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DEPARTMENT OF RESOURCE MANAGEMENT



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 COUNTY**

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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

**Staff Report
 MU-16-02**

Application No. MU-16-02 Project Planner: Eric Wilberg, Planner Associate		Meeting of May 18, 2017 Agenda Item No. 2	
Applicant Eiad Eltawil 5360 Box R Ranch Road Vacaville, CA 95687		Property Owner Yamen Eltawil et. al. 1335 Pacific Ave. Apt. # 421 San Francisco, CA 94109 Alexander Gomez 5290 Box R Ranch Road Vacaville, CA 95687	
Action Requested Consideration and approval of Minor Use Permit MU-16-02 to conduct a Small Confined Animal Facility consisting of up to 850 sheep and goats and a 120' x 80' barn for shelter. Grazing pasture is provided on approximately 70 acres of the project site.			
Property Information			
Size: 80 acres		Location: 2 miles east of Vacaville	
APNs: 0042-010-470, 48			
Zoning: Exclusive Agriculture "A-80"		Land Use: Agriculture, residential	
General Plan: Agriculture		Ag. Contract: n/a	
Utilities: Domestic well, septic system		Access: Box R Ranch Road	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Agriculture	Exclusive Agriculture "A-80"	Agriculture, residential
South	Agriculture	Exclusive Agriculture "A-80"	Agriculture, residential
East	Agriculture	Exclusive Agriculture "A-160"	Agriculture, residential
West	Agriculture	Exclusive Agriculture "A-80"	Agriculture, residential
Environmental Determination The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15311, Accessory Structures.			

Motion to Approve

The Zoning Administrator does hereby **ADOPT** the attached resolution, and **APPROVE** Minor Use Permit No. MU-16-02, subject to the recommended conditions of approval.

SITE DESCRIPTION

The subject site is located at 5360 Box R Ranch Road, 2 miles east of the City of Vacaville. The site is comprised of two Assessor's parcels totaling 80.46 acres. The entire acreage is relatively flat exhibiting slopes of less than six percent. The majority of the 80 acres is utilized for livestock grazing. The balance of the property (approximately 2.5 acres on each parcel) is developed with residential and agricultural structures. Development on APN 0042-010-470 (Eltawil) consists of two residences and various agricultural accessory structures including a hay barn, old horse barn, and equipment storage sheds. Development on APN 0042-010-480 (Gomez) consists of one single family residence. Both of the two 40 acre parcels are framed by utility, access, drainage, and Solano Irrigation District easements and infrastructure. A 20' wide S.I.D. easement runs along the western lot line; a 35' wide drainage easement runs along the eastern lot line, and 10' wide public utility easements run along the northern and southern lot lines. Parcels surrounding the subject site vary in size from approximately 40 – 160 acres and are primarily utilized for cattle and sheep grazing typical of the Jepson Prairie Agricultural Region.

PROJECT DESCRIPTION

The applicant, Mr. Eltawil currently conducts a sheep and goat livestock grazing operation on his property, APN 0042-010-470. The applicant also leases a large portion of the adjacent parcel (APN 0042-010-480) as pasture for the herd. The animals are maneuvered throughout fenced portions of the site to provide adequate year round feed to the herd. Water troughs are placed throughout the site. The proposal involves establishing a Small Confined Animal Facility consisting of up to 850 sheep and goats and a 120' x 80' barn for animal shelter. One additional worker assists Mr. Eltawil and no customers access the site.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15311, Accessory Structures. Class 11 consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities. The project involves the construction of a 80' x 120' barn, accessory to an existing commercial livestock grazing operation. An agricultural accessory structure would otherwise be allowed by right within the applicable zoning district. Livestock grazing rounds out the balance of the project and no additional physical improvements are proposed therefore qualifying for this exemption.

LAND USE CONSISTENCY

General Plan

The property is designated Agriculture by the Solano County General Plan. As indicated on the General Plan land use consistency table (General Plan Table LU-7) the Exclusive Agriculture "A-80" Zoning District is consistent with this designation. In addition, the property is located within the Jepson Prairie Agricultural Region. Cattle and sheep grazing are the predominant land use within this Region.

Zoning

As seen on Table 28.21A of the County Zoning Regulations a Small Confined Animal Facility is a conditionally allowed animal operation within the Exclusive Agriculture "A-80" Zoning District. A confined animal facility is defined as any dairy, stockyard, feedlot, or similar livestock operation for cattle, horses,

sheep, or goats, where the animals are corralled, penned, tethered, or otherwise caused to remain in confinement in a restricted area for any purpose, and in which the surface of such restricted area is or will become bare of any feed growth in the normal growing season. Normal grazing activities for pastured livestock are excluded. Supplemental feeding areas, corrals, livestock working facilities, and other areas where grazing livestock may be temporarily confined incidental to grazing activities are also excluded. A Small Confined Animal Facility is defined as having between 198 – 2,999 sheep, lambs, or goats.

Sections 28.71.30 (A) & (B.1.a) of the Zoning Regulations provide the general and specific requirements relating to a Small Confined Animal Facility. One requirement is that the developed portion of the facility be set back a minimum of 200 feet from any property line. The proposed 120' x 80' shelter barn comprises the developed footprint of the facility and will be set back a minimum of 200 feet from the western (front) property line and greater than 200 feet from all other lot lines. Pasture areas dedicated for grazing activities are not subject to the 200 foot setback requirement. The property is located on Box R Ranch Road, a privately maintained road. The proposed use does not involve a processing facility therefore does not require a recorded maintenance agreement. The proposal meets the general and specific requirements specified under zoning.

RECOMMENDATION

The Department recommends that the Zoning Administrator **ADOPT** the attached resolution enumerating the mandatory and suggested findings, and **APPROVE** Minor Use Permit No. MU-16-02, subject to the recommended conditions of approval.

MINOR 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.**

The proposed Small Confined Animal Facility is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan. The facility is a conditionally permitted land use within the Exclusive Agriculture "A-80" Zoning District. The proposal is also consistent with the Jepson Prairie Agricultural Region, as identified in the General Plan, which specifies livestock grazing as the preferred, predominant agricultural use within this region. The proposal meets or exceeds the general and specific land use regulations pertaining to this use.

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

The project does not require any new utilities to be developed. If need be, the proposed barn could utilize existing electrical service to the site. The property has existing access via Box R Ranch Road, a private road, which connects to Hay Road to the north. Existing drainage easements and associated ditches are in place along the eastern parcel lines as a result of a previous Subdivision. The Solano Irrigation District has an existing easement and infrastructure along the western property line; however the proposal would be located outside of that area and would not impact S.I.D operations.

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 project involves the operation of a Small Confined Animal Facility, an agricultural land use within an area designated and zoned for agriculture uses. The proposed use is consistent with farming operations on surrounding properties. Livestock grazing is the predominant land use within the Jepson Prairie Agricultural Region. The permitted use will not constitute a nuisance to surrounding properties or persons residing, working, or passing through the agricultural area.

ADDITIONAL FINDINGS

4. The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15311, Accessory Structures.

CONDITIONS OF APPROVAL

General

1. Approval is hereby granted to Yamen Eltawil to operate a Small Confined Animal Facility consisting of up to 850 sheep and goats, a 120' x 80' barn for shelter, and livestock grazing on the balance of the site, located at 5360 Box R Ranch Road; APN's 0042-010-470 and 48. The permitted use shall be established in accord with the application materials and development plans for Minor Use Permit MU-16-02, filed September 27, 2016 and as approved by the Solano County Zoning Administrator.
2. The permitted use shall be conducted in a manner, and provide adequate controls and operational management, to prevent
 - a. Dust, offensive odors, or vibrations detectable beyond any property line;
 - b. Noise that exceeds 65dBA LDN at any property line;
 - c. Glint or glare detectable beyond any property line or by overflying aircraft.
3. The permitted use shall contain measures to manage storm water to prevent any potential contaminants, processing wastes or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.
4. Removal of natural material 1) shall prevent offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.
5. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
6. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.
7. All burning of waste materials accessory to any use shall comply with the Yolo-Solano Air Quality Management District.

8. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State and federal laws and regulations.
9. Any expansion or change in the use may require a new or modified use permit and further environmental review.
10. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan without prior approval of a new use permit or minor revision or amendment to the permit.
11. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.

Building and Safety Division

12. Prior to any construction or improvements taking place, a building permit application shall first be submitted as per Section 105 of the 2013 California Building Code or the latest edition of the codes 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."

Permit Term

13. The permit shall be in effect for a five (5) year period with provision that a renewal may be granted if said request is received prior to the expiration date of May 18, 2022 and the use shall remain the same and in compliance with the conditions of approval.

Attachments:

- A – Draft Resolution
- B – Assessor's Parcel Map
- C – Site Plan

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered Minor Use Permit Application No. MU-16-02 of **Yamen Eltawil** to permit a Small Confined Animal Facility consisting of up to 850 goats and a 120' x 80' barn for shelter. The project is located at 5360 Box R Ranch Road, 2 miles east of the City of Vacaville. The property is located within the "A-80" Exclusive Agriculture Zoning District, APN's: 0042-010-470 and 480, 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 May 18, 2017, 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.**

The proposed Small Confined Animal Facility is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan. The facility is a conditionally permitted land use within the Exclusive Agriculture "A-80" Zoning District. The proposal is also consistent with the Jepson Prairie Agricultural Region, as identified in the General Plan, which specifies livestock grazing as the preferred, predominant agricultural use within this region. The proposal meets or exceeds the general and specific land use regulations pertaining to this use.

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

The project does not require any new utilities to be developed. If need be, the proposed barn could utilize existing electrical service to the site. The property has existing access via Box R Ranch Road, a private road, which connects to Hay Road to the north. Existing drainage easements and associated ditches are in place along the eastern parcel lines as a result of a previous Subdivision. The Solano Irrigation District has an existing easement and infrastructure along the western property line; however the proposal would be located outside of that area and would not impact S.I.D operations.

- 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 project involves the operation of a Small Confined Animal Facility, an agricultural land use within an area designated and zoned for agriculture uses. The proposed use is consistent with farming operations on surrounding properties. Livestock grazing is the predominant land use

within the Jepson Prairie Agricultural Region. The permitted use will not constitute a nuisance to surrounding properties or persons residing, working, or passing through the agricultural area.

4. The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15311, Accessory Structures.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Minor Use Permit Application No. MU-16-02 subject to the following recommended conditions of approval:

General

1. Approval is hereby granted to Yamen Eltawil to operate a Small Confined Animal Facility consisting of up to 850 sheep and goats, a 120' x 80' barn for shelter, and livestock grazing on the balance of the site, located at 5360 Box R Ranch Road; APN's 0042-010-470 and 48. The permitted use shall be established in accord with the application materials and development plans for Minor Use Permit MU-16-02, filed September 27, 2016 and as approved by the Solano County Zoning Administrator.
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3. The permitted use shall contain measures to manage storm water to prevent any potential contaminants, processing wastes or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.
4. Removal of natural material 1) shall prevent offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.
5. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
6. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.
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9. Any expansion or change in the use may require a new or modified use permit and further environmental review.
10. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan without prior approval of a new use permit or minor revision or amendment to the permit.
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Permit Term

13. The permit shall be in effect for a five (5) year period with provision that a renewal may be granted if said request is received prior to the expiration date of May 18, 2022 and the use shall remain the same and in compliance with the conditions of approval.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on May 18, 2017.

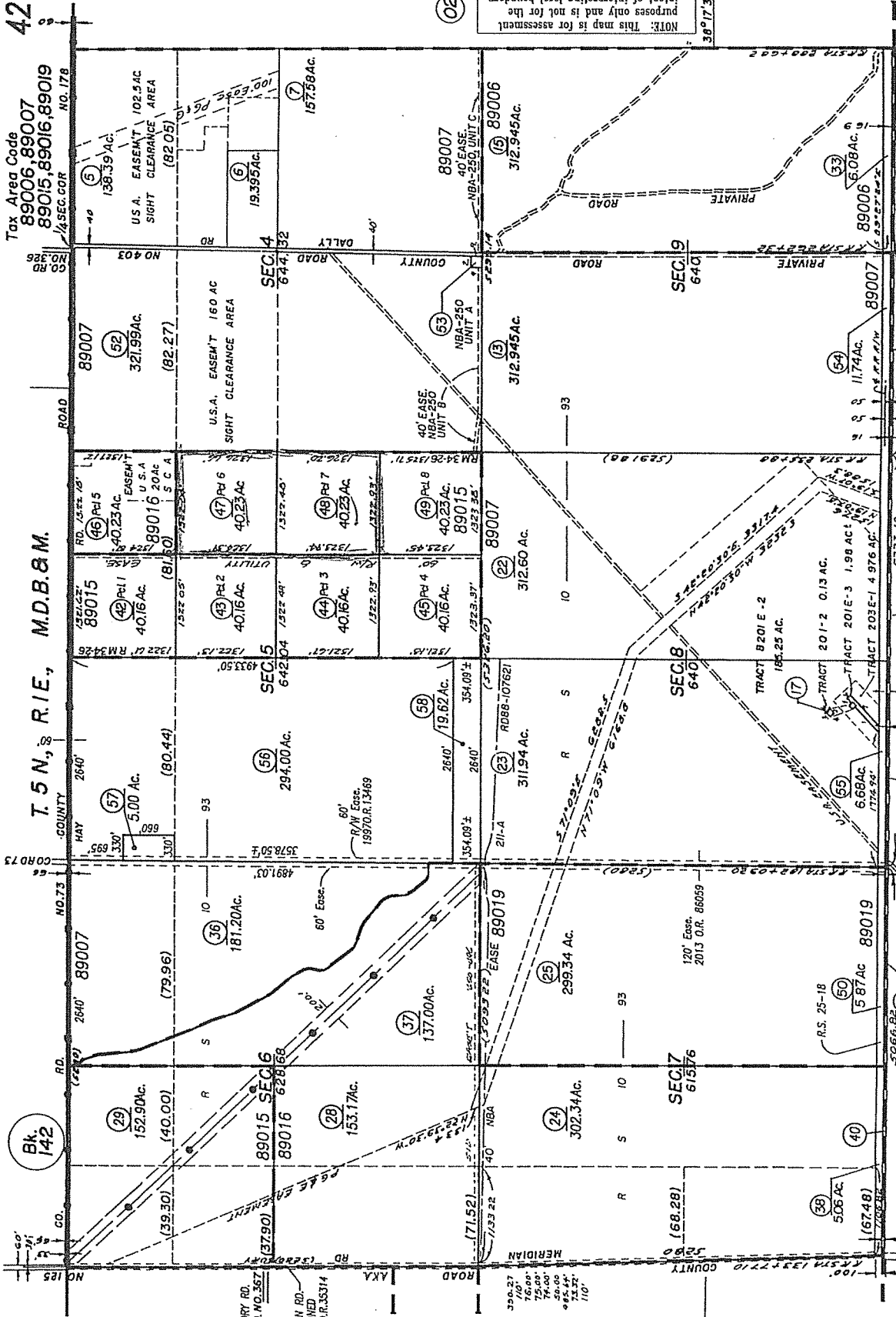
BILL EMLÉN, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager

42-01

Tax Area Code
89006, 89007
89015, 89016, 89019
1/4 SEC. COR NO. 178

T. 5 N., S. R. 1 E., M.D.B.&M.



NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundaries or zoning regulations and/or legality of land division laws.

Bk. 142

Bk. 166

NO.	DATE	BY
1	11-20-05	JE
2	11-20-05	JE
3	11-20-05	JE
4	11-20-05	JE
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Box R Ranch Subd. R.M. Bk. 34 Pg. 26

Bk. 174

15-16

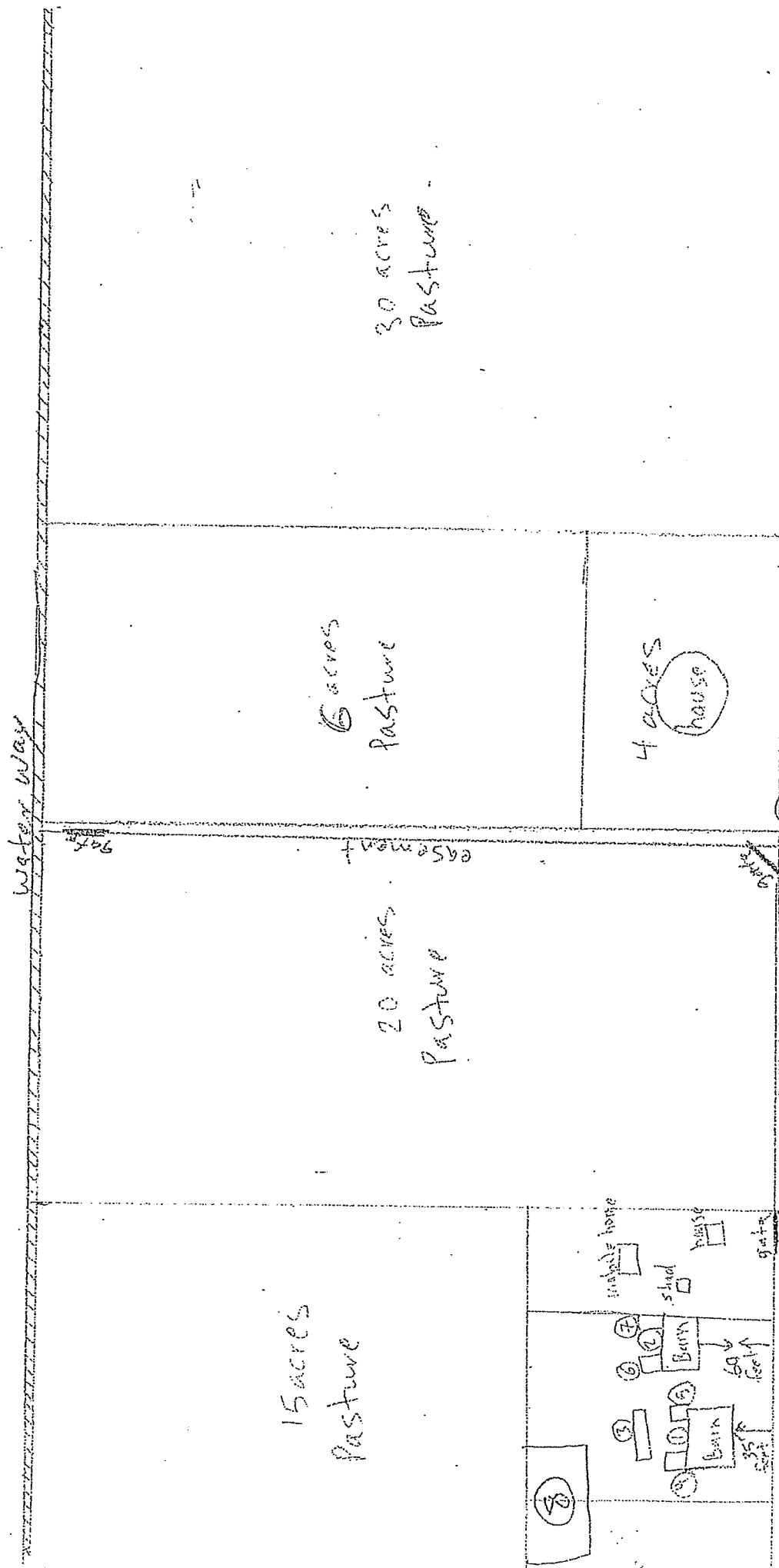
Assessor's Map Bk. 42 Pg. 01

County of Solano, Calif.

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FILE COPY

11116-00



30 acres
Pasture

6 acres
Pasture

4 acres
house

20 acres
Pasture

15 acres
Pasture

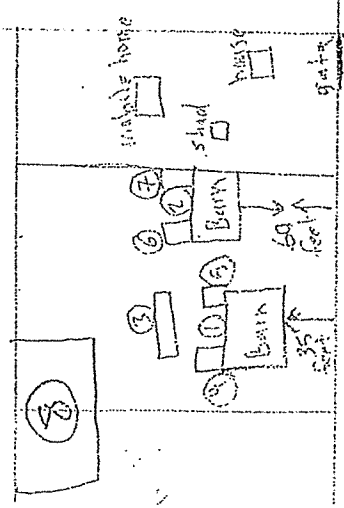
7 300 sq feet shed

8 120 X 80 future Barn

4 500 sq feet shed

5 500 sq feet shed

6 300 sq feet shed



1 40 X 60 Barn

2 30 X 60 horse Barn

3 450 sq feet shed