

## SOLANO COUNTY ZONING ADMINISTRATOR Staff Report

**Application No. U-84-28-EX1**  
**Project Planner: Eric Wilberg**

**Meeting of: October 7, 2010**  
**Agenda Item No. 2**

<p><b>Applicant:</b> Name: Lillian Wirth</p> <p>Address: 4040 Green Valley Road Fairfield, CA 94534</p>	<p><b>Property Owner (s):</b> <i>Same</i></p>
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**Site Information:**

Size: 39.80 acres	Location: 4040 Green Valley Road
APN: 0025-200-030	
Zoning: A-40	Land Use: Residential, vineyards
General Plan: Middle Green Valley Specific Project Area	Ag. Contract: Not Applicable
Soils Type(s): N/A	Access: Green Valley Road
Utilities: City of Vallejo water and private septic	

**Adjacent General Plan Designations, Zoning and Existing Land Uses**

	General Plan	Zoning	Land Use
North	MGV Specific Project Area	Rural Residential 'RR-2.5'	Residential
South	City of Fairfield	City of Fairfield	Residential, open-space
East	Parks and Recreation	Park	Recreation, open-space
West	MGV Specific Project Area	Exclusive Agriculture 'A-40'	Farming, residential

**Motion to Approve:**

The Zoning Administrator does hereby **ADOPT** the attached draft resolution and **APPROVE** Use Permit No. U-84-28-EX1 subject to the recommended conditions of approval.

**RECOMMENDATION**

The Department of Resource Management recommends that the Zoning Administrator **APPROVE** Use Permit No. U-84-28-EX1, based on the findings enumerated herein, and subject to the conditions of approval incorporated in this report.

## **ENVIRONMENTAL DETERMINATION**

The project is exempt under CEQA Guidelines Section 15301 (Existing Facilities).

## **SITE DESCRIPTION**

The site is located at 4040 Green Valley Road, just north of the City of Fairfield and is identified by APN 0025-200-030. The front (western) half of the property along Green Valley Road, is relatively flat, exhibiting slopes of less than 6%. This area is cultivated with vineyards. Moving eastward, away from Green Valley Road, the property becomes hilly where elevations rise and reach an approximate height of 400 feet above Mean Sea Level. Development on-site consists of a single family dwelling, garage, and barn.

## **PROJECT DESCRIPTION**

On July 5, 1984 the Solano County Zoning Administrator approved land use permit number U-84-28 to establish and operate an antique store as a rural resident enterprise.

The sales of antique furniture, collectables, and decorative accessories are sold by appointment to clients out of an approximate 400 square foot room above the garage located on-site. The merchandise storage/showroom area is equipped with a restroom and is connected to the single family dwelling by an approximate 50 foot long breezeway. To facilitate the transfer of merchandise to and from the site, a ramp leads from the ground to the storage/showroom entrance.

The current proposal is for a five (5) year time extension to existing use permit no. U-84-28 for a rural resident enterprise which allows for antiques sales. No additional uses have been implemented and no additional buildings have been constructed since the inception of the original use permit.

## **ANALYSIS**

### **GENERAL PLAN**

The General Plan diagram (LU-7) designates the property a Specific Project Area (Middle Green Valley). The property is zoned Exclusive Agriculture 'A-40'. Chapter 28 of the Solano County Code provides that rural resident enterprises may be allowed in Agricultural zoning districts upon the issuance of a Use Permit. Therefore the proposed use is consistent with the policies set forth in the County General Plan.

### **WILLIAMSON ACT**

This parcel is not under an active land conservation contract.

### **ZONING**

Per Section 28-50(b)(6) of the Solano County Code, a rural resident enterprise is a conditionally permitted land use within the Exclusive Agriculture 'A-40' Zoning District.

## **USE PERMIT MANDATORY FINDINGS**

- 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 considered by the Zoning Administrator.**

The establishment and operation of a rural residential enterprise is consistent with the goals, objectives, and policies of the Land Use Chapter of the Solano County General Plan because the facility will be incidental to and subordinate to the residential use of the property.

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

The site is adequately served by the on-site septic system and water is being provided by the City of Vallejo. Access is provided by Green Valley Road.

- 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.**

On the basis of staff site inspection performed and the lack of complaints on file with the Department of Resource Management as of September 2010, the proposed use does not constitute a nuisance nor is it detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood, nor is it detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County of Solano.

## **ADDITIONAL FINDINGS**

- 4. Adequate controls or measures will be taken to prevent any hazard or nuisance to surrounding residents or farm animals, and to prevent trespassing to surrounding property.**

Adequate controls have been taken to prevent any hazard or nuisance to surrounding residents or farm animals. The business operator and any clients who utilize the facility will not constitute a nuisance above and beyond what is permissible under a typical residential use of the property.

## **CONDITIONS OF APPROVAL**

- The above use shall remain in accord with the plans and information submitted with Use Permit Application No. U-84-28 and approved by the Solano County Zoning Administrator.
- No employees other than family members living at the residence shall be employed.
- The use shall not occupy more than 500 square feet of indoor space and 1,000 square feet of outdoor space.

4. A non-illuminated name plate, not exceeding six (6) square feet in size, mounted on or adjacent to the residence or garage is permitted.
5. No more than one client or client party shall be present on the property at any one time.
6. The permit shall be in effect for a period of five (5) years with the provision that an extension may be granted if said request is received prior to October 7, 2015, depending upon the circumstances at that time.

**Attachments**

Exhibit A: Assessor's Parcel Map

Exhibit B: Site Plan

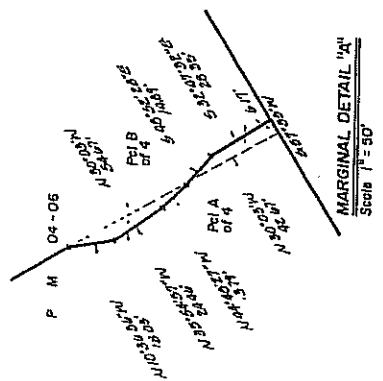
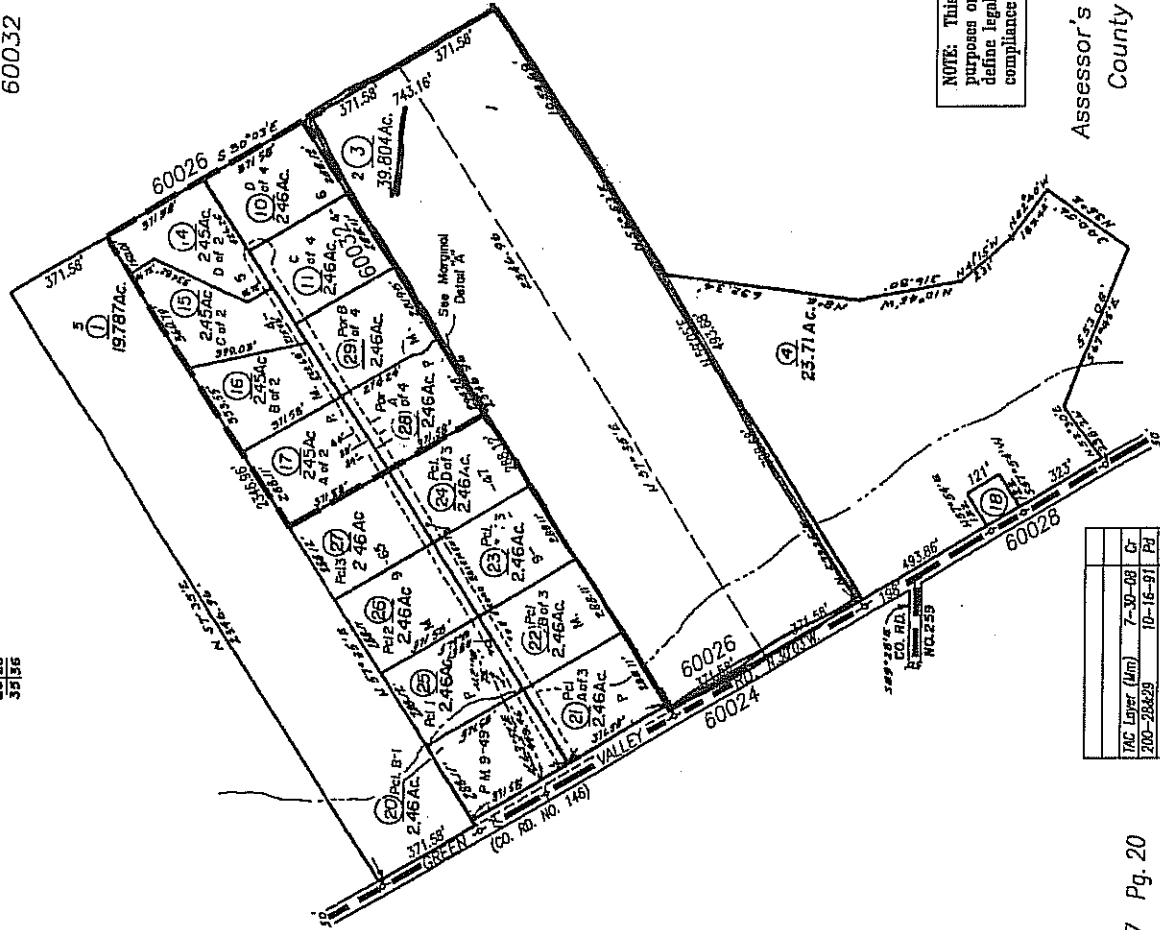
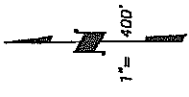
Exhibit C: Draft Resolution

POR. SEC.'S 35 & 36, T.5N., R.3W., M.D.B.& M.

26125  
35136

Tax Area Code  
60026  
60032

25-20



NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

Assessor's Map Bk. 25 Pg. 20  
County of Solano, Calif.

09-10

TRAC Layer (Mn)	DATE	BY
7-30-08		Gr
200-20029	10-16-91	Pd
REVISION	DATE	BY

Green Valley Subdivision, R.M. Bk. 7 Pg. 20  
Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles

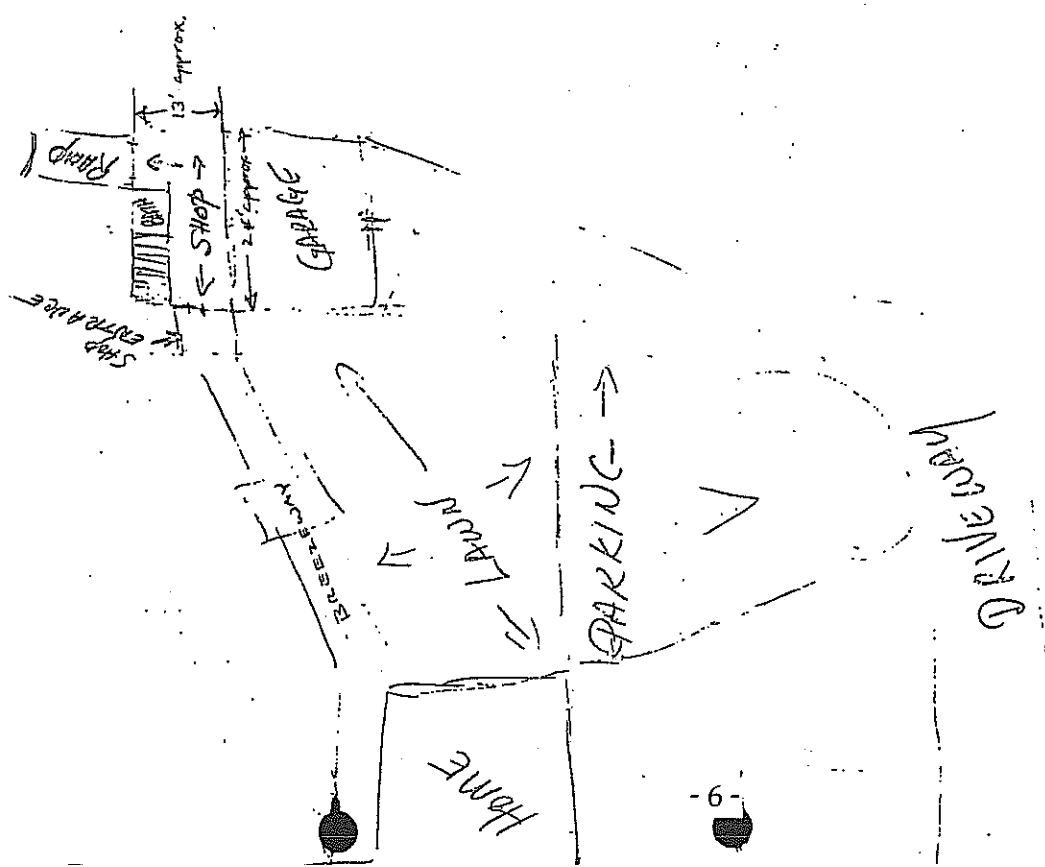
FILE COPY

Solano County Dept of Resource Mgmt  
Planning Division  
Application No(s): U-84-28 ext. 1  
Date Received: 6/13/08

Exhibit A

Shop 10x24  
 Entry 3x4  
 Bath 4x6  
 Stair ---

No add'l enclosed space other than garage itself.



FILE COPY

Solano County Dept of Resource Mgmt  
 Planning Division  
 Application No(s): U-84-28 ext. 1  
 Date Received: 6/13/08

Exhibit B

**SOLANO COUNTY ZONING ADMINISTRATOR  
RESOLUTION NO. XX**

**WHEREAS**, the Solano County Zoning Administrator has considered Extension No. 1 to Use Permit No. U-84-28 of **Lillian Wirth** for a rural resident enterprise which allows for the sales of antique furniture, collectables, and decorative accessories. The property is located at 4040 Green Valley Road north of the City of Fairfield in an "A-40" Exclusive Agricultural Zoning District, APN: 0025-200-030, 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 October 7, 2010, and

**WHEREAS**, after due consideration, the Zoning Administrator has made the following findings in regard to said proposal:

**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 considered by the Zoning Administrator.**

The establishment and operation of a rural residential enterprise is consistent with the goals, objectives, and policies of the Land Use Chapter of the Solano County General Plan because the facility will be incidental to and subordinate to the residential use of the property.

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

The site is adequately served by the on-site septic system and water is being provided by the City of Vallejo. Access is provided by Green Valley Road.

**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.**

On the basis of staff site inspection performed and the lack of complaints on file with the Department of Resource Management as of September 2010, the proposed use does not constitute a nuisance nor is it detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood, nor is it detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County of Solano.

**4. Adequate controls or measures will be taken to prevent any hazard or nuisance to surrounding residents or farm animals, and to prevent trespassing to surrounding property.**

**Exhibit C**

Adequate controls have been taken to prevent any hazard or nuisance to surrounding residents or farm animals. The business operator and any clients who utilize the facility will not constitute a nuisance above and beyond what is permissible under a typical residential use of the property.

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved the extension to Use Permit No. U-84-28 subject to the following recommended conditions of approval:

1. The above use shall remain in accord with the plans and information submitted with Use Permit Application No. U-84-28 and approved by the Solano County Zoning Administrator.
2. No employees other than family members living at the residence shall be employed.
3. The use shall not occupy more than 500 square feet of indoor space and 1,000 square feet of outdoor space.
4. A non-illuminated name plate, not exceeding six (6) square feet in size, mounted on or adjacent to the residence or garage is permitted.
5. No more than one client or client party shall be present on the property at any one time.
6. The permit shall be in effect for a period of five (5) years with the provision that an extension may be granted if said request is received prior to October 7, 2015, depending upon the circumstances at that time.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on October 7, 2010.

BILL EMLLEN, DIRECTOR  
RESOURCE MANAGEMENT

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Michael Yankovich  
Planning Program Manager