

# **Solano County**

*675 Texas Street  
Fairfield, California 94533  
[www.solanocounty.com](http://www.solanocounty.com)*



## **Agenda - Final**

**Thursday, December 5, 2019**

**7:00 PM**

**Board of Supervisors Chambers**

**Planning Commission**

Any person wishing to address any item listed on the Agenda may do so by submitting a Speaker Card to the Clerk before the Commission considers the specific item. Cards are available at the entrance to the meeting chambers. Please limit your comments to five (5) minutes. For items not listed on the Agenda, please see "Items From the Public".

All actions of the Solano County Planning Commission can be appealed to the Board of Supervisors in writing within 10 days of the decision to be appealed. The fee for appeal is \$150.

Any person wishing to review the application(s) and accompanying information may do so at the Solano County Department of Resource Management, Planning Division, 675 Texas Street, Suite 5500, Fairfield, CA. Non-confidential materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection during normal business hours and on our website at [www.solanocounty.com](http://www.solanocounty.com) under Departments, Resource Management, Boards and Commissions.

The County of Solano does not discriminate against persons with disabilities and is an accessible facility. If you wish to attend this meeting and you will require assistance in order to participate, please contact Teresa Schow, Department of Resource Management at (707) 784-6765 at least 24 hours in advance of the event to make reasonable arrangements to ensure accessibility to this meeting.

## **AGENDA**

### **CALL TO ORDER**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

### **APPROVAL OF AGENDA**

### **APPROVAL OF THE MINUTES**

*There are no minutes available for approval.*

### **ITEMS FROM THE PUBLIC:**

*This is your opportunity to address the Commission on a matter not heard on the Agenda, but it must be within the subject matter jurisdiction of the Commission. Please submit a Speaker Card before the first speaker is called and limit your comments to five minutes. Items from the public will be taken under consideration without discussion by the Commission and may be referred to staff.*

## **REGULAR CALENDAR**

- 1      [PC 19-042](#)      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)

Attachments:    [A - Site Plan](#)  
                          [B - Aerial](#)  
                          [C - Draft Resolution](#)  
                          [D - Notice of Exemption](#)  
                          [E - Project Location](#)

## ANNOUNCEMENTS AND REPORTS

## ADJOURN

*To the Planning Commission meeting of December 19, 2019 at 7:00 P.M., Board Chambers, 675 Texas Street, Fairfield, CA*



# Solano County

675 Texas Street  
 Fairfield, California 94533  
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## Agenda Submittal

<b>Agenda #:</b>	1	<b>Status:</b>	PC-Regular
<b>Type:</b>	PC-Document	<b>Department:</b>	Planning Commission
<b>File #:</b>	PC 19-042	<b>Contact:</b>	Teresa Schow 784-6765
<b>Agenda date:</b>	12/5/2019	<b>Final action:</b>	
<b>Title:</b>	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)		
<b>Governing body:</b>	Planning Commission		
<b>District:</b>			
<b>Attachments:</b>	<a href="#">A - Site Plan</a> <a href="#">B - Aerial</a> <a href="#">C - Draft Resolution</a> <a href="#">D - Notice of Exemption</a> <a href="#">E - Project Location</a>		

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
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\* 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 Kilkenney 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:**

1. 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.
2. 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.
3. Maintain a minimum 10-foot setback between horse corrals or stalls and the property line.
4. Approval of U-99-04 Amendment No. 1 supersedes prior approvals.
5. Comply with the Vacaville Fire Protection rules and regulations.
6. 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.

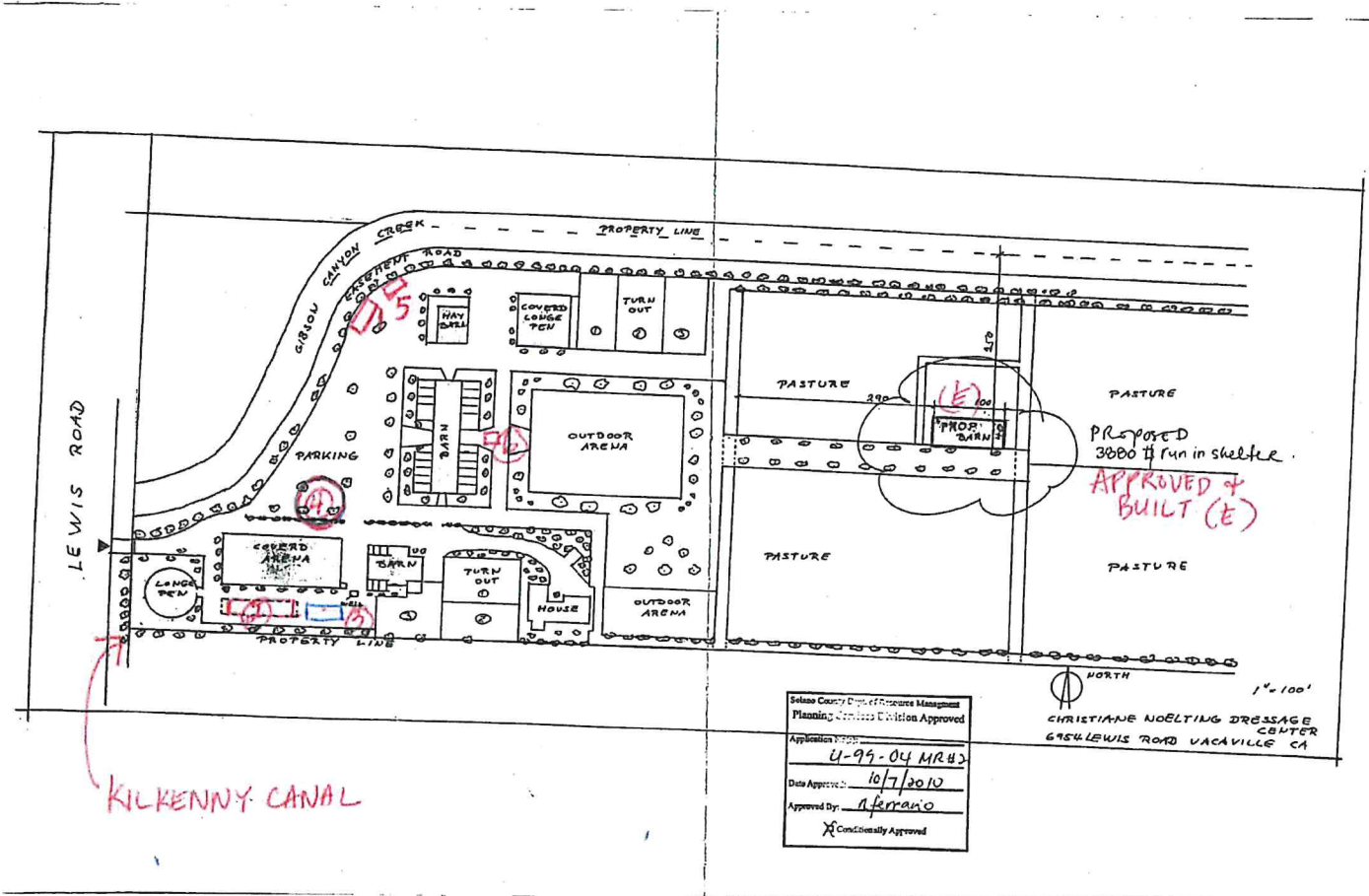
7. Comply with the accessibility requirements under the American Disability Act and California Code for the disabled, as required by the Building and Safety Division
8. The facility shall be kept clean and free of accumulated horse manure so as not to create a public health nuisance or a breeding area 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 (5<sup>th</sup>) 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

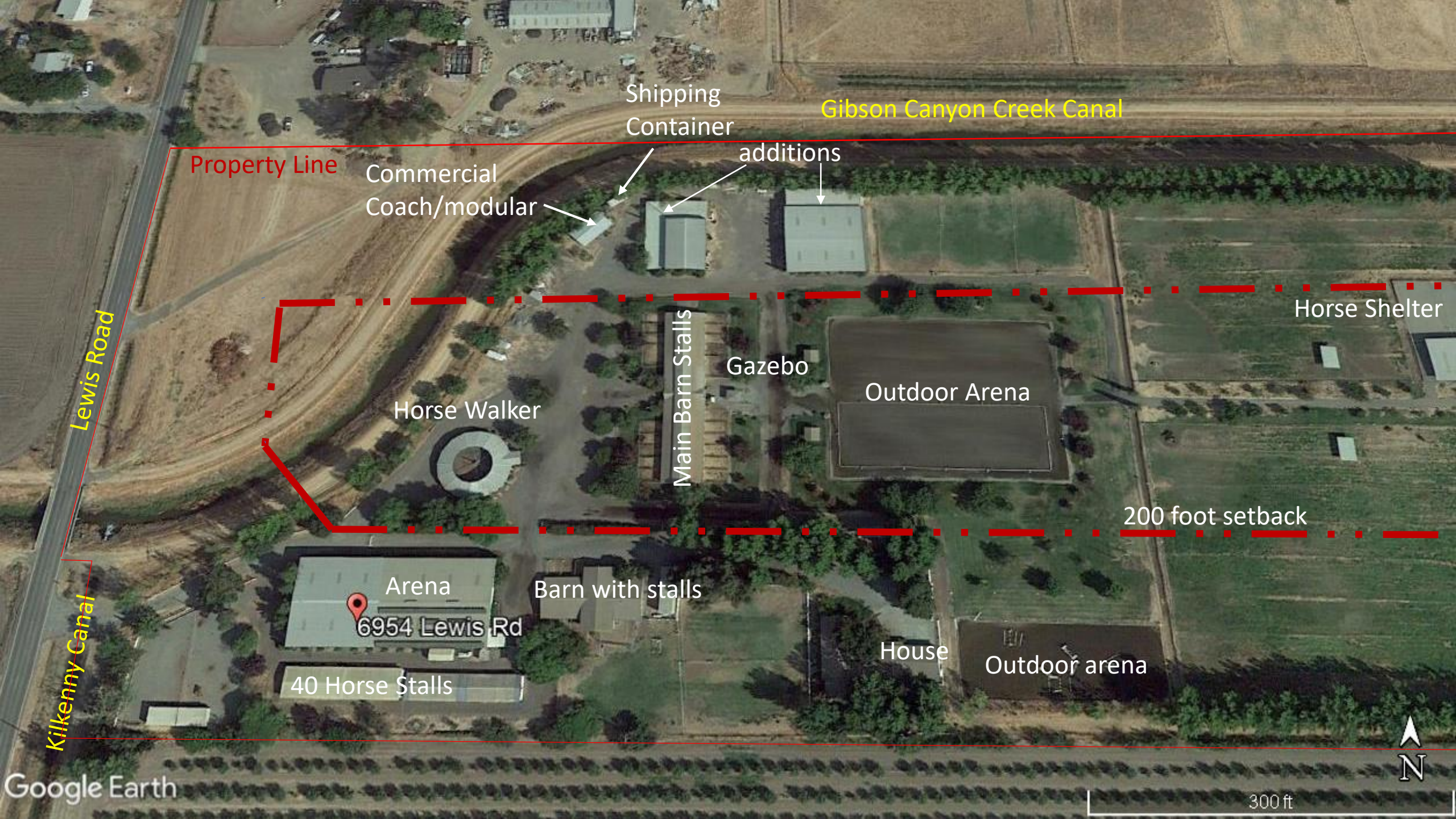


# EXHIBIT A - SITE PLAN



- 1 - COMMERCIAL COACH - 16 x 40 = 224 sq ft (MODULAR)
  - 2 - PORTABLE STALLS
  - 3 - PORTABLE STALLS ] 40 Total
  - 4 - HORSE WALKER - 66 ft DIAMETER - 3400 sq ft
  - 5 - SHIPPING CONTAINER - 8 x 30 = 240 sq ft - ANCHORED TO GROUND - BUILDING CODE
  - 6 - GAZEBO - 12 x 12 - 144 sq ft
- ] MUST BE ANCHORED TO THE GROUND - Building Code.





Shipping  
Container

Gibson Canyon Creek Canal

Property Line

Commercial  
Coach/modular

additions

Lewis Road

Horse Shelter

Horse Walker

Main Barn Stalls

Gazebo

Outdoor Arena

200 foot setback

Arena

Barn with stalls

House

Outdoor arena

6954 Lewis Rd

40 Horse Stalls

Kilkenny Canal

Google Earth



300 ft



**SOLANO COUNTY PLANNING COMMISSION**  
**RESOLUTION NO.**  
DRAFT

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**WHEREAS**, the Solano County Planning Commission has considered Amendment No. 1 to Use Permit U-99-04 and Variance 19-03 of **Christiane Noelting** to expand the public stable with horse shows (*Christiane Noelting Dressage Center*) to allow for 40 additional horse stalls, a commercial modular used as a classroom, storage building and horse walker. Variance to allow 40 horse stalls within the 200-feet of any property line. The property is located at 6984 Lewis Road, within the unincorporated portion of Vacaville on property zoned Exclusive Agriculture 40 acre minimum, "A-40" APN: 0141-020-140, and;

**WHEREAS**, the Commission 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 December 5, 2019, and;

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

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.

## VARIANCE

- 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; Gibson Canyon Creek, 100-foot wide canal and associated easement that traverses the property on the west, north and west of the property, and 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.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission does hereby determine that the project qualifies for Class 1 Categorical Exemption Section 15301 Existing Facilities, pursuant to the California Environmental Quality Act.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission has approved Amendment No. 1 to Use Permit U-99-04 and Variance no. V-19-03 subject to the following recommended conditions of approval:

1. 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.
2. 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.
3. Maintain a minimum 10-foot setback between horse corrals or stalls and the property line.
4. Approval of U-99-04 Amendment No. 1 supersedes prior approvals.
5. Comply with the Vacaville Fire Protection rules and regulations.
6. 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.
7. Comply with the accessibility requirements under the American Disability Act and California Code for the disabled, as required by the Building and Safety Division

8. 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 (5<sup>th</sup>) anniversary of the issuance of this permit for review by the staff. The "Report of Compliance" shall address compliance of the conditions of approval.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on December 5, 2019 by the following vote:

AYES:           Commissioners  
  
NOES:           Commissioners  
EXCUSED:       Commissioners

By: \_\_\_\_\_  
Bill Emlen, Secretary

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Solano
675 Texas Street, 6th Floor
Fairfield, CA 94533

From: (Public Agency): Solano County
Department of Resource Management
675 Texas Street, Suite 5500, Fairfield, CA 94533
(Address)

Project Title: Christiane Noelting Dressage Center

Project Applicant: Christiane Noelting

Project Location - Specific:
6954 Lewis Road, Vacaville, CA

Project Location - City: Unincorporated Vacaville Project Location - County: Solano

Description of Nature, Purpose and Beneficiaries of Project:
Amend use permit to allow accessory structures for an existing horse facility and Variance to allow horse stalls within 200 feet of the property line.

Name of Public Agency Approving Project: Solano County

Name of Person or Agency Carrying Out Project: Solano County Department of Resource Management

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Class 1, Section 15301
Statutory Exemptions. State code number:

Reasons why project is exempt:
The physical improvements already exist and additional environmental effects are not anticipated.

Lead Agency
Contact Person: Nedzlene Ferrario Area Code/Telephone/Extension: 707-784-6765

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title:

[X] Signed by Lead Agency [ ] Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR:





# Project Location

Subject Site

