SOLANO COUNTY ZONING ADMINISTRATOR

Use Permit Application No. U-09-02 (Bravos)

Application: U-09-02 Meeting of June 4, 2009

Project Planner: Michael Profant, Assistant Planner Agenda Item No. 1

LOCATION: 7768 Sikes Road, APN: 0112-020-080

PARCEL SIZE: 39.55 acres

GENERAL PLAN: Agriculture

ZONING: Exclusive Agricultural (A-40)

EXISTING

LAND USE: Single-family dwelling; agriculture

SURROUNDING

LAND USES: Agriculture

ENVIRONMENTAL DETERMINATION

Staff has determined that the project is exempt from the requirements of CEQA, pursuant to Section 15303 of the Guidelines: New Construction or Conversion of Small Structures.

SITE DESCRIPTION

The project site is located three miles east of the City of Dixon (Exhibit B). Consisting of 39.55 acres, the property lies on the east side of Sikes Road, approximately one half mile south of Hackman Road, and is zoned Exclusive Agricultural (A-40).

Access to the existing single-family dwelling, which is situated 540 feet east of the front property line, is by way of a long gravel driveway connecting to Sikes Road. A small chicken coop is located southeast of the house. Freestanding solar panels are positioned about 190 feet east of the front property line.

The property is entirely flat and is used primarily for the production of rye grass. Approximately one quarter acre of the lot has been planted in fruit and nut trees. The surrounding parcels are used for agriculture as well.

PROJECT DESCRIPTION

The applicant has applied for a use permit for a large-animal veterinary facility. He intends to build a 50 foot by 30 foot barn 135 feet north of the existing house (Exhibit C). The existing driveway will be extended to serve the barn and to provide space for a fire truck

turn around. The proposed barn will be a stick-built structure with a pitched roof and a vented cupola (Exhibit D). The maximum height of the structure will be 25 feet. Two five foot wide doors on the front elevation will provide access to the structure. No interior walls are proposed within the barn. Three additional doors may be added at a later date—one on each side and one at the rear of the building (Exhibit E).

The applicant does not intend to receive clients at this location. Thus, the barn is not designed as a veterinary clinic. He plans to use the building for storage associated with his off-site veterinary practice. The barn will be used to house his pick-up truck/mobile veterinary unit (3/4 ton), boxes of syringes, needles, cast and leg wrap materials, steel ear tags, a refrigerator containing vaccines and medications, plastic containers with bottles of antibiotics and other oral and injectable drugs, and a portable equine stockade. There will also be incidental storage of items used in furtherance of agriculture on the property, including a tractor and hay and grain for livestock.

Although the applicant had originally considered the possibility of designing the structure so that it could be used to receive clients, he decided that the additional expense that would be incurred to make that option feasible was too great.

Per the Public Works/Engineering Division, the applicant's property is located within a Special Flood Hazard Area. As a result, any structure intended for residential or commercial use must be constructed at least one foot above base flood elevation. In the proposed location, base flood elevation is 44 feet, but the existing pad for the barn is currently at an elevation of 42 feet. There is an exemption in the building code for structures used for agricultural storage, and the applicant has elected to take advantage of this exemption rather than build up the pad an additional three feet.

The applicant has also requested to place two signs on the property to advertise his business. One sign will be located 30 feet north of the driveway facing Sikes Road, 12 feet from the front property line, and will read "Mill Station Veterinary Service" with the applicant's phone number underneath. It will be 4 feet by 2 feet mounted on two 6" by 6" posts at a maximum height of four feet. The lettering will be in black on a white background.

The second sign will be identical in size, color, and copy. This sign, however, will be mounted on the front of the barn to the right of the barn doors at a maximum height of 6 feet.

ANALYSIS

General Plan and Zoning

The subject property is designated Agriculture in the Solano County General Plan. Its Exclusive Agricultural "A-40" zoning is consistent with that designation.

Section 28-21 of the Solano County Zoning Ordinance states that a veterinary facility is a conditionally allowed service use in the Exclusive Agricultural zoning districts. Additionally, Section 28.53(i)(5) sets forth the requirement for animal hospitals to prevent offensive noise and odor and further provides that no incineration of refuse can take place on the property.

These conditions seem to apply primarily to facilities where animals are being housed and treated on site. In the present case, the applicant will travel to off-site locations to care for animals and the proposed barn will be used strictly for storage of supplies associated with his veterinary practice. As such, there is no potential for noise and odor due to the project. However, the requirement that incineration of refuse shall not take place on the premises will be imposed upon the proposed facility. This prohibition applies to medical waste as well as other types of refuse that may be generated by the facility.

Per Section 28.21.040(C) of the Zoning Ordinance, in the Exclusive Agricultural zoning districts, accessory buildings such as the proposed barn are subject to a 60 foot front yard setback, a 20 foot side yard setback, and a 20 foot rear yard setback. Accessory buildings also must be at least 10 feet from any dwelling unit. The maximum allowed building height is 35 feet.

The proposed barn complies in all respects with these developments standards. The barn will be located approximately 550 feet from the front property line, 2,000 feet from the rear property line, 500 feet from the south property line (side), and 180 feet from the north property line (side). It will also be sited approximately 135 feet north of the existing residence. The maximum height of the structure will be 25 feet.

Williamson Act

The subject property is encumbered by a Williamson Act contract. Therefore, any use of the property must either be agricultural in nature or compatible with agriculture. The principles of compatibility are enumerated in Section IV(A) of the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts. The use cannot (a) significantly compromise the long-term productive agricultural capability of the land; (b) significantly displace or impair current or reasonably foreseeable agricultural operations; or (c) result in the significant removal of adjacent contracted land from agricultural or open-space use.

In evaluating the proposal against the compatibility criteria outlined above, the proposed 1,500 square foot barn will not significantly displace or impair agricultural operations on the property. The land is currently used for the cultivation of rye grass, with a small area set aside for fruit and nut trees. The small, existing pad where the barn will be built constitutes a small fraction of the overall 39.55 acre parcel. Additionally, a portion of the proposed barn will be used to store agricultural implements used in the cultivation of the subject property.

Furthermore, the proposed barn will not result in the removal of adjacent property from commercial agricultural use. The applicant's practice focuses on large animal species such as cattle and other farm animals. These animals generally qualify as agricultural commodities under the Williamson Act. Consequently, the applicant's veterinary practice supports the surrounding farming community and will enhance agricultural operations in the region.

Signage

The proposed signage complies with all requirements of Section 28.66.060 of the Zoning Ordinance, which sets forth sign standards for each zoning district. In the Exclusive Agricultural Districts, a maximum of three signs are allowed, as long as their aggregate square footage does not exceed 60 square feet. Here, the applicant has proposed two signs with an aggregate square footage of 16 square feet.

Both freestanding and wall signs are allowed. Freestanding signs cannot exceed 6 feet in height and wall-mounted signs must be placed below eave level on a building. The proposed freestanding sign will be placed at a maximum height of four feet and the proposed wall sign will be mounted at a maximum height of 6 feet, below the building eaves.

The proposed signs also comply with the standards for specific types of signs as set forth in Section 28.66.070 and are in substantial conformance with the sign design criteria provided in Sections 28.66.050 (D) and (E). Neither sign will be illuminated.

RECOMMENDATION

Staff recommends that the Zoning Administrator approve Use Permit Application U-09-02 based on the Mandatory and Additional Findings and subject to the recommended Conditions of Approval listed below:

USE PERMIT FINDINGS

Mandatory Findings

 That the establishment, maintenance or operation of the use applied for 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.

The use is consistent with the goals, objectives, and policies of the Solano County General Plan. The property is designated Agriculture in the General Plan and the proposed large-animal veterinary facility is an agricultural service use.

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

The existing gravel driveway will be lengthened to serve the proposed barn. Adequate utilities currently exist on the property.

3. That the applicant exhibits proof that such use will not, under the circumstances of the 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.

Since animals will not be housed or treated on site, there is no danger of offensive noise, odor, or other nuisance associated with the project. The use will support surrounding agricultural operations and will not be detrimental to the welfare of County residents.

Additional Findings

4. The project qualifies for a Class 3 Categorical Exemption from CEQA.

The project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303: New Construction or Conversion of Small Structures.

5. The project qualifies as a compatible use on property under the Williamson Act.

As the proposed use will not significantly impair commercial agriculture on the subject property and will support agriculture in the surrounding area, the use qualifies as a compatible use under the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts.

SIGNAGE FINDINGS

Mandatory Findings

1. The proposed signs do not exceed the standards of Sections 28.66.060 (Zoning District Sign Standards) and 28.66.070 (Standards for Specific Types of Signs), and are of the minimum size and height necessary to enable motorists and pedestrians to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site.

The proposed signs meet the standards of Section 28.66.060 with respect to size, location, and height, as well as the standards in Sections 28.66.070 (B) and (E). The signs will allow motorists on Sikes Road to identify the facility from a sufficient distance to safely and conveniently access the facility.

2. The size, location, and design of the signs are visually complementary and compatible with the size and architectural style of the primary structures on the site, any prominent natural features of the site, and structures and prominent natural features on adjacent properties on the same street in the immediate vicinity.

The proposed signs are complementary and compatible with the architectural character of the site and surrounding area.

3. The proposed signs are in substantial conformance with the sign design criteria provided in Section 28.66.050 (D) and (E) of the Sign Regulations.

The proposed signs meet the pertinent standards regarding design and illumination as set forth in Sections 28.66.050(D) and (E) of the Solano County Zoning Ordinance.

RECOMMENDED CONDITIONS OF APPROVAL

- 1. The proposed use shall be established in accord with the plans and information for Use Permit U-09-02, prepared by Highline Builders, Inc., submitted January 29, 2009 by the applicant, and as approved by the Solano County 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. The veterinary facility is permitted only for storage of materials related to the permittee's private practice. It cannot be converted into a clinic receiving client visits because the structure is to be built below base flood elevation.
- 4. As long as the barn is used for the storage of veterinary supplies, the permittee shall continue to focus his veterinary practice on the treatment of farm animals that are regarded as agricultural commodities under the Williamson Act.
- 5. No incineration of refuse, including medical waste, shall be allowed on the subject property.
- 6. No enlargement of the proposed barn, construction of additional structures, or outdoor storage used in conjunction with the conditionally allowed veterinary facility shall be allowed without prior approval of a minor revision to this use permit. Additional structures or uses that are unrelated to the veterinary facility and allowed by right under the County Zoning Ordinance may be approved without a revision to this use permit, at the discretion of the Zoning Administrator.

- 7. 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.
- 8. Prior to issuance of building permits, all requirements of the Dixon Fire Department shall be met.
- The permittee shall consult with the Building and Safety Division prior to installation of the approved signage to determine whether a building permit is required and, if so, the permittee shall obtain said permit.
- 10. Any relocation or enlargement of the two signs described in this report or additional signage shall require a sign permit from the Planning Services Division.
- 11. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
- 12. 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.
- 13. Violation of any of the foregoing conditions shall be cause for revocation of this permit.

Attachments:

Exhibit A: Draft Resolution
Exhibit B: Location Map
Exhibit C: Site Plan

Exhibit D: Elevations Exhibit E: Floor Plan

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. --

WHEREAS, the Solano County Zoning Administrator has considered Use Permit Application No. U-09-02 of Jason Bravos for a Rural Resident Enterprise for veterinary services located at 7768 Sikes Road in an "A-40" Exclusive Agricultural Zoning District, 3 miles east of the City of Dixon, APN: 0112-020-080, 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 June 4, 2009, and

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

Mandatory Findings

 That the establishment, maintenance or operation of the use applied for 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.

The use is consistent with the goals, objectives, and policies of the Solano County General Plan. The property is designated Agriculture in the General Plan and the proposed large-animal veterinary facility is an agricultural service use.

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

The existing gravel driveway will be lengthened to serve the proposed barn. Adequate utilities currently exist on the property.

3. That the applicant exhibits proof that such use will not, under the circumstances of the 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.

Since animals will not be housed or treated on site, there is no danger of offensive noise, odor, or other nuisance associated with the project. The use will support surrounding agricultural operations and will not be detrimental to the welfare of County residents.

Additional Findings

4. The project qualifies for a Class 3 Categorical Exemption from CEQA.

Exhibit A

The project is categorically exempt from the California Environmental Quality Act pursuant to Section 15303: New Construction or Conversion of Small Structures.

5. The project qualifies as a compatible use on property under the Williamson Act.

As the proposed use will not significantly impair commercial agriculture on the subject property and will support agriculture in the surrounding area, the use qualifies as a compatible use under the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts.

SIGNAGE FINDINGS

Mandatory Findings

1. The proposed signs do not exceed the standards of Sections 28.66.060 (Zoning District Sign Standards) and 28.66.070 (Standards for Specific Types of Signs), and are of the minimum size and height necessary to enable motorists and pedestrians to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site.

The proposed signs meet the standards of Section 28.66.060 with respect to size, location, and height, as well as the standards in Sections 28.66.070 (B) and (E). The signs will allow motorists on Sikes Road to identify the facility from a sufficient distance to safely and conveniently access the facility.

2. The size, location, and design of the signs are visually complementary and compatible with the size and architectural style of the primary structures on the site, any prominent natural features of the site, and structures and prominent natural features on adjacent properties on the same street in the immediate vicinity.

The proposed signs are complementary and compatible with the architectural character of the site and surrounding area.

3. The proposed signs are in substantial conformance with the sign design criteria provided in Section 28.66.050 (D) and (E) of the Sign Regulations.

The proposed signs meet the pertinent standards regarding design and illumination as set forth in Sections 28.66.050(D) and (E) of the Solano County Zoning Ordinance.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Use Permit Application No. U-09-02 subject to the following recommended conditions of approval:

- 1. The proposed use shall be established in accord with the plans and information for Use Permit U-09-02, prepared by Highline Builders, Inc., submitted January 29, 2009 by the applicant, and as approved by the Solano County Zoning Administrator.
- 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.

- The veterinary facility is permitted only for storage of materials related to the permittee's private practice. It cannot be converted into a clinic receiving client visits because the structure is to be built below base flood elevation.
- 4. As long as the barn is used for the storage of veterinary supplies, the permittee shall continue to focus his veterinary practice on the treatment of farm animals that are regarded as agricultural commodities under the Williamson Act.
- 5. No incineration of refuse, including medical waste, shall be allowed on the subject property.
- 6. No enlargement of the proposed barn, construction of additional structures, or outdoor storage used in conjunction with the conditionally allowed veterinary facility shall be allowed without prior approval of a minor revision to this use permit. Additional structures or uses that are unrelated to the veterinary facility and allowed by right under the County Zoning Ordinance may be approved without a revision to this use permit, at the discretion of the Zoning Administrator.
- 7. 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.
- 8. Prior to issuance of building permits, all requirements of the Dixon Fire Department shall be met.
- 9. The permittee shall consult with the Building and Safety Division prior to installation of the approved signage to determine whether a building permit is required and, if so, the permittee shall obtain said permit.
- 10. Any relocation or enlargement of the two signs described in this report or additional signage shall require a sign permit from the Planning Services Division.
- 11. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
- 12. 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.
- 13. Violation of any of the foregoing conditions shall be cause for revocation of this permit.

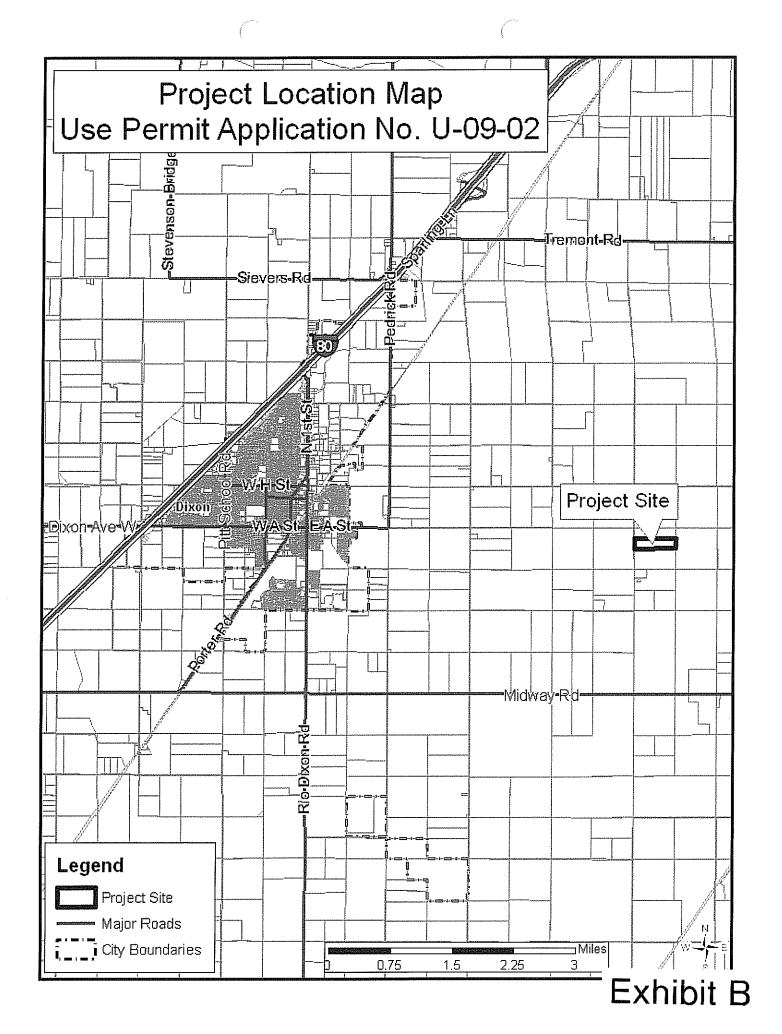
Resolution No. -U-09-02, Bravos

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on June 4, 2009.

BIRGITTA E. CORSELLO, DIRECTOR RESOURCE MANAGEMENT

Michael Yankovich

Planning Program Manager
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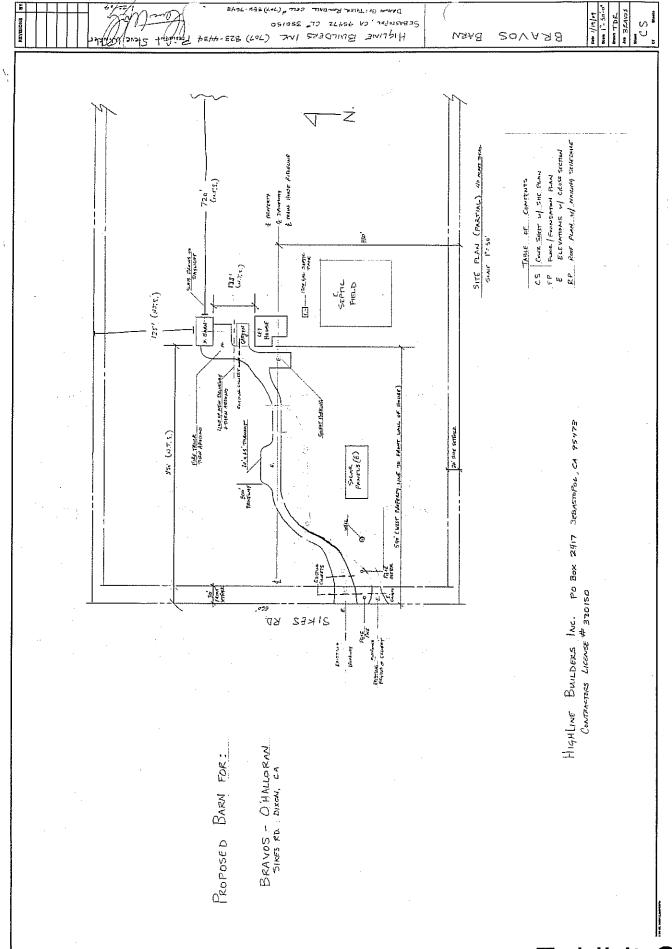
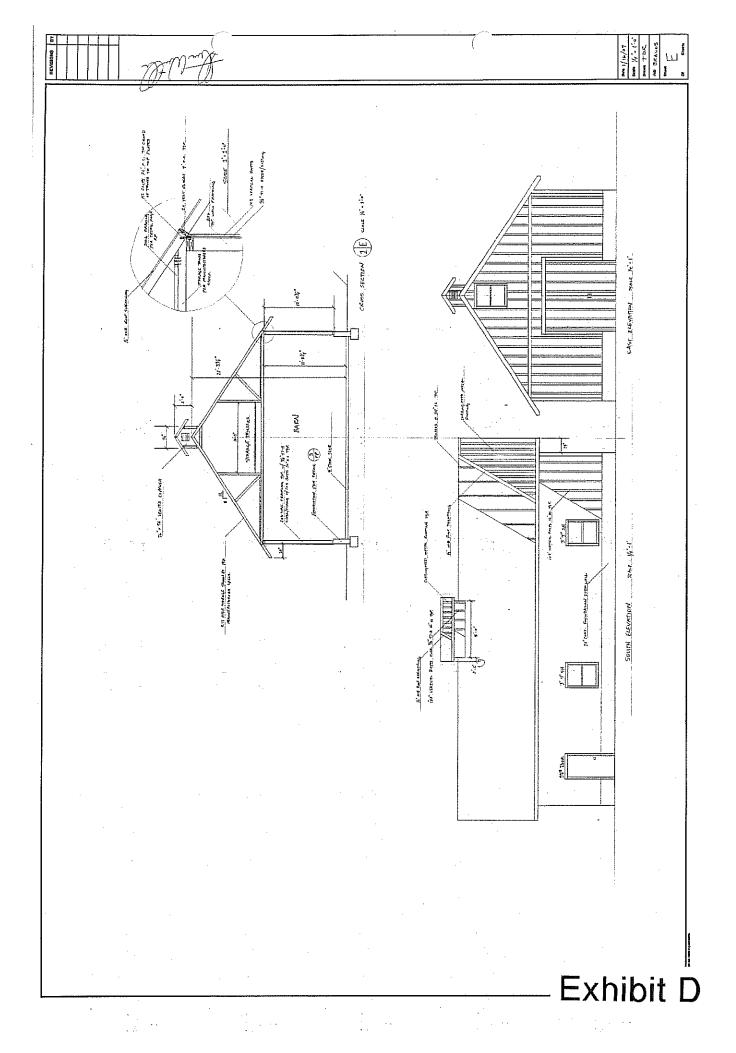


Exhibit C



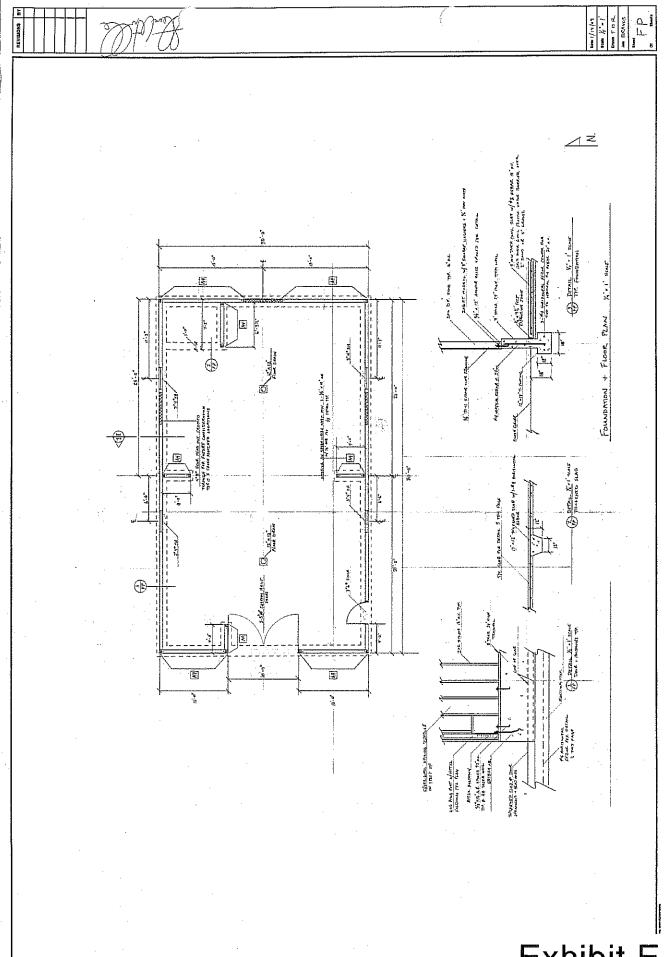


Exhibit E