



Agenda Submittal

Agenda #: 1 **Status:** PC-Regular
Type: PC-Document **Department:** Planning Commission
File #: PC 19-042 **Contact:** Teresa Schow 784-6765
Agenda date: 12/5/2019 **Final action:**
Title: PUBLIC HEARING to consider Amendment No. 1 to Use Permit no. U-99-04 to allow 40 additional temporary horse stalls, a horse walker, commercial coach and storage building for the existing public horse stable and Variance to allow horse stalls within the 200-foot setback from the property line. The property is located at 6954 Lewis Road, in the unincorporated portion of Vacaville and zoned Exclusive Agriculture 40 acre minimum "A - 40", APN.: 0141-020-140. (Project Planner: Nedzlene Ferrario)
Governing body: Planning Commission
District:
Attachments: 1. A - Site Plan, 2. B - Aerial, 3. C - Draft Resolution, 4. D - Notice of Exemption, 5. E - Project Location

Date	Ver.	Action By	Action	Result
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Published Notice Required? Yes X No ____
Public Hearing Required? Yes X No ____

RECOMMENDATION:

The Planning Commission **ADOPT** the attached resolution with respect to the mandatory and suggested findings and **APPROVE** amendment no. 1 to Use Permit no. U-99-04 and Variance No. V-19-03 subject to the recommended conditions of approval.

EXECUTIVE SUMMARY:

Approval of the application will legalize the expansion of the Christiane Noelting Dressage Center. Several structures were constructed without permits and the requested Variance allows the Planning Commission to consider the special circumstances applicable to a subject property, including size, shape, topography, location or surroundings when applying the strict application of development standards in the Zoning Ordinance. The applicant is requesting a Variance to deviate from the required 200-foot setback for structures that provide shelter for 10 or more horses. The subject site is constrained by the long and narrow shape of the parcel, and due to 100-foot wide Gibson Creek Canyon and 40-foot wide Kilkenny Canal located on the front portion of the property; thereby, restricting areas for circulation, parking and structures. Additionally, in order to rectify the unpermitted issues, the recommendation includes securing after the fact building permits, business license renewal and payment of applicable fees within 6 months of use permit approval. If the permittee fails to comply within this timeframe, use permit revocation proceedings shall be initiated.

ENVIRONMENTAL ANALYSIS:

Determine that the project qualifies for Class 1 Categorical Exemption Section 15301 Existing Facilities, pursuant to the California Environmental Quality Act. The improvements exist, and additional environmental effects are not anticipated.

DISCUSSION

Background/Description: The Christiane Noelting Dressage Center is an equestrian facility that provides boarding, training, lessons, horse sales and shows. The 39-acre property is developed with a residence, barns, indoor and outdoor arenas, parking and access driveways, concentrated primarily in the front portion of the property. The use permit was granted on June 3, 1999 by the Planning Commission to allow for horse training and boarding for 40 horses, small horse shows and riding instruction. According to the applicant, the number of people, events and vehicles have not changed and remain consistent with the use permit approved in 1999. The number of events, people and vehicles are described in condition no. 2. In 2006 and 2010, revisions were approved to allow additional structures such as lunge pens and a horse shelter. The use permit is subject to 5-year compliance review and during the 2018 compliance review process, several structures were observed as constructed without use permit. The following structures identified on the Site Plan have not received Planning review are as follows:

1. Commercial coach/modular 16 ft x 40 ft (224 sq. ft) - used as a classroom
2. Two portable/temporary horse stalls, totaling 40 stalls
3. Horse walker - 66 feet in diameter
4. Shipping container - hay storage
5. Gazebo

The structures are accessory to the horse facility and consistent with a public horse stable, Zoning and General Plan policies, and Planning staff recommends approval of the amendment. The commercial coach/modular, horse stalls, shipping container are used on a permanent basis; therefore, required to be anchored to the ground pursuant to the Building Code.

Building Permit and Business License Renewal: According to records review, the structures listed above were constructed without building permit approval and it appears that the addition to the lunge pen on the northside of the property may have been constructed without permit. The business license renewal is on hold since January 27, 2017 pending use permit and building permit approval. Approval of the amendment is conditioned upon the applicant securing building permit approval and business license renewal within 6 months of use permit approval. If the applicant fails to comply within this timeframe, use permit revocation proceedings shall be initiated.

Development standards: The facility is subject to the development standards for Public Horse Stables with Horse Shows (Table 28-73B of the Zoning Code) in the A-40 zoning district.

	Minimum Distance from any Dwelling Unit	Minimum Distance from Side and Rear Property Lines	Minimum Distance from Front Property Lines
Pens for no more than one horse; Barns and other similar shelters for nine horses or less	20 feet	20 feet	60 feet
Corrals, paddocks, riding rings and other similar horse arena	20 feet	60 feet	60 feet
Horse Shows, barns and other similar shelters for 10 or more horses and accessory buildings and areas.	20 feet	200 feet	200 feet

* Where the front property line lies within a county road easement, the setback shall be measured from the outer easement line.

The structures are consistent with the above standards with the exception of a row of 40 horse stalls located on the south side of the covered arena. In 1999, 20 horse stalls were approved in this location consistent with the development standards at the time; however, another row of horse stalls have been added since the 1999 approval. The additional horse stalls conflict with the current 200-foot setback requirement.

Variance: A Variance allows the Planning Commission to consider the special circumstances applicable to a subject property, including size, shape, topography, location or surroundings when applying the strict application of development standards in the Zoning Ordinance. Section 28.107 of the County Zoning Regulations states: *the Planning Commission shall have the power to grant variances from the terms of this Chapter; except that, in no case shall a variance be granted to allow a use of land or buildings not permitted in the district in which the subject property is located.* Variances from the terms of Chapter 28 may only be granted when the Planning Commission can make the findings for two specific conditions. These conditions are detailed below in the Variance Mandatory Findings section. In summary, the developable area of the subject site, particularly for circulation, parking and structures, is constrained by the long and narrow shape of the parcel (658 feet x 2600 feet), the 100-foot wide Gibson Canyon Creek canal and easement, and 40-foot wide Kilkenny Canal. Granting of the variance is not a special privilege in that the circumstances are unique to the subject site. Planning staff recommends granting the Variance on the condition that 10-foot setback or clearance shall be maintained between the horse stalls and the property line for safety purposes.

FINDINGS:

USE PERMIT

- 1. 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.**

The structures are accessory to the public horse stable and do not conflict with the policies and intent of the Solano County General Plan, including but not limited to, the Agriculture designation of the General Plan.

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

Existing access to the site from Lewis Road is adequate for the facility. The site is served by necessary utilities, 2 septic systems and a private well. Adequate utilities, access roads, drainage and other necessary facilities have been 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.**

No evidence has been received indicating that the existing levels of operation constitute a nuisance or are detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing, working in, or passing through the neighborhood. In addition, it is not anticipated that the construction of the proposed structure will constitute a nuisance or are detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing, working in, or passing through the neighborhood.

MANDATORY VARIANCE FINDINGS:

- 1. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this Chapter is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.**

The property is long and narrow in shape (658 feet wide x 2600 feet long) and further encumbered by two canals; 100-foot wide Gibson Canyon Creek canal which bisects the front portion of the property and traverses the property along the north and east, and 40-foot wide Kilkenny Canal, located on the west side of the site. Therefore, the size, shape and presence of the canals physically restrict the developable portion of the property.

- 2. Variance granted shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which subject property is situated.**

The variance is not a special privilege in that the physical circumstances are unique to the property.

CEQA:

- 3. The project qualifies for Class 1 Categorical Exemption Section 15301 Existing Facilities, pursuant to the California Environmental Quality Act.**

RECOMMENDED CONDITIONS OF APPROVAL:

- Approval is granted to allow a public horse stable with shows at 6984 Lewis Road, Vacaville. The approval for the facility is limited to maximum boarding capacity for 40 horses and 40 additional horse stalls. The approved Site Plan for the facility is consistent with Exhibit A.
- Equestrian lessons and day camps shall be limited to 10 participants at any one time. Dressage horse shows and events shall be limited to three (3) 1-2 day Dressage Shows per year with a maximum of 50 people and 25 cars in attendance at one event. Maximum of six (6) 3 - 4 day clinics/seminars per year with a maximum of 25 participants at any one time. All such activities shall conclude no later than 9:00 p.m.
- Maintain a minimum 10-foot setback between horse corrals or stalls and the property line.
- Approval of U-99-04 Amendment No. 1 supersedes prior approvals.
- Comply with the Vacaville Fire Protection rules and regulations.
- Within 6 months of use permit approval, the permittee shall secure the appropriate Building Permits for the existing structures pursuant to the Building Code, renew the Business License and pay appropriate fees.
- Comply with the accessibility requirements under the American Disability Act and California Code for the disabled, as required by the Building and Safety Division
- The facility shall be kept clean and free of accumulated horse manure so as not to create a public health nuisance or a breeding area for flies.

9. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
10. 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.
11. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit.
12. The subject use permit shall be in effect for a five (5) year period. An extension may be granted if said request is received prior to the expiration date of *June 3, 2023* and the use is found to be in full compliance with the terms and conditions of this permit at that time. The applicant shall submit a "Report of Compliance" to the Resource Management Department, along with applicable "Periodic Review and Written Report fees", on the fifth (5th) anniversary of the issuance of this permit for review by the staff. The "Report of Compliance" shall address compliance of the conditions of approval.

ATTACHMENTS:

- Exhibit A - Site Plan
- Exhibit B - Aerial
- Exhibit C - Draft Resolution
- Exhibit D - Notice of Exemption
- Exhibit E - Project Location