



Department of Resource Management
Solano County Zoning Administrator
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Bill Emlen, Director
Terry Schmidtbauer, Asst Director

Use Permit Extension - Staff Report

Application: U-98-05-MR1-EX3
Project Planner: Eric Wilberg
Location: 7512 Elizabeth Road
General Plan: Rural Residential

Meeting of April 2, 2015
Agenda Item No. 2
Assessor Parcel Numbers: 0109-080-17,18,19
Zoning: Rural Residential 'RR 2.5'

Proposal

The applicant has filed extension No. 3 of Use Permit U-98-05-MR1 for the continued operation of a commercial dog kennel which provides boarding and grooming services. Pursuant to Section 28.106(N) of the County Zoning Regulations, use permits subject to periodic renewal shall be administratively approved if all of the following criteria are met:

- 1) The permittee has requested renewal;
- 2) The permittee has paid the applicable renewal fee; and
- 3) The use is being conducted in full compliance with all conditions of the use permit.

Background

Use Permit U-98-05 was originally granted by the Solano County Planning Commission (PC) May 21, 1998. On November 5, 1998 the PC granted an amendment to condition of approval No. 15 to permit wooden construction material of the north and south dog run walls. Minor revision No. 1 was granted by the PC on November 20, 2001 to permit additional runs, an awning, and outdoor exercise area at the facility. The outdoor exercise area was later enclosed by a 1,620 sq.ft. accessory structure via building permit B2013-0310.

Review and Recommendation

Based on the application materials submitted for this renewal and review of the approved development plans and conditions of approval, staff has determined that the commercial dog kennel is being operated in compliance with U-98-05-MR1. Staff recommends approval based on the following findings:

1. The applicant filed an application for a renewal.
2. The applicant has paid the necessary permit renewal fee.
3. The permitted use is operating in compliance with the conditions of approval as set forth in U-98-05-MR1.

Updated Permit Term (Condition of Approval No. 15)

The permit shall be in effect for a five (5) year period with the provision for an extension not exceeding five (5) years if the request is received prior to the expiration date of May 21, 2020.

Attachment:

Exhibit A - U-98-05-MR1 Permit and Planning Commission Resolution No. 4310



Department Of Environmental Management
 601 Texas Street, Fairfield, CA • 94533
 Planning Division
 (707) 421-6765

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**LAND USE PERMIT NO. U-98-05 and
 ARCHITECTURAL REVIEW NO. AR-98-05
 (Revision No. 1)**

JIM NETHERCOTT

(permittee)

To add additional runs, an awning, and outdoor exercise area to an existing dog kennel located at 7512 Elizabeth Road in an "RR-2.5" Rural Residential Zoning District, 2 miles northeast of the City of Vacaville, APN's: 109-080-17, 18 and 19.

(Land use, location and zone district)

In addition to the zoning regulations, the building laws and other ordinances, the conditions of granting this permit, if any, are attached.

Granting or conditional granting of this permit does not release the permittee from complying with all other county, state or federal laws. Failure to comply with all the aforementioned provisions and conditions will be cause for the revocation of this Permit by the County Planning Commission.

Failure, neglect or refusal to exercise this Permit within a period of one (1) year from the date of granting thereof, shall automatically cause the same to become and remain null and void.

Date Granted September 20, 2001

SOLANO COUNTY PLANNING COMMISSION

Issued by: *Birgitta Corsello*
 Birgitta Corsello, Director/Secretary

Date 11/20/01

R:\PLANNING(U-) Use Permits\1998\U-98-05 (Nethercott)\Minor Revision #1\U-98-05 & AR-98-05 mr1 (Nethercott) pc permit.doc10/05/2001

Exhibit A


SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO. 4310

WHEREAS, the Solano County Planning Commission has considered Minor Revision No. 1 to Use Permit No. U-98-05 and Architectural Review Application No. AR-98-05 of **Jim Nethercott** to add additional runs, an awning, and outdoor exercise area to an existing dog kennel located at 7512 Elizabeth Road in an "RR-2.5" Rural Residential Zoning District, 2 miles northeast of the City of Vacaville, APN's: 109-080-17, 18 and 19, and

WHEREAS, said Commission has reviewed the report of the Department of Environmental Management and heard testimony relative to the subject application at the duly noticed public hearing held on September 20, 2001, and

WHEREAS, after due consideration, the said Planning Commission has made the following findings in regard to said proposal:

1. The establishment, maintenance or operation of the proposed use is in conformity with the County General Plan with regard to traffic circulation, population densities and distribution and other aspects of the General Plan;

The operation and maintenance of a commercial kennel is consistent with the goal and the objectives and policies of the Solano County Land Use and Circulation Element. Original conditions of approval to the permit shall be reapplied.

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

External access to the site will be via Elizabeth Road with internal access via a twelve (12) foot wide driveway within a twenty-five (25) foot wide access easement. Adequate septic system and water is being provided.

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.

A Negative Declaration for the project was approved on May 21, 1998. No mitigation measures were required since no significant adverse impacts are likely to occur. Furthermore, the permittee testifies that there would not be any increase in the amount of dogs boarded in the property and, therefore, no increase in noise.

4. Adequate utilities and access have been provided.
5. The proposed revision to permitted use will not have a negative effect on neighboring properties nor pose a threat to the public's health or safety.

6. The existing commercial kennel will conform to the requirements of the Solano County Zoning Ordinance based on the imposition of the recommended conditions of approval.
7. The Solano County Planning Commission finds that on the basis of an Initial Study, the permitted project will not have a significant effect on the environment, and has adopted a Negative Declaration.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby adopt the mandatory and suggested findings, and approve Minor Revision No. 1 to Use Permit Application No. U-98-05 and Architectural Review Permit No. AR-98-05 subject to the following conditions of approval:

1. The proposed use shall be established in accord with the plans and information submitted with the original and minor revision No. to Use Permit Application No. U-98-05 and Architectural Review Application No. AR-98-05, as approved by the Solano County Planning Commission.
2. The operating hours of the kennel shall be limited to the hours of 7:00 a.m. to 6:00 p.m., seven days per week. The dogs shall be kept inside the kennel between the hours of 6:00 p.m. and 7:00 a.m. daily.
3. The building construction of the exterior wall and ceiling assemblies for the kennel shall meet a sound transmission class (STC) rating of 50 based on laboratory tests as defined in the American Society for Testing and Materials (ASTM) standards E 90 and E 413.
4. All lighting shall be shielded to prevent any light spillover onto surrounding properties. A lighting plan providing the location, light intensity and direction, construction and materials shall be submitted and approved by the Planning Division of the Department of Environmental Management prior to issuance of building permit.
5. The permittee shall improve the private driveway with decomposed granite to a minimum width of twelve (12) feet. The proposed onsite driveway and parking area shall be improved with decomposed granite.
6. No additional uses shall be established beyond those identified on the project plot plan without prior approval. No new or expanded buildings shall be constructed without prior approval of a minor revision to this use permit or approval of a new use permit.
7. All requirements of the Solano County Building and Safety Division shall be met including:
 - a. 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 sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.

- b. A building permit is required for the placement of the proposed modular office. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
 - c. Except as exempted in Chapter 31 of the Solano County Code, no person shall commence or perform any grading, filling, excavation, or clearing of vegetation for any purpose without having first obtained a grading permit from the Building and Safety Division.
8. All requirements of the Solano County Environmental Health Division shall be met, including:
- a. Pursuant to construction permits for the kennel, the permittee shall apply for a sewage disposal system (SDS) permit to dispose of wastewater associated with kennel cleaning and dog grooming. The system design will be based on a flow rate of 535 gallons per day and an application rate appropriate to the absorptive capacity of the soil. The approved rate flow may be adjusted during the SDS permitting process if water use efficiencies can be incorporated into the final system design.
 - b. If the permittee proposes to dispose of dog droppings as solid waste, then waste removal shall be at a frequency of at least twice weekly to interrupt the normal fly breeding cycle. Droppings shall be stored in a water proof container with a tight-fitting lid between waste removal pick-ups.
 - c. The permittee shall take actions as necessary to control odors, insect and animal vectors that may be associated with the operation.
9. The permittee shall acquire an Encroachment Permit from the Transportation Department for the connection of the private driveway to Elizabeth Road.
10. All requirements of the Solano County Department of Animal Control regarding licenses and permits shall be met.
11. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
12. 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 property.
13. Construction of the kennel shall commence within one year of final approval of this use permit. If construction work does not begin within one year and carried on diligently

to completion, the conditional use permit shall become void; however, the Planning Commission may authorize an extension in the case of unavoidable delay.

14. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of this permit and removal of the commercial dog kennel at the permittee's expense.
15. The permit shall be in effect for a five (5) year period with the provision for an extension not exceeding five (5) years if the request is received prior to the expiration date of May 21, 2003. Future extensions may be granted at the discretion of the Planning Commission.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on September 20, 2001 by the following vote:

AYES:	Commissioners	<u>Campbell, Stahl, Plutchok, Moore and</u> <u>Chairwoman Hawkes</u>
NOES:	Commissioners	<u>None</u>
ABSTAIN:	Commissioners	<u>None</u>
ABSENT:	Commissioners	<u>None</u>

By: *Birgitta Corsello*
Birgitta Corsello, Secretary