



DEPARTMENT OF RESOURCE MANAGEMENT
Planning Services Division

Phone (707) 784-6765

Fax (707) 784-4805

STAFF REPORT

www.solanocounty.com

Agenda Item No: 1

To: Solano County Planning Commission

From: Nedzlene Ferrario, Senior Planner

Subject: Revoke Use Permit U-92-07 to conditionally allow a rural residential enterprise/real estate agent home office at 6975 Fox Road.

Date: October 20, 2011

I. RECOMMENDATION:

- A. Staff recommends that the Planning Commission review the administrative record, conduct a public hearing and move to adopt a resolution to revoke Use Permit 92-07.
- B. Determine that the project qualifies for a Categorical Exemption pursuant to Section 15321 Enforcement Actions by Regulatory Agencies

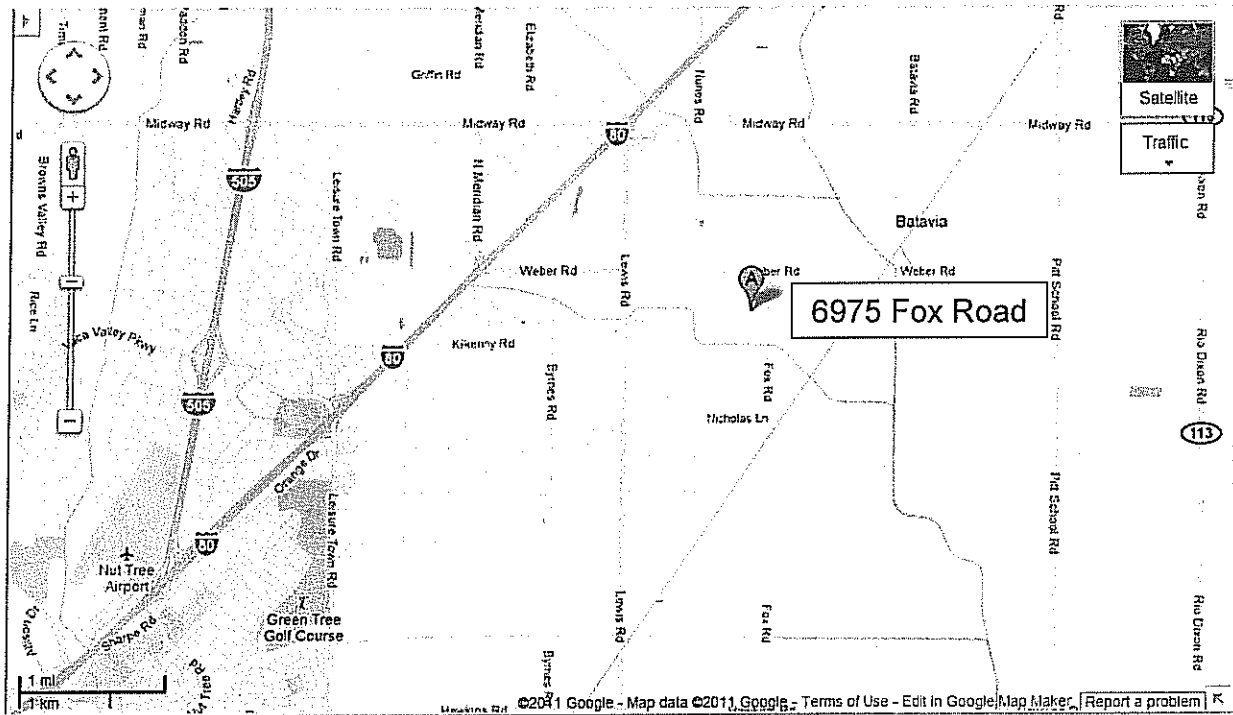
II. BACKGROUND/SUMMARY:

On March 5, 1992 the Planning Commission granted a rural residential enterprise use permit for a real estate agent's office at this location for Frank Zimmermann. The use permit was extended in 2006 by Frank Zimmerman and 6 months prior to the permit expiration date of March 5, 2011; Planning Services informed the current landowners that a permit extension is required to continue the use of the real estate office in accordance to Zoning Code Section 28-53 (o). An extension notification letter and three Notice of Violations were subsequently mailed to inform the current landowners that a renewal is required to continue the operation of a rural residential enterprise (Exhibit C).

The current owners, Kim Pawlick and Donald Palmer, purchased the property in 2009 and have indicated no desire to retain a real estate office or home office to serve clients. This was confirmed by Planning staff via a meeting on September 28, 2011, at the residence.

Planning staff finds that the real estate agent home office located on the property is no longer in operation, due to a change in ownership of the property, and the use has therefore been abandoned. A renewal application was not submitted; therefore, Planning staff recommends that the Planning Commission revoke the use permit.

III. PROJECT LOCATION MAP



ATTACHMENTS:

- Exhibit A - Draft Resolution
- Exhibit B - Approved Use Permit
- Exhibit C - Extension letter and Notice of Violations

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. XX

WHEREAS, the Solano County Planning Commission considered revocation of Use Permit No. U-92-07 granted on March 5, 1992 to **Frank Zimmermann**, approved to conditionally allow a rural residential enterprise/real estate agent office in the Exclusive Agriculture (A-40) District which specifically required renewal to continue the operation of a rural residential enterprise. The subject property is located at 6975 Fox Road, and is further identified as Assessor's Parcel Number 0141-020-200, and

WHEREAS, said Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the revocation at the duly noticed public hearing held on October 20, 2011, and

WHEREAS, after due consideration, the Planning Commission finds that the real estate agent home office located on the property is no longer in operation, due to a change in ownership of the property, and the use has therefore been abandoned. In addition, the property owner has not paid use permit renewal fees.

BE IT, THEREFORE, RESOLVED, that the Solano County Planning Commission revokes Use Permit U-92-07 due to noncompliance with conditions of project approval.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on October 20, 2011 by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
ABSTAIN:	Commissioners	_____
ABSENT:	Commissioners	_____

By: _____
Bill Emlen, Secretary

Exhibit A



Solano County Department of Environmental Management

ORIGINAL

601 TEXAS STREET • FAIRFIELD, CALIFORNIA • 94533 • (707) 421-6765

LAND USE PERMIT NO. U-92-07

FRANK and GAIL ZIMMERMAN

(permittee)

To ESTABLISH A REAL ESTATE OFFICE IN AN EXISTING BARN as a Rural Residential

Enterprise on an approximately 9.77 acre parcel in an "A-40" Exclusive Agriculture

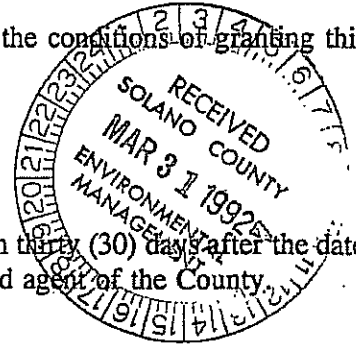
District located approximately 1/4 mile south of the intersection of Weber and Fox Roads.

(Land use, location and zone district)

In addition to the zoning regulations, the building laws and other ordinances, the conditions of granting this permit, if any, are as follows:

(SEE ATTACHED SHEETS)

This permit shall not take effect unless permittee signs in the space below within thirty (30) days after the date of granting hereof and unless this permit is issued by signature of an authorized agent of the County.



I agree to conform fully to this Use Permit and all of the foregoing conditions.

Signature: Frank Zimmerman, Address: 6975 Fox Road, Date: 3-18-92

Granting or conditional granting of this permit does not release the permittee from complying with all other county, state or federal laws. Failure to comply with all the aforementioned provisions and conditions will be cause for the revocation of this Use Permit by the County Planning Commission.

Failure, neglect or refusal to exercise this Use Permit within a period of one (1) year from the date of granting thereof, shall automatically cause the same to become and remain null and void.

Appeals from action to grant this permit may be filed by any person within ten (10) days of the date granted. Any such appeal shall stay all proceedings until determination of the appeal.

SOLANO COUNTY PLANNING COMMISSION

By: [Signature] Director/Secretary

Date Granted March 5, 1992

SOLANO COUNTY ZONING ADMINISTRATOR

By: Christopher J. Mousher FOR JOHN E. TAYLOR

Exhibit B

CONDITIONS OF APPROVAL FOR USE PERMIT APPLICATION NO. U-92-07
of
FRANK and GAIL ZIMMERMAN

1. The above use shall be established in accord with the plans and information submitted with Use Permit No. U-92-07 and approved by the Solano County Zoning Administrator.
2. The applicant shall take such measures as necessary or as may be required by the County to prevent offensive noise, lighting, traffic or other impacts which constitute a nuisance to surrounding property.
3. All requirements of the Solano County Environmental Health Services Division shall be met including:
 - a. To maximize the longevity of the sewage disposal system, the grazing of animals over the leachfield is prohibited.
 - b. The sewage disposal system shall be maintained so as not to create or cause to be a public health nuisance.
4. All requirements of the Transportation Department shall be met including the securance of an Encroachment Permit.
5. No business nameplates or advertising signs associated with this use are permitted on-site.
6. The use shall not necessitate the conduct of business with customers or clients on the premises except by telephone or by appointment only when limited to not more than one client.
7. The applicant shall make application for a county business license prior to issuance of this permit.
8. Any expansion or change in use may require a new or modified use permit and further environmental review.
9. The applicant shall obtain Building and Safety Division approval.
10. The permit shall be in effect for a five (5) year period with provisions that an extension may be granted if said request is received prior to the expiration date of March 5, 1997, depending upon the circumstances at that time.

Conditions of Approval
U-92-07, Zimmerman

This permit shall not take effect unless permittee signs in the space below within thirty (30) days after the date of granting hereof.

I agree to conform fully to this use permit and all of the foregoing conditions.

X [Signature] [Signature]
Permittee's Signature

X 6975 Fox Road Dixon, Ca 95620.
Address Zip

X 3-18-92
Date

DBU9207.per
kl c:



**Department Of
Resource Management**
675 Texas Street, Suite 5500
Fairfield, CA • 94533

Planning Division
(707) 784-6765

January 31, 2011

Kim Pawlick
6975 Fox Road
Dixon, CA 95620

Re: Extension No. 2 to Use Permit No. U-92-07

Dear Ms. Pawlick:

This letter is to notify you that the above noted permit for a Rural Residential Enterprise for a real estate office at 6975 Fox Road (APN: 0141-020-200) issued by this office for a period of five (5) years will expire on March 5, 2011.

If you wish to apply for an extension pursuant to the conditions of your use permit, we must receive a signed and completed extension request application (enclosed) and extension fee of \$447 (please make check payable to Solano County) prior to March 5, 2011. In the event that such request for extension is not received prior to the expiration date, the use permit may be subject to revocation.

If you have any questions regarding the above matter, please call this office and ask for the Planner on Duty.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kristine Letterman", written over a horizontal line.

Kristine Letterman, Administrative Secretary
Office of the Planning Commission/Zoning Administrator

Enclosure



County of Solano
Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533
www.solanocounty.com

Planning Services Division
(707) 784-6765 FAX (707) 784-4805

Mike Yankovich
Program Manager

June 7, 2011

Kim Pawlick
6975 Fox Road
Dixon, CA 95620

WARNING OF VIOLATION
1st Notice

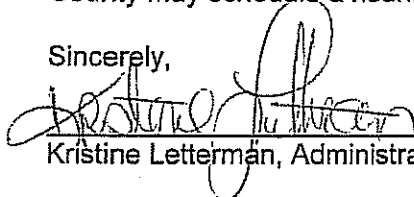
**RE: Extension No. 2 to Use Permit No. U-92-07 for a Rural Residential Enterprise for a real estate office (APN: 0141-020-200)
Expired: March 5, 2011**

Dear Ms. Pawlick:

On January 31, 2011, the Department of Resource Management sent you a letter notifying you that a use permit extension/compliance review is required in order to extend the term of your permit. Since that time, we have not received a response from you. Failure to file a permit extension/compliance review is a violation of the permit's conditions of approval.

Please contact this office at 707.784.6765 and ask for the Planner on Duty within 30 days of today's date if you wish to apply for an extension of the aforementioned permit. If the use is no longer in operation please notify this office as such. Otherwise, the County may schedule a hearing before the Planning Commission to revoke the permit.

Sincerely,



Kristine Letterman, Administrative Secretary

Enclosures:

- 1) Permit expiration letter
- 2) Renewal application form



County of Solano
Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533
www.solanocounty.com

Planning Services Division
(707) 784-6765 FAX (707) 784-4805

Mike Yankovich
Program Manager

July 19, 2011

Kim Pawlick
6975 Fox Road
Dixon, CA 95620

WARNING OF VIOLATION
2nd Notice

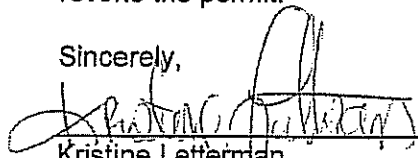
**RE: Extension No. 2 to Use Permit No. U-92-07 for a Rural Residential Enterprise for a real estate office (APN: 0141-020-200)
Expired: March 5, 2011**

Dear Ms. Pawlick:

On June 7, 2011 the Department of Resource Management sent you a Warning of Violation notifying you that a use permit extension/compliance review was required in order to extend the term of your permit. Since that time, we have not received a response from you. Failure to file an application to extend the term of the above noted use permit is a violation of the permit's conditions of approval.

Please contact this office at 707.784.6765 and ask for the Planner on Duty within 30 days of today's date if you wish to apply for an extension of the aforementioned permit. Please note that the county's fees for an extension/compliance review application are subject to change. Please contact the Planner on Duty for the current fee for filing your application. If the use is no longer in operation please notify this office as well. Otherwise, the County may schedule a hearing before the Planning Commission to revoke the permit.

Sincerely,



Kristine Letterman
Administrative Secretary

Enclosures:

- 1) Notice of Violation dated June 7, 2011
- 2) Renewal application form



County of Solano
Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533
www.solanocounty.com

Planning Services Division
(707) 784-6765 FAX (707) 784-4805

Mike Yankovich
Program Manager

August 26, 2011

CERTIFIED MAIL
7009 2250 0001 6518 4604

Kim Pawlick
6975 Fox Road
Dixon, CA 95620

FINAL NOTICE OF VIOLATION

**RE: Extension No. 2 to Use Permit No. U-92-07 for a Rural Residential Enterprise for a real estate office (APN: 0141-020-200)
Expired: March 5, 2011**

Dear Ms. Pawlick:

On June 7, 2011 and July 19, 2011, a Warning of Violation was sent to you notifying you that a use permit extension/compliance review was required in order to extend the term of your permit. Since that time, we have not received a response from you. Failure to file an application to extend the term of the above noted use permit is in violation of the permit's conditions of approval.

If you wish to apply for an extension of your permit, we must receive the following: 1) renewal application and 2) renewal fee of \$447 within 15 calendar days after receipt of this Notice. If we do not receive your extension/compliance review application within 15 days, your use permit will be scheduled before the Planning Commission for revocation.

If you have any questions please contact this office at 707.784.6765 and ask for the Planner on Duty.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristine Letterman".

Kristine Letterman
Administrative Secretary

Enclosure:

- 1) Notices of Violation
- 2) Renewal application form

cc: Jim Leland, Principal Planner