findings made by the Planning Commission in regard to Use Permit Application No. U-19-03:

1. That the establishment, maintenance or operation of the use applied for 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.

The retail and tourist serving uses subject to the use permit application are fully consistent with the goals and objectives of the General Plan for the Neighborhood Agricultural/Tourist Center designation and the uses allowed in the ATC Zone District.

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

Adequate access to the site is provided by Mankas Corner Road and Clayton Road. Adequate stripping and paved parking is provided on-site. There are no changes to drainage patterns which have been functional and adequate.

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 propose use will not prove to be a nuisance or detrimental to the public welfare based on conditions of approval addressing access to parking, management of marketing events and on site wastewater treatment.

Resolved, Solano County Board of Supervisors denies the appeal, affirms the decision of the Planning Commission, and approves Use Permit Application No. U-19-03 subject to the following conditions of approval:

1. U-19-03 permits over 1500 sq.ft. of retail sales space at the subject address including outdoor sales and storage space for Suisun Valley Antiques/John's Hauling and outdoor serving of beer and wine within a covered designated area at the Filling Station. All uses shall be conducted in accordance with the site plan considered by the Planning Commission on June 4, 2020 subject to the conditions of approval contained herein.
2. U-19-03 shall be approved and remain in force for a 10-year period subject to a 5-year compliance review by the Zoning Administrator.
3. Hours of operation of retail sales shall be limited to 8:00 a.m. to 6:00 p.m. Monday thru Sunday. During the months of June, July and August retail sales hours may extend to 9:00 p.m. For the Filling Station, hours of operation shall be limited to 11:30 a.m. to 8:00 p.m. Sunday thru Thursday and 11:30 a.m. to 9:00 p.m. on Friday and Saturday.
4. Weekend outdoor sales shall be limited to 8:00 a.m. to 6:00 p.m. and shall occur no more frequently than once per month on consecutive Saturdays and Sundays.
5. There shall be no parking of commercial trucks or heavy trailers within the customer parking areas or in locations that would preclude access to said parking areas.
6. There shall be no sales of used vehicles, boats, golf carts or other non-neighborhood commercial type goods that would be inconsistent with the ATC Zone District.
7. The premises shall be maintained on a continuous basis in a neat and orderly manner consistent with the approved site plan.
8. The permittee shall take such measures as necessary to prevent offensive noise, lighting, dust or other impacts which constitute a hazardous or nuisance to surrounding properties.
9. The parking area shall be paved and striped pursuant to the approved site plan and shall be maintained and remain functional as intended throughout the effective period of U-19-03.
10. All buildings on the property shall be maintained in a safe manner consistent with the California Building Codes that are applicable. Building permits shall be required for any structural or occupancy changes to any of the buildings that are on site.
11. No parking of company, employee or customer vehicles shall be permitted within the County right of way in the vicinity of the site.
12. The rock wall along Clayton Road shall be subject to the terms of the existing County encroachment permit and is subject to removal if deemed necessary by the County Engineering Division.
13. Prior to marketing events planned for the property, consultation shall occur with nearby properties and businesses to ensure that traffic and parking impacts are effectively managed. For larger events, professional traffic management and flaggers shall be utilized to minimize potential hazards.
14. Heavy equipment or materials shall not be stored over the existing leach field, and no impervious materials shall cover the leach field area. Property owner shall allow for routine inspections of the leach field by County Environmental Health staff to ensure that the system is functioning properly.

15. The Filling Station use shall be fully compliant with their beer and wine ABC license and shall only allow customers to be served within designated areas shown on the site plan.
16. To facilitate long term compliance with uses allowed in the ATC Zone District the owner of the Suisun Valley Antiques/John's Hauling business shall develop a plan for reducing the area dedicated for salvage operations to no more that 50% of the footprint dedicated for retail use and display. Said plan shall be implemented over a 5-year period with a possible 5 year extension subject to review and approval by the Zoning Administrator.
17. All businesses located at the said property will maintain their County business license in accordance with County Code Section 14.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on July 28, 2020, by the following vote:

AYES:	SUPERVISORS	<u>Hannigan, Brown, Spring, Vasquez, Thomson</u>
NOES:	SUPERVISORS	<u>None.</u>
EXCUSED:	SUPERVISORS	<u>None.</u>



ERIN HANNIGAN, Chairwoman
Solano County Board of Supervisors

ATTEST:
BIRGITTA E. CORSELLO, Clerk
Solano County Board of Supervisors

By: 
Jeanette Neiger, Chief Deputy Clerk