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DEPARTMENT OF RESOURCE MANAGEMENT



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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

**Staff Report
 U-06-22-MR2**

Application No. U-06-22-MR2 (Alan's Canine) Project Planner: Travis Kroger, Planning Technician		Meeting of March 1, 2018 Agenda Item No. 1	
Applicant Alan and Karen Levens 5529 Hay Road Vacaville, CA 95687		Property Owner Alan and Karen Levens 5529 Hay Road Vacaville, CA 95687	
Action Requested Consideration of Minor Revision No. 2 to Land Use Permit U-06-22 for the continued operation of a commercial dog training and boarding kennel, and allow continued used of the interim kennel facility for an indefinite period until phase 1 and phase 2 of the project are completed at a future date.			
Property Information			
Size: 6.36 ac. (total)		Location: 5529 Hay Road	
APN: 0142-270-010			
Zoning: Exclusive Agriculture (A-80)		Land Use: Large Kennel	
General Plan: Agriculture		Ag. Contract: n/a	
Utilities: Existing well and septic system		Access: Hay Road	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Agriculture	Exclusive Agriculture (A-80)	Grazing
South	Agriculture	Exclusive Agriculture (A-80)	Grazing/Residential
East	Agriculture	Exclusive Agriculture (A-80)	Grazing/residential
West	Agriculture	Exclusive Agriculture (A-80)	Nike missile base control site, likely residential.
Environmental Analysis The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.			
Motion to Approve The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Use Permit No. U-06-03-MR2 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 residence (built in 1976 according to assessor's records), two detached garage structures, and a large paved parking area accessed from Hay Road. The surrounding parcels are zoned A-80 (Exclusive Agriculture) and are primarily used for grazing. The nearest residences are to the south, east and west located 1000-2000 feet from the kennel location.

This project was originally proposed as a commercial kennel to be constructed in two phases, which was approved December 20th, 2007 as U-06-22 for a commercial kennel to be constructed in 2 phases, with phase 1 to include a new building with office and incidental sales, parking area, and a capacity of up to 60 dogs, and phase 2 to add an additional building with capacity for another 60 dogs. On November 13, 2008, Minor Revision No. 1 was approved to allow operation of a temporary interim kennel facility for 2 years due to economic conditions preventing development of the original project. As of 2018, the interim kennel facility is still in use, so the applicant has requested a revision to remove the original two year time limit.

SETTING

The subject property consists of 6.36 acres of land, fronting on Hay Road in unincorporated Vacaville area. The surrounding parcels include residential and agricultural structures and grazing land

PROJECT DESCRIPTION

The applicant originally applied for a commercial kennel to be constructed in 2 phases with a total capacity of 120 dogs. In 2008, the permit was revised to allow used of an interim kennel facility for up to two years due to economic conditions at the time preventing the original proposed development. As of 2018, the interim kennel facility is still in use and the applicant has requested Minor Revision No.2 to remove the condition restricting use of the interim kennel to two years.

Interim Kennel and Training Facility Description:

The interim kennel and training facility will accommodate 16 dogs and one-on-one on-site training classes for clients. The training will occur out-of-doors, on any of the previously approved training areas (see U-06-22) or on the existing paved parking lot off of Hay Road. No more than one client would arrive at the property at any one time. The 16 dog kennel would be established on the eastern side of the existing residence. The kennel would not be accessible to the public. During the time the interim kennel is in operation, the only employees on-site are the owner/occupants of the property.

The applicant is proposing to operate the interim kennel and training facility for a for an indefinite period until funding is available to commence construction of Phase I of the Permanent kennel and Training facility (U-06-22).

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-80) Zoning District is consistent with this designation.

The subject site is zoned Exclusive Agriculture (A-80). Within this district, Large Kennel uses are allowed subject to the requirements of section 28.76.20(A) and (B)(2) of the Solano County Code. These general requirements

address access, road encroachment standards, and setbacks, noise and waste management. Vehicle access to the site is provided via a driveway off of Hay Road.

ENVIRONMENTAL ANALYSIS

On December 20, 2007, the Solano County Planning Commission adopted a Negative Declaration for a 120 dog kennel and training facility at this location. Staff has determined that the previously adopted Negative Declaration adequately addressed the impacts which would be generated by the interim project

Assessor's property records and Building Permit records indicate the effective age of development on the subject parcel (0142-270-010) to be built starting in 1976.

RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. U-06-22-MR2, 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.**

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 (A-80) 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 existing well and septic system. Access is provided via encroachment off Hay 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.**

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 15301, Existing Facilities.

CONDITIONS OF APPROVAL

General

Interim Kennel Facility

1. The proposed dog training facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-06-22 MR1 and MR2, and as shown on the approved site plan entitled "Alan's Canine Training and Kennels" and as approved by the Solano County Zoning Administrator.
2. The permittee shall submit a set of plans that will reflect all of the requirements in the latest edition of the codes adopted by the State of California and Solano County at the time of construction permit application. These requirements, as well as all other required code requirements, shall be reflected on all construction drawings submitted for permit through Solano County Building Division.
3. The interim kennel is subject to the following restrictions:

There will be no non-resident employees on the site, and
On-site training is one-on-one. There are no group classes permitted.
4. Any unpermitted shipping containers shall be removed or property permitted within 6 months of approval of this permit.

Permanent Kennel Facility

5. The following conditions of approval pertain to the permanent kennel and training facility when it is constructed as approved under Use Permit-06-22 on December 20, 2007 and are repeated herein.
6. The proposed dog training facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-06-22, and as shown on the approved site plan entitled "Alan's Canine Training and Kennels", drawn by Waterfront Engineering, revised August 30, 2007, and as approved by the Solano County Planning Commission.
7. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.
8. Operating hours for the public visiting the kennel and training services shall be limited to between 8:00am and 6:00pm during the week, between 9 am and 1pm on Saturdays and between 4pm and 6pm on Sundays.
9. 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 minor revision to the use permit and additional environmental review.

10. 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.
11. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
12. The permittee shall ensure that all necessary occupancy permits are obtained from the Building and Safety Division for the change of use of the existing structure.
13. The permittee shall ensure that all necessary requirements and permits are obtained from the Solano County Animal Control Department.
14. Prior to occupancy of the structure, all requirements of the Vaca-Elmira Fire Protection District shall be met.
15. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
16. 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.
17. 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.
18. The permittee shall apply for, obtain and comply with the requirements of an encroachment permit from Public Works Engineering for the proposed driveways within the right of way of Lewis Road.

Building and Safety Division

19. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2016 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."

Public Works Division

20. The Applicant shall apply for, secure and abide by the conditions of an encroachment permit for any planned or any existing driveway connections to Hay Road or Lewis Road that do not have an existing encroachment permit issued by Solano county. All driveway

connections to public roads shall meet Solano County Road Improvement Standards and Land Development Requirements

Permit Term

21. 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. 2 to Use Permit No. U-06-22 of **Karen and Alan Levens (Alan's Canine Training)** for the continued operation of a dog training facility and boarding kennel located at 5549 Hay Road, 2 miles southeast of the City of Vacaville in an Exclusive Agricultural "A-80" Zoning District, APN: 0142-270-010, 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 March 1, 2018, 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 (A-80) 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 existing well and septic system. Access is provided via encroachment off Hay 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.**

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 15301, Existing Facilities.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Minor Revision No. 2 to Use Permit No. U-06-22 subject to the following recommended conditions of approval:

Interim Kennel Facility

1. The proposed dog training facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-06-22 MR1 and MR2, and as shown on the approved site plan entitled "Alan's Canine Training and Kennels" and as approved by the Solano County Zoning Administrator.
2. The permittee shall submit a set of plans that will reflect all of the requirements in the latest edition of the codes adopted by the State of California and Solano County at the time of construction permit application. These requirements, as well as all other required code requirements, shall be reflected on all construction drawings submitted for permit through Solano County Building Division.
3. The interim kennel is subject to the following restrictions:

There will be no non-resident employees on the site, and
On-site training is one-on-one. There are no group classes permitted.
4. Any unpermitted shipping containers shall be removed or properly permitted within 6 months of approval of this permit.

Permanent Kennel Facility

5. The following conditions of approval pertain to the permanent kennel and training facility when it is constructed as approved under Use Permit-06-22 on December 20, 2007 and are repeated herein.
6. The proposed dog training facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-06-22, and as shown on the approved site plan entitled "Alan's Canine Training and Kennels", drawn by Waterfront Engineering, revised August 30, 2007, and as approved by the Solano County Planning Commission.
7. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.
8. Operating hours for the public visiting the kennel and training services shall be limited to between 8:00am and 6:00pm during the week, between 9 am and 1pm on Saturdays and between 4pm and 6pm on Sundays.
9. 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 minor revision to the use permit and additional environmental review.

10. 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.
11. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
12. The permittee shall ensure that all necessary occupancy permits are obtained from the Building and Safety Division for the change of use of the existing structure.
13. The permittee shall ensure that all necessary requirements and permits are obtained from the Solano County Animal Control Department.
14. Prior to occupancy of the structure, all requirements of the Vaca-Elmira Fire Protection District shall be met.
15. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
16. 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.
17. 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.
18. The permittee shall apply for, obtain and comply with the requirements of an encroachment permit from Public Works Engineering for the proposed driveways within the right of way of Lewis Road.

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Public Works Division

20. The permittee shall apply for, secure and abide by the conditions of an encroachment permit for any planned or any existing driveway connections to Hay Road or Lewis Road that do not have an existing encroachment permit issued by Solano county. All driveway connections to public

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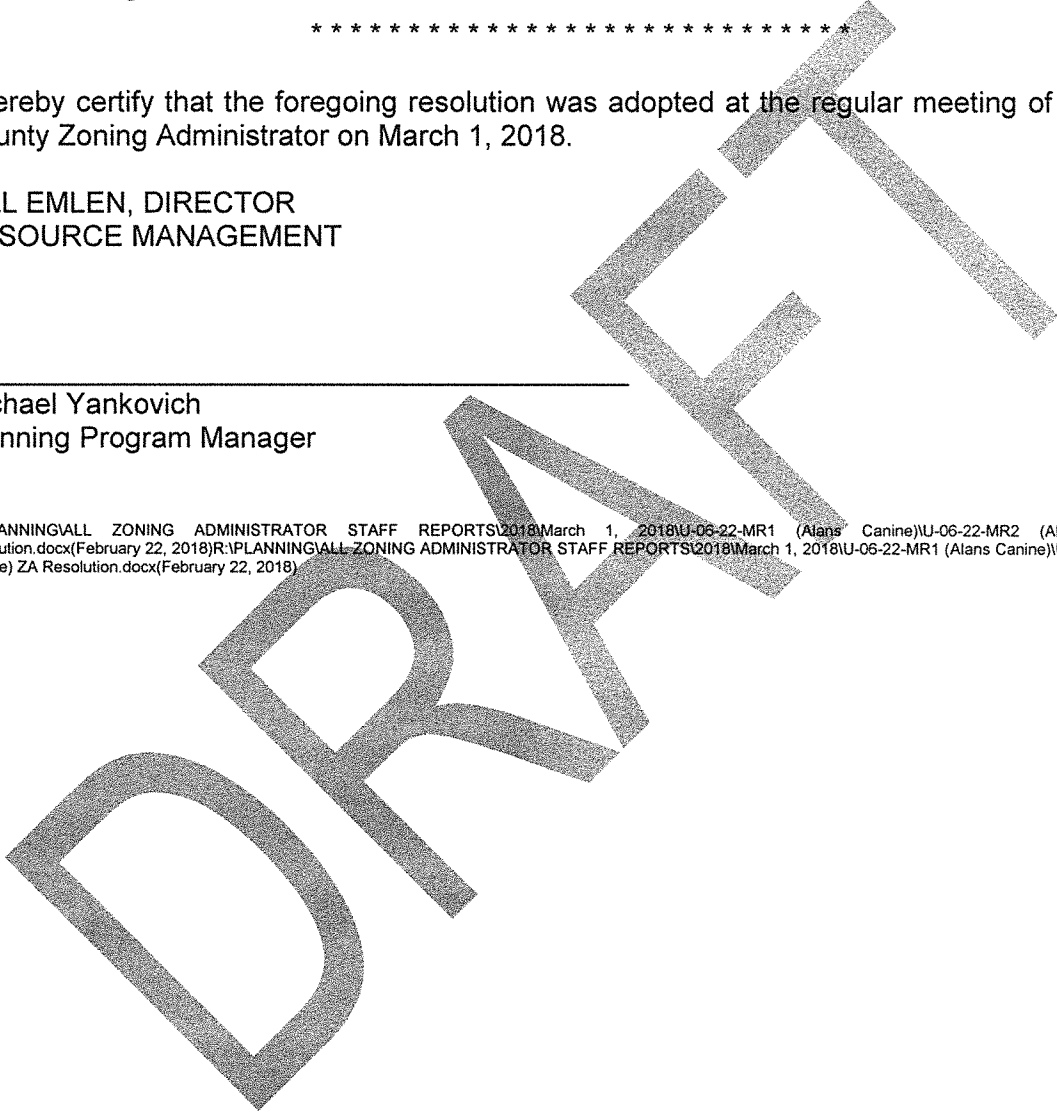
Permit Term

- 21. 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 March 1, 2018.

BILL EMLER, DIRECTOR
RESOURCE MANAGEMENT

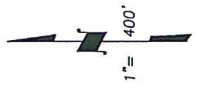
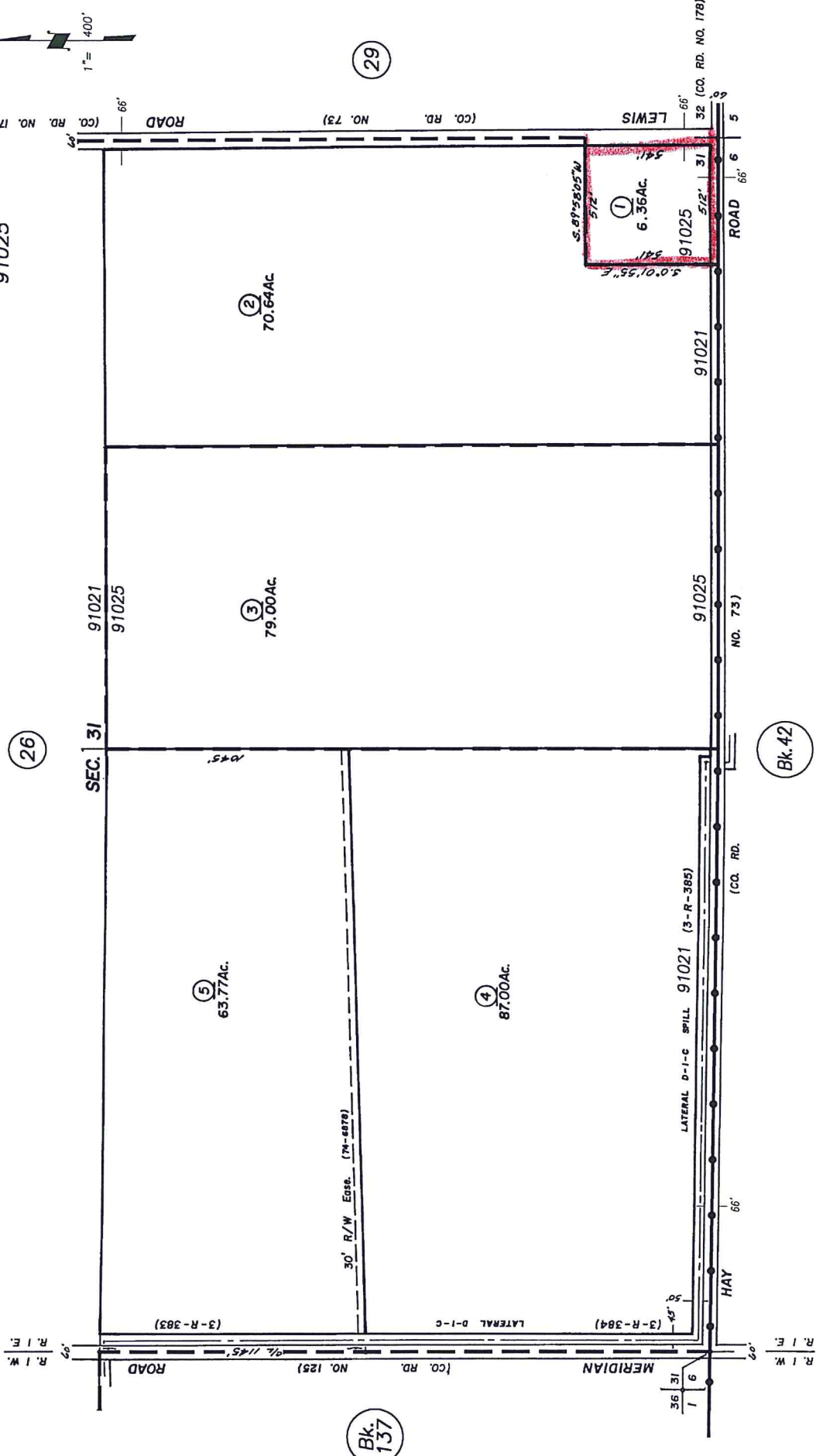
Michael Yankovich
Planning Program Manager



142-27

Tax Area Code
91021
91025

S. 1/2 SEC. 31, T.6N., R.1E., M.D.B.& M.



Assessor's Map Bk. 142 Pg. 27
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
Adj. Bk. 137 (Remap)	1-2-10	Cr

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