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DEPARTMENT OF RESOURCE MANAGEMENT



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Planning Services Division

**SOLANO COUNTY ZONING ADMINISTRATOR
Staff Report
U-08-04-MR1**

Application No. U-08-04-MR1 Project Planner: Travis Kroger, Planning Technician		Meeting of October 20, 2016 Agenda Item No. 2	
Applicant Ward and Kay Fielding		Property Owner Ward and Kay Fielding 5810 Nicholas Lane, Dixon, CA 95620	
Action Requested Consideration of Minor Revision No. 1 of Land Use Permit application U-08-04 to allow use of the existing outdoor kennels for up to 22 personal dogs, with construction of the original proposed phases to take place in 5-10 years from the date of approval of this revision.			
Property Information			
Size: 32.13 ac. (total)		Location: 5810 Nicholas Lane	
APN: 0141-090-230			
Zoning: Exclusive Agriculture (A-40)		Land Use: Large Kennel	
General Plan: Agriculture		Ag. Contract: n/a	
Utilities: Existing well and septic system		Access: Fox Road and Nicholas Lane	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Agriculture	Exclusive Agriculture (A-40)	Residential/Agriculture
South	Agriculture	Exclusive Agriculture (A-40)	Residential/Public Stable
East	Agriculture	Exclusive Agriculture (A-40)	Residential/Vacant
West	Agriculture	Exclusive Agriculture (A-40)	Vacant/Agriculture/ Residential
Environmental Analysis: The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.			
Motion to Approve The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Minor Revision No. 1 of Land Use Permit No. U-08-04 based on the enumerated findings and subject to the recommended conditions of approval.			

BACKGROUND

The existing development on this parcel consists of a single family home with attached garage (B2003-0941), and a septic system (SA2004-007), all constructed with the required permits. A manufactured home for farm labor housing is permitted by Administrative Permit AD-15-10 through December 10, 2020, and Building Permit B2016-0103, which is currently in review by the Building and Safety division. Additional accessory structures currently exist on the parcel including a metal storage building, "hoop house" and several shipping containers. On May 21, 2009, Land Use permit U-08-04 for a large dog kennel and cattery to be constructed in 3 phases was approved by the Solano County Planning Commission.

SETTING

The subject property consists of 32.13 acres of land, developed with a primary dwelling, temporary manufactured home for agricultural employee housing, and several accessory buildings.

Land uses fronting along Fox Road are mainly large agricultural parcels, some of which are developed with single family dwellings and accessory buildings.

PROJECT DESCRIPTION

The applicant has applied for a Minor Revision to Land Use permit U-08-04 for a large kennel to allow use as a private kennel for up to 22 dogs until the public kennel and cattery facilities are constructed. The dogs are currently kept in outdoor kennels with chain link walls and a solid metal roof. The proposed changes to the site include the addition of an additional 5 outdoor kennels in the near future for private use, and completion of the original proposed phases I and II and construction of Phase III within 5-10 years, at which point the land use may include operation as a public kennel and cattery once the required improvements are completed and a Business License is obtained.

No other changes to the site or land use are proposed.

LAND USE CONSISTENCY

The parcel is designated Agriculture by the Solano County General Plan Land Use Diagram. As indicated on the General Plan land use consistency table (General Plan Table LU-7) the Exclusive Agriculture (A-40) Zoning District is consistent with this designation.

The subject site is zoned Exclusive Agriculture (A-40). Within this district, issuance of a Land Use permit is required for a Large Kennel, which includes the keeping of 12 or more dogs and sales of dogs to the public. Keeping of more than 5 dogs and operation of a public kennel is allowed with a Land Use permit in the Exclusive Agriculture zoning district when conducted by the property owner and/or resident of the subject parcel.

All kennel land uses are subject to the general land use requirements provided in Section 28.763.20(A)&(B)(2) of the Zoning Regulations. These general requirements address access, encroachment, roads, and setbacks. Vehicle access to the site is provided via encroachment off Fox Road a public road and Nicholas Lane, a private road. The existing kennel structures meet the minimum setback of 200 feet from all property lines.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

Assessor's property records indicate the effective age of development on APN 0141-090-230 to be built starting in 2005.

RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. U-08-04-MR1, subject to the recommended conditions of approval.

LAND USE PERMIT MANDATORY FINDINGS

- 1. That the establishment, maintenance or operation of the use or building 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 to be pertinent.**

This project is located within an area designated Agriculture by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Exclusive Agriculture zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

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

The site is provided with water and sewer service by an on-site well and on-site sewage disposal system. Access is provided via encroachment off Fox Road and Nicholas Lane.

- 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.**

As conditioned, the proposed Large Kennel use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

ADDITIONAL FINDINGS

- 4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.**

CONDITIONS OF APPROVAL

General

- 1. The proposed dog training facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-08-04, and as shown on the**

approved site plan entitled "K-9 Country Club", drafted by PDF Designs, Inc., dated June 2008 and revised September 2008, and as approved by the Solano County Planning Commission, and the Minor Revision application submitted filed December 5, 2015 and as approved by the Solano County Zoning Administrator.

2. Customer access to the site shall be limited to the proposed operating hours of 8:00a – 5:00p.
3. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan or those otherwise allowed by right, without prior approval of a new permit or revision to the use permit and additional environmental review.
4. If hazardous materials, including fuels, oils, lubricants, and/or welding gases are stored onsite, verification with Solano County Resource Management, Hazardous Materials Section shall be made regarding requirements for a Hazardous Materials Management Plan.
5. The permittee shall ensure that all necessary requirements and permits are obtained from the Solano County Animal Control Department.
6. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
7. Prior to occupancy of any structures related to this use, all requirements of the Dixon Fire Protection District shall be met.
8. The permittee shall apply for and obtain an appropriate grading permit for the construction of the pads, septic systems, parking areas and driveways to serve the facility.
9. The permittee shall apply for, obtain and comply with the requirements of an encroachment permit from Public Works Engineering for the proposed commercial driveway encroachment onto the right of way of Fox Road.
10. Business related signage shall conform to County Code Section 28.66, in terms of allowable type, number, size, height and lighting for signage in the Agricultural Zoning District. A sign permit shall be secured from the Department of Resource Management prior to any installation of signage on site.
11. No building permits shall be issued for Phase III until the septic system is upgraded, reviewed, and approved by the Environmental Health Division of Solano County.
12. This use will be conducted in accordance with the standards for a Large Kennel in the Exclusive Agriculture zoning district:
 - a. Manage storm water to prevent feed and animal waste from entering any natural or constructed storm water facility, canal, creek, lake, pond, stream or river,
 - b. Maintain a setback of 200 feet from any lot, for all activities, buildings and uses of the land,
 - c. Utilize best practices to ensure that stray dogs or cats do not trespass onto adjacent public rights-of-way or private lands,

- d. Regulate, control or prohibit the accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people, and
 - e. Prohibit any nuisance, offensive matter, foul or noxious odors.
13. The permittee shall take such measures to prevent offensive noise, dust, glare, vibration, or odor. All uses of land and buildings shall be conducted in a manner, and provide adequate controls and operational management to prevent:
- a. Dust, glare, vibration which are detectable beyond any property line, and
 - b. Noise that exceeds 65dBA LDN at any property line.
14. All requirements of the Solano County Environmental health division shall be met including :
- a. Before any changes are made to the manure management practices, a written plan shall be submitted to the Environmental Health division for review.

Building and Safety Division

15. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2013 California Building Code, or the latest edition enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
16. Within 180 days of the date of approval of U-08-04-MR1, the applicant will apply for Building Permits for all unpermitted structures (to include shipping containers and hoop house), and renew the expired Building Permit B2006-0561 for the metal building. All Building Permits for existing structures must receive a final inspection before the expiration date of the applicable Building Permit.
- a. The site and any buildings accessed by the public shall meet all of the accessibility requirements found in Chapter 11B of the 2013 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2013 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale, and designed by a licensed architect reflecting all site accessibility.
 - b. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst case requirements between Chapter 11B of the 2013 California Building Code and the ADA Federal Law.

Permit Term

17. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

Attachments

A – Draft Resolution

B – Assessor's Parcel Map

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered Minor Revision No. 1 to Use Permit No. U-08-04 of **Ward and Kay Fielding** to permit the existing outdoor kennels and postpone additional development to a later date. The property is located at 5810 Nicholas Lane, 2.5 miles east of the City of Vacaville in an "A-40" Exclusive Agricultural Zoning District, APN: 0141-090-230, 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 20, 1206, 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 or building 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 to be pertinent.**

This project is located within an area designated Agriculture by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Exclusive Agriculture zoning district. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

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

The site is provided with water and sewer service by an on-site well and on-site sewage disposal system. Access is provided via encroachment off Fox Road and Nicholas Lane.

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.**

As conditioned, the proposed Large Kennel use 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 Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures. Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Minor Revision No. 1 to Use Permit No. U-08-04 subject to the following recommended conditions of approval:

General

1. The proposed dog training facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-08-04, and as shown on the approved site plan entitled "K-9 Country Club", drafted by PDF Designs, Inc., dated June 2008 and revised September 2008, and as approved by the Solano County Planning Commission, and the Minor Revision application submitted filed December 5, 2015 and as approved by the Solano County Zoning Administrator.
2. Customer access to the site shall be limited to the proposed operating hours of 8:00a – 5:00p.
3. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan or those otherwise allowed by right, without prior approval of a new permit or revision to the use permit and additional environmental review.
4. If hazardous materials, including fuels, oils, lubricants, and/or welding gases are stored onsite, verification with Solano County Resource Management, Hazardous Materials Section shall be made regarding requirements for a Hazardous Materials Management Plan.
5. The permittee shall ensure that all necessary requirements and permits are obtained from the Solano County Animal Control Department.
6. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
7. Prior to occupancy of any structures related to this use, all requirements of the Dixon Fire Protection District shall be met.
8. The permittee shall apply for and obtain an appropriate grading permit for the construction of the pads, septic systems, parking areas and driveways to serve the facility.
9. The permittee shall apply for, obtain and comply with the requirements of an encroachment permit from Public Works Engineering for the proposed commercial driveway encroachment onto the right of way of Fox Road.
10. Business related signage shall conform to County Code Section 28.66, in terms of allowable type, number, size, height and lighting for signage in the Agricultural Zoning District. A sign permit shall be secured from the Department of Resource Management prior to any installation of signage on site.
11. No building permits shall be issued for Phase III until the septic system is upgraded, reviewed, and approved by the Environmental Health Division of Solano County.

12. This use will be conducted in accordance with the standards for a Large Kennel in the Exclusive Agriculture zoning district:
 - a. Manage storm water to prevent feed and animal waste from entering any natural or constructed storm water facility, canal, creek, lake, pond, stream or river,
 - b. Maintain a setback of 200 feet from any lot, for all activities, buildings and uses of the land,
 - c. Utilize best practices to ensure that stray dogs or cats do not trespass onto adjacent public rights-of-way or private lands,
 - d. Regulate, control or prohibit the accumulation of animal or vegetable matter in which fly larvae exist or any accumulation of filth or source of foulness hazardous to health or comfort of people, and
 - e. Prohibit any nuisance, offensive matter, foul or noxious odors.
13. The permittee shall take such measures to prevent offensive noise, dust, glare, vibration, or odor. All uses of land and buildings shall be conducted in a manner, and provide adequate controls and operational management to prevent:
 - a. Dust, glare, vibration which are detectable beyond any property line, and
 - b. Noise that exceeds 65dBA LDN at any property line.
14. All requirements of the Solano County Environmental health division shall be met including :
 - a. Before any changes are made to the manure management practices, a written plan shall be submitted to the Environmental Health division for review.

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16. Within 180 days of the date of approval of U-08-04-MR1, the applicant will apply for Building Permits for all unpermitted structures (to include shipping containers and hoop house), and renew the expired Building Permit B2006-0561 for the metal building. All Building Permits for existing structures must receive a final inspection before the expiration date of the applicable Building Permit.
 - a. The site and any buildings accessed by the public shall meet all of the accessibility requirements found in Chapter 11B of the 2013 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and

the 2013 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale, and designed by a licensed architect reflecting all site accessibility.

- b. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst case requirements between Chapter 11B of the 2013 California Building Code and the ADA Federal Law.

Permit Term

- 17. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on October 20, 2016.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT

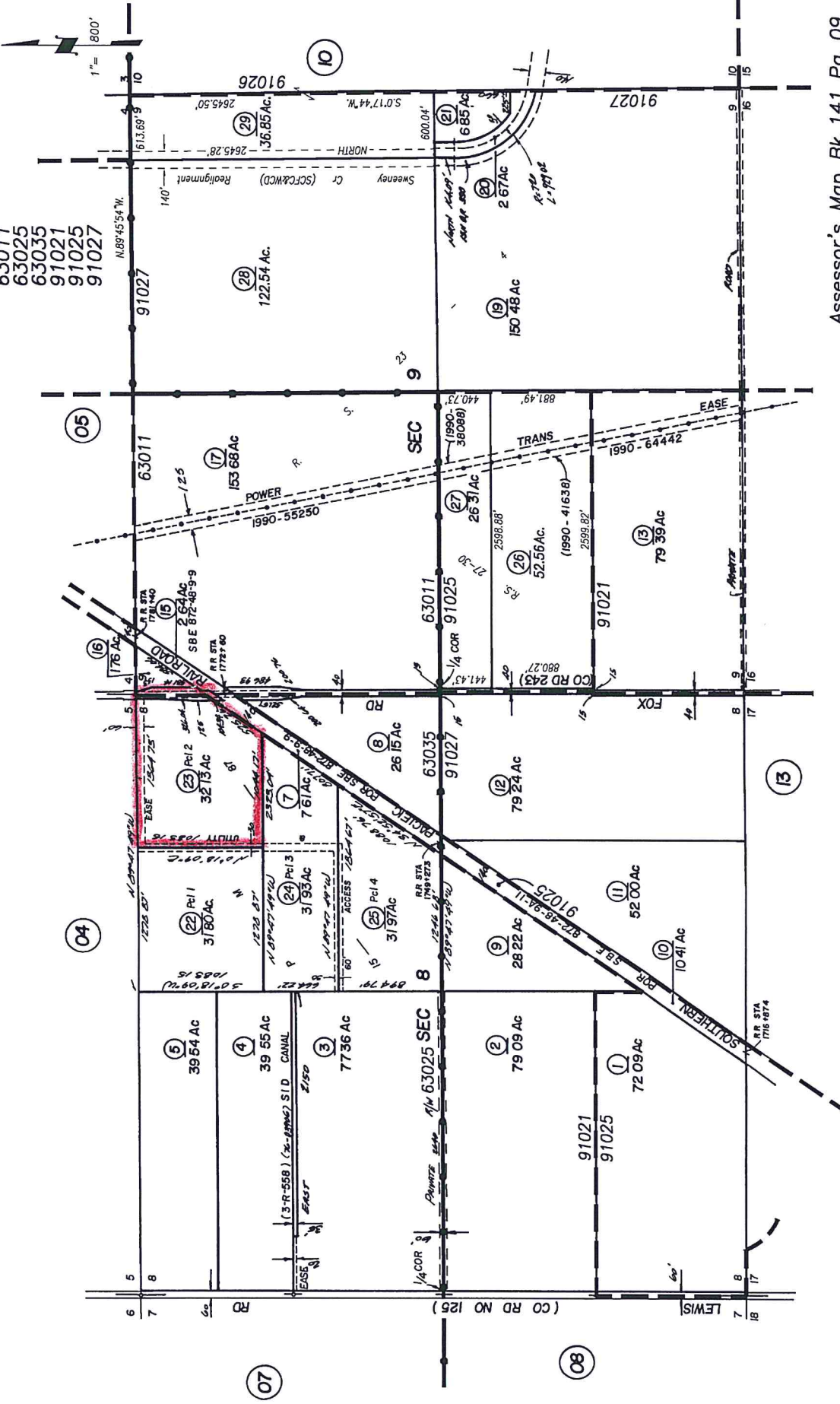
Michael Yankovich
Planning Program Manager

POR. SEC'S 8 & 9, T.6N., R.1E., M.D.B.& M.

Tax Area Code

141-09

- 63011
- 63025
- 63035
- 91021
- 91025
- 91027



Assessor's Map Bk. 141 Pg. 09
County of Solano, Calif.

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

REVISION	DATE	BY
100-28229 (LLA)	11-25-08	JS
090-26427(65)	2-23-06	DV
Sec 9 file	12-21-98	FG
Ease	8-15-90	SS

Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles