



Department of Resource Management
Solano County Zoning Administrator
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Bill Emlen, Director
Clifford Covey, Asst Director

Use Permit Renewal - Staff Report

Application: U-85-01-MR1-CR1 (Tapia)
Project Planner: Eric Wilberg
Location: 3488 Ramsey Road

Meeting of September 19, 2013
Agenda Item No. 1
Assessor Parcel Number: 0044-010-100 &
0046-330-130
Zoning: ASM-160 (Suisun Marsh Agricultural)

General Plan: Agriculture

Proposal

The applicant is requesting a compliance review of Use Permit U-85-01-MR1 and Marsh Development Permit MD-85-01. Pursuant to Section 28.106(N) of the Solano County Code, use permits approved prior to October 28, 2010, and which include a condition allowing a time extension of the permit are now subject the renewal period and procedure. A request for renewal of a use permit shall be approved if the following conditions are satisfied:

- 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

On April 4, 1985, the Planning Commission approved a use permit and marsh development permit for: a one-family residence, a poultry operation for up to 800 birds, a public stable, and a caretaker quarters. At that time a Negative Declaration was adopted for the project.

On May 15, 2008, the Zoning Administrator approved a minor revision which removed the poultry operation land use and added one public horse show per year. These changes were found exempt from the provisions of CEQA.

Review and Recommendation

On June 19, 2013 the Development Review Committee reviewed the renewal application for U-85-01-MR1 along with applicable development plans and conditions of approval, and determined that the agricultural processing facility is being operated in compliance with said permit. In addition, there are no active Code Enforcement cases involving the site.

Staff has reviewed the application and recommends approval based on the following findings:

1. The applicant filed an application for a renewal.
2. The applicant has paid the necessary fees in the amount of \$522.00
3. Through the development review process, staff has determined the project is operating in compliance with the conditions of approval as set forth in U-85-01-MR1.

Updated Permit Term

Condition of Approval No. 2 shall be updated as follows;

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, ~~May 15, 2008~~ May 15, 2013. The cost associated with the periodic reviews shall be charged at that time.

EXHIBIT A: U-85-01-MR1 Zoning Administrator Resolution No. 08-15

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 08-15**

WHEREAS, the Solano County Zoning Administrator has considered Minor Revision No. 1 to Use Permit No. U-85-01 and Marsh Development Permit No. MD-85-01 of **Enrique Tapia** for a public horse stable and residence, to include an additional 6.5 acres of land to the originally permitted area and to allow one public horse show per year in an "AL-160" Limited Agriculture Zoning District. The property is located at 3488 Ramsey Road in unincorporated Fairfield, approximately 1,000 feet south of Bridgeport Road, APN's: 0045-140-100 & 0046-330-130, 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 15, 2008, and

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

REQUIRED FINDINGS FOR USE PERMIT APPROVAL

MANDATORY FINDINGS

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 Solano County General Plan designates this property as Extensive Agriculture. Extensive Agriculture lands are predominantly used for dry land farming and grazing activities. The property is being used for horse boarding and grazing and is consistent with the General Plan Land Use designation.

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

Existing access is via Ramsey Road, which provides adequate access to accommodate the uses of the property. Temporary food service and sanitation facilities will be set up for the public horse show, subject to the approval of the Environmental Health Division of the County of Solano.

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 existing use does not constitute a nuisance nor does it degrade the comfort or general welfare of persons residing in or passing through the neighborhood.

EXHIBIT A

REQUIRED FINDINGS FOR MARSH DEVELOPMENT PERMIT APPROVAL

4. The application process complies with the California Environmental Quality Act of 1970, as amended.

A Negative Declaration was adopted for Use Permit 85-01. This minor revision adds one Public Horse Show per year. Staff has determined that the addition of one Public Horse Show per year is Categorically Exempt from CEQA (Guidelines 15304 (e)) Minor Changes in the Use of Land. The subsection deals with temporary uses of the land such as carnivals, which don't do permanent damage to the land.

5. 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 General Plan designates this property for Extensive Agriculture. Extensive Agriculture lands are predominantly used for dry land farming and grazing activities. The property is being used for horse boarding and grazing and is consistent with the General Plan Land Use designation. The previously approved Use Permit for poultry ranching and public horse stables is consistent with the General Plan.

Finally, the proposed addition of one public horse show per year is consistent with the General Plan since public horse shows can be permitted as a part of a horse boarding facility.

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

The project site is currently served by Ramsey Road, a county maintained public road. The Public Works Division has reviewed the application and determined that Ramsey Road has adequate capacity to serve the traffic generated by the addition of one Public Horse Show per year.

7. 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 proposal to conduct one public horse show per year is conditioned on the approval of food service and sanitary service by the Environmental Health Department, approval of handicap parking and pathways by the Building Department, approval of any permits required by the Fire Department of the Sheriff's Office and is subject to restrictions based on time of year, time of day, dust control, noise control. Therefore the proposal to conduct one public horse show per year, as conditioned, does not constitute a nuisance and will not be detrimental to the health, safety, peace, morals, comfort or general welfare or injurious to property or improvements in the neighborhood.

8. The proposed development shall be consistent with the certified Suisun Marsh Local Protection Program.

The project is located in the secondary management area of the Suisun Marsh. Use Permit 85-01 was reviewed by the San Francisco Bay Conservation and Development District and approved by the County of Solano in 1985. The Permit was deemed to be consistent with the Suisun Marsh Protection Plan. Staff has determined that this minor revision to permit one Public Horse Show per year is consistent with the Protection Plan.

ADDITIONAL FINDING

9. As conditioned, the facility complies with all applicable sub-sections of the Solano County Zoning Ordinance relating to rural residential enterprises.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved the minor revision to Use Permit No. U-85-01 and Marsh Development Permit No. MD-85-01 subject to the following recommended conditions of approval:

Prior Conditions of Approval remaining in effect:

1. The uses shall be established in accord with the plans and information submitted with the Use Permit Application No. 85-01 mr1/Marsh Development Application No. MD-85-01 as modified by additional conditions set forth below.
2. 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, May 15, 2008. The cost associated with the periodic reviews shall be charged at that time.
3. The applicant shall apply for, obtain and comply with the requirements of an encroachment permit from Public Works Engineering for the two driveway accesses within the right of way of Ramsey Road.
4. All parking shall be onsite. No parking will be allowed along the frontage of Ramsey Road.
5. The project shall meet all requirements of the division of Environmental Health Services including the following prior to the issuance of any zoning-building permits.
 - a. Approval of sewage disposals facilities by the Regional Water Quality Control Board.
6. The project shall meet all requirements of the Cordelia Fire District.
7. A driveway and parking area shall be established on site for the public stable in accord with staff recommendations. All driveways and parking shall be gravel.
8. The premises shall be maintained in a neat and orderly manner and kept freed of accumulated debris or junk.

9. All required permits and licenses shall be secured and maintained from the State Department of Fish and Game prior to and as part of establishment and operation of the poultry operation.
10. Adequate measures shall be taken to prevent offensive noise, lighting, odors, dust or other impacts which constitute a hazard or nuisance to surrounding property.
11. Should the use be found during any review to be operating as a public nuisance or to be failing into any of the conditions of the permit, the permit will be subject to revocation by the County of Solano as provided for in Chapter 28 of the County Code.

New Conditions of Approval:

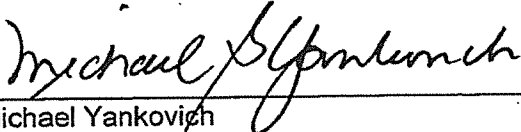
12. The operating hours of the public stable shall be limited to the hours of 8:00 a.m. to 9:00 p.m., with arrivals occurring no earlier than 7:00 a.m. and departures no later than 10:00 p.m.
13. The operating hours for all horse shows shall be limited to the hours of 1:30 p.m. to 7:30 p.m., with arrivals occurring no earlier than 11:00 a.m. and departures no later than 8:30 p.m.
14. Dust shall be controlled by watering down the riding arenas prior to every public or private horse show during the dry season.
15. All lighting shall be shielded to prevent any light spillover onto surrounding residential properties.
16. Two weeks prior to the annual public horse show event or one week prior to any private horse show event, the permittee shall provide notice to all adjacent homeowners and the County of Solano Resource Management of the permittee's intent to conduct the one public horse show.
17. The one public horse show event shall be conducted between June 1st and August 31st.
18. No electronic sound amplification shall be utilized for the performance of live music on the premises.
19. The permittee states that up to 300 persons may attend the public horse show. The maximum occupancy for the event is therefore set at 300 persons and the required parking shall be one space per four occupants, or 75 spaces.
20. The permittee shall obtain any necessary permits from the Cordelia Fire Department and the Solano County Sheriff's Office prior to the conduct of the one public horse show each year.
21. The Building Division requires that all facilities open to the public be ADA compliant. The permittee shall submit a parking plan to the Building Division showing the locations of all ADA parking area and the required paths of travel to all public areas of the site. All ADA required parking areas and required paths of travel shall be paved.

Resolution No. 08-15
U-85-01/MD-85-01, Tapia

22. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of regular compliance reviews occurring at five (5) year intervals beginning May 15, 2013:

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on May 15, 2008.

BIRGITTA E. CORSELLO, DIRECTOR
RESOURCE MANAGEMENT



Michael Yankovich
Planning Program Manager

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