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**DEPARTMENT OF RESOURCE MANAGEMENT**



**SOLANO  
 COUNTY**

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Planning Services Division

**SOLANO COUNTY ZONING ADMINISTRATOR**  
**Minor Use Permit - Staff Report**  
**Debbie Kapuschinsky**

<b>Application No.</b> MU-17-07 Cowtown Minis <b>Project Planner:</b> Karen Avery		<b>Meeting of August 1, 2019</b> <b>Agenda Item No. 1</b>	
<b>Applicant:</b> Debbie Kapuschinsky 8283 Kobert Road Winters, CA 95694		<b>Property Owners</b> Merwin Scott Smith Debbie Kapuschinsky 8283 Kobert Road Winters, CA 95694	
<b>Action Requested:</b> Approval to establish a small kennel within an existing barn for up to 12 dogs for personal enjoyment. Owner would keep and breed adult dogs and sell puppies as available. No dog training, no commercial boarding, and no grooming services to be offered as part of the kennel operation.			
<b>Property Information</b>			
Size: 5 acres		Location: 8283 Kobert Road	
APNs: 0104-071-050			
Zoning: Rural Residential (RR-5)		Land Use: Residential	
General Plan: Rural Residential		Ag. Contract: N/A	
Utilities: Well and septic		Access: Kobert Road	
<b>Adjacent General Plan Designation, Zoning District, and Existing Land Use</b>			
	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Rural Residential	RR-5	Residential
<b>South</b>	Rural Residential	RR-5	Residential
<b>East</b>	Rural Residential	RR-5	Residential
<b>West</b>	Rural Residential	RR-5	Residential
<b>Environmental Analysis</b> The project qualifies for a Class 1 Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.			
<b>Motion to Approve:</b> <b>ADOPT</b> the attached resolution with respect to the findings and <b>APPROVE</b> Minor Use Permit No. MU-17-07 subject to the recommended conditions of approval.			

**PROJECT DESCRIPTION:**

The applicant is requesting a minor use permit to keep and breed 5-12 adult dogs on-site. The adult dogs are considered pets and are typically housed in the dwelling, garage or within the fenced yard surrounding the house. The entire property is enclosed by fencing. When puppies arrive, the female

dog and puppies will be housed within six portable kennels placed in an 1120 square foot existing barn which meets the 200' setbacks required by the Zoning Regulations for small kennels. The portable kennels will be kept in wood shavings, which will absorb urine. All shavings exposed to urine or feces will be picked up daily and exposed weekly in the garbage. Any sales of the puppies would take place on weekends, by appointment only and between the hours of 10:30 am and 3:00 pm. No dog training, no commercial boarding facility and no grooming services are being offered as part of the kennel operation.

#### **SETTING:**

The property is accessed from Kobert Road. The parcel is flat and is surrounded by parcels of similar sizes with residential uses. The property is in a rural area located between the Allendale area and Winters. All utilities are on-site.

#### **GENERAL PLAN AND ZONING CONSISTENCY**

The project is located within an area designated Rural Residential by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential (RR-5) District. The proposed kennel is consistent with the General Plan.

#### **ENVIRONMENTAL ANALYSIS (CEQA)**

The project qualifies for a Class 1 Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.

#### **DEPARTMENTAL REVIEW**

On June 26, 2019, the revised application (indicating the use of the existing barn) was reviewed by the Department of Resource Management's Development Review Committee. Comments were received from various Divisions of this Department, and the recommended conditions of approval have been incorporated herein.

##### Public Works Engineering Division

Public Works Engineering Division reviewed the application for the proposed kennel and had no concerns with the project.

##### Environmental Health Division

The applicant will need to the submitted Waste Management Plan that has been reviewed and approved by the Environmental Health Division. Should the Environmental Health Division receive complaints regarding odors, or disease vectors, like flies, stemming from the kennel operation, the applicant shall be responsible for providing an updated Waste Management Plan for review and approval.

##### Building Division

Since the public will be coming on-site, the applicant will need to comply with the ADA parking and accessibility requirements as described in the conditions of approval.

#### **RECOMMENDATION**

The Department recommends that the Zoning Administrative APPROVE the Minor Use Permit MUP-17-07, based on the findings enumerated herein, and subject to the conditions of approval incorporated in this report and ADOPT the attached resolution with respect to the findings and APPROVE Minor Use Permit No. MU-17-07 subject to the recommended conditions of approval.

#### **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 project is located within an area designated Rural Residential by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential (RR-5) District. The proposed kennel is consistent with the General Plan.

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

The site has permanent utilities installed including water, power and septic. The Solano County Public Works Engineering and determined there are no access or drainage concerns.

- 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.**

With the adherence to the conditions of approval, the proposed kennel 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 1 Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.

#### **CONDITIONS OF APPROVAL**

Planning Division/General

1. The proposed kennel facility shall be established in accord with the plans and information submitted with the Minor Use Permit Application MU-17-07, and as shown on the approved site plan received by Planning Services on May 30, 2019, prepared by the applicant, attached to this report and on file with the Planning Services Division and as approved by the Zoning Administrator.
2. 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.
3. Customer access to the site shall be limited to the proposed hours of 10:30 am – 3:00 pm on weekends or by appointment.
4. No additional uses, new or expanded buildings shall be established or constructed beyond those identified on the approved site plan or those otherwise allowed by right, without prior approval of a new permit or revision to the minor use permit.
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. Any 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 Rural Residential District. A sign permit shall be secured from the Department of Resource Management prior to installation of signage on site.
8. 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 (August 1, 2024). The cost associated with the periodic review shall be charged at that time.

#### Environmental Health Division

9. The applicant shall adhere to the submitted Waste Management Plan reviewed and approved by the Environmental Health Division. Should the Environmental Health Division receive complaints regarding odors, or disease vectors, like flies, stemming from the kennel operation, the applicant shall be responsible for providing an updated Waste Management Plan to address those complaints to the Environmental Health Division for review and approval.

#### Building Division

10. 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 most current edition of the code 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.
11. If the public will be accessing the property for any reason, the site and any buildings accessed by the public shall meet the minimum requirements for the disabled access under the California Disabled Access Codes and the ADA Federal Guidelines.
12. The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2013 California Building Code. An architect 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.
13. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all the worst case requirements between Chapter 11B of the 2013 California Building Code and the ADA Federal Law.

#### **Attachments:**

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

## SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

**WHEREAS**, the Solano County Zoning Administrator has considered Minor Use Permit Application No. MU-17-07 of Debbie Kapuschinsky to establish a small kennel in an existing barn for up to 12 dogs for personal enjoyment, with no training, boarding, or grooming services offered onsite at 8283 Kobert Road, Winters, 4 miles north of the City of Vacaville within the Rural Residential "RR-5" Zoning District, APN: 0104-071-050, 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 August 1, 2019, 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 project is located within an area designated Rural Residential by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Rural Residential (RR-5) District. The proposed kennel is consistent with the General Plan.

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

The site has permanent utilities installed including water, power and septic. The Solano County Public Works Engineering and determined there are no access or drainage concerns.

- 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.**

With the adherence to the conditions of approval, the proposed kennel 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 1 Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.**

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved Minor Use Permit Application No. MU-17-07 subject to the following recommended conditions of approval:

Planning Division/General

1. The proposed kennel facility shall be established in accord with the plans and information submitted with the Minor Use Permit Application MU-17-07, and as shown on the approved site plan received by Planning Services on May 30, 2019, prepared by the applicant, attached to this report and on file with the Planning Services Division and as approved by the Zoning Administrator.
2. 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.
3. Customer access to the site shall be limited to the proposed hours of 10:30 am – 3:00 pm on weekends or by appointment.
4. No additional uses, new or expanded buildings shall be established or constructed beyond those identified on the approved site plan or those otherwise allowed by right, without prior approval of a new permit or revision to the minor use permit.
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. Any 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 Rural Residential District. A sign permit shall be secured from the Department of Resource Management prior to installation of signage on site.
8. 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 (August 1, 2024). The cost associated with the periodic review shall be charged at that time.

Environmental Health Division

9. The applicant shall adhere to the submitted Waste Management Plan reviewed and approved by the Environmental Health Division. Should the Environmental Health Division receive complaints regarding odors, or disease vectors, like flies, stemming from the kennel operation, the applicant shall be responsible for providing an updated Waste Management Plan to address those complaints to the Environmental Health Division for review and approval.

Building Division

10. 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 most current edition of the code 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.

11. If the public will be accessing the property for any reason, the site and any buildings accessed by the public shall meet the minimum requirements for the disabled access under the California Disabled Access Codes and the ADA Federal Guidelines.
12. The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2013 California Building Code. An architect 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.
13. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all the worst case requirements between Chapter 11B of the 2013 California Building Code and the ADA Federal Law.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on August 1, 2019.

BILL EMLER, DIRECTOR  
RESOURCE MANAGEMENT

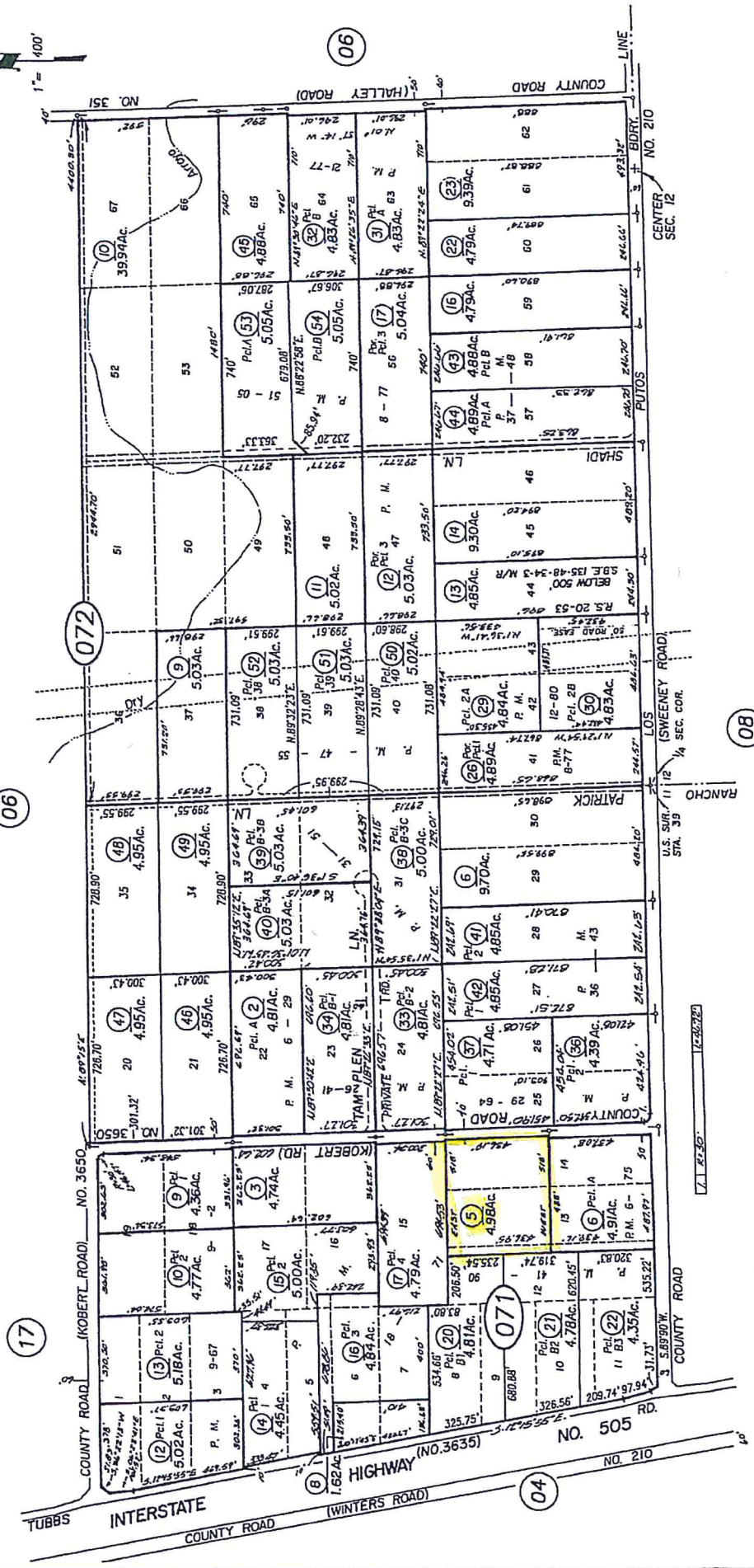
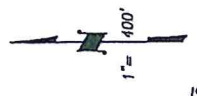
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Michael Yankovich  
Planning Program Manager

Tax Area Code  
63011

POR. LOT 38 RANCHO LOS PUTOS  
POR. SEC'S 11&12, T.7N., R.1W., M.D.B.&M. EXT.

104-07



Assessor's Map Bk. 104 Pg. 07  
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
072-53.54 (Pm)	11-21-14	Cr
072-50.51.52 (Pm)	3-10-06	Cr
072-46 (Pm)	12-31-03	Pa
071-201m22 (Pm)	2-3-00	Fg

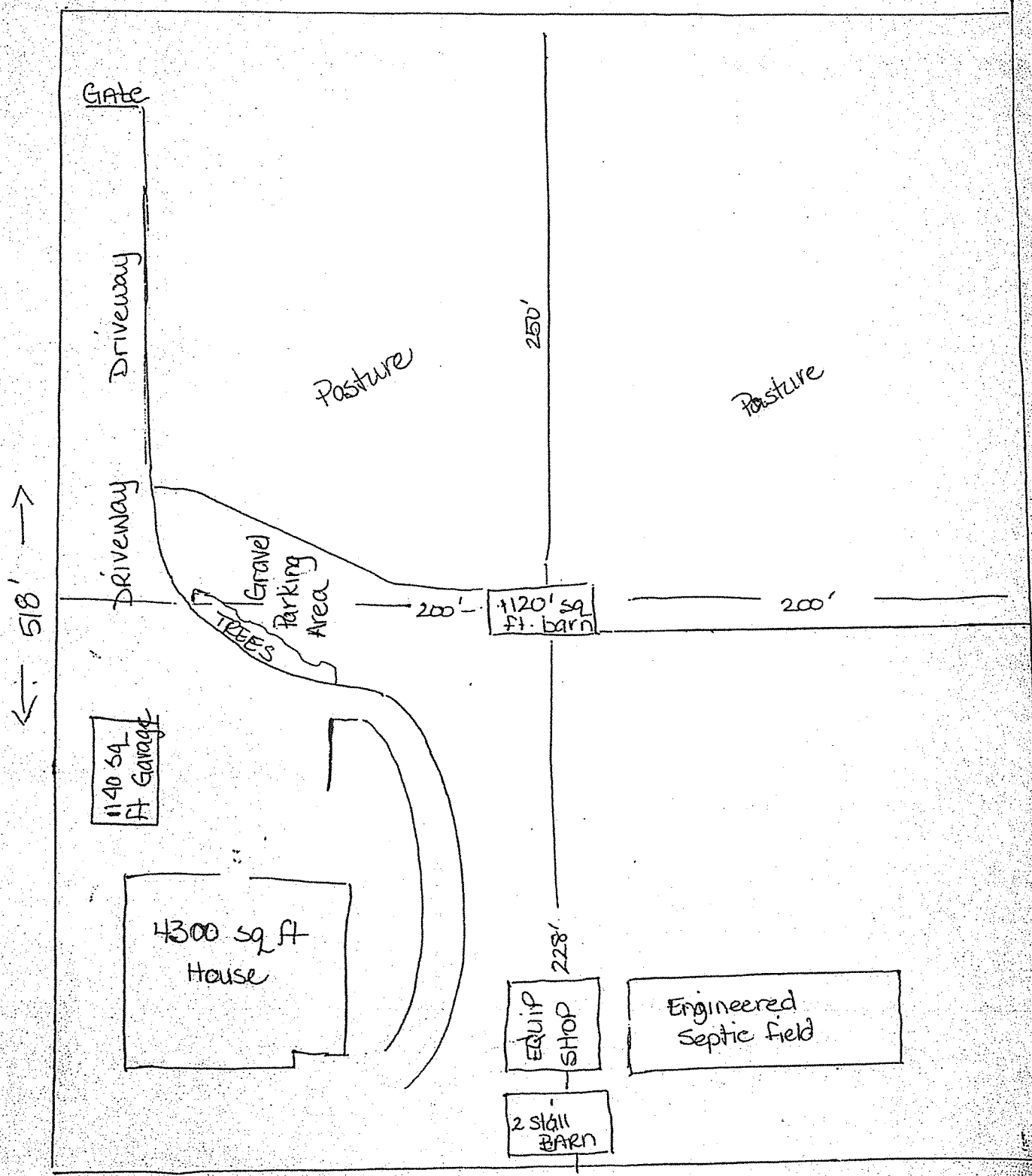
Locke Paddon Colony No. 3, R.M. Bk. 4 Pg. 14

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

15-16



← 436' → Koberb Rd.



Revised 5/30/19