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Planning Services Division

**SOLANO COUNTY ZONING ADMINISTRATOR**

**Staff Report  
 U-19-04**

<b>Application No.</b> U-19-04 (Ruhstaller Farm) <b>Project Planner:</b> Eric Wilberg, Planner Associate		<b>Meeting of February 20, 2020 Agenda Item No.</b>	
<b>Applicant</b> Jan-Erik Paino PO Box 1090 Dixon, CA 95620		<b>Property Owner</b> same	
<b>Action Requested</b> Consideration and approval of Use Permit application U-19-04 to establish and operate a Small Agricultural Processing Facility with up to 12 Special Events per year and 150 persons per event, located at 6686 Sievers Road, 1 mile north of the City of Dixon, within the Exclusive Agriculture "A-40" Zoning District; APN 0111-010-060			
<b>Property Information</b>			
Size: 39.86 acres		Location: 1 mile north, City of Dixon	
APN: 0111-010-060			
Zoning: Exclusive Agricultural "A-40"		Land Use: Orchard, vacant manufacturing	
General Plan: Agriculture		Ag. Contract: n/a	
Utilities: Domestic well, septic system		Access: Sievers Road	
<b>Adjacent General Plan Designation, Zoning District, and Existing Land Use</b>			
	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Agriculture	Exclusive Agricultural "A-40"	Agriculture, residence
<b>South</b>	Agriculture	Exclusive Agricultural "A-40"	Agriculture (Walnut Orchard)
<b>East</b>	Agriculture	Exclusive Agricultural "A-40"	Agriculture (Walnut Orchard)
<b>West</b>	Agriculture	Exclusive Agricultural "A-40"	Agriculture (Walnut Orchard)
<b>Environmental Analysis</b> The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.			
<b>Motion to Approve</b> The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Use Permit No. U-19-04 based on the enumerated findings and subject to the recommended conditions of approval.			

## **SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX**

**WHEREAS**, the Solano County Zoning Administrator has considered Use Permit Application No. U-19-04 of **J-E Paino** to establish and operate a Small Agricultural Processing Facility with up to 12 Special Events per year and 150 persons per event, located at 6686 Sievers Road, 1 mile north of the City of Dixon, within the Exclusive Agriculture "A-40" Zoning District; APN 0111-010-060, 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 February 20, 2020, and;

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

- 1. That the establishment, maintenance or operation of the use or building 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 to be pertinent.**

The proposed Agricultural Processing Facility with Special Events is consistent with the goals, objectives and policies of the Solano County General Plan and Zoning Ordinance. Both businesses support agricultural operations within the region and are conditionally permitted land uses within the Exclusive Agriculture "A-40" Zoning District. As detailed in the Analysis of this report, the proposal meets or exceeds the general and specific land use regulations pertaining to this use.

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

The subject site has developed and proposed utilities, access off Sievers Road, and drainage necessary for the facility.

- 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.**

As conditioned, the proposed facility will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

- 4. The project qualifies for a Class 1 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving**

negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

**BE IT THEREFORE RESOLVED** that the Zoning Administrator has approved Use Permit Application No. U-19-04 subject to the following recommended conditions of approval:

**General**

1. The Small Agricultural Processing Facility with Special Events shall be established and operated in accord with the application materials and develop plans for Use Permit U-19-04, submitted April 4, 2019, as amended by the applicant (Ruhstaller Farm), as described and conditioned herein, and as approved by the Solano County Zoning Administrator. In the event of any conflict between the application materials and the project description or conditions set forth in this permit, the latter shall control.
2. The permittee shall operate the facility within the 19,600 square foot structure, which includes a 9,500 sq. ft. Hop Processing area, 9,000 sq. ft. Production Brewery, 600 sq. ft. Tap Room, and 280 sq. ft. Patio area. No additional uses (including outdoor storage), activities, or new or expanded buildings or uses shall be established or constructed beyond those identified on the approved development plan. Any expansion or change in the use may require a new or modified use permit and further environmental review.
3. Approval of the subject use does not include a secondary dwelling unit or agricultural employee housing. Should such uses be approved, they would be subject to a separate permitting process.
4. The permittee is limited to 12 Special Events annually. Pursuant to Section 28.01 of the Solano County Zoning Regulations Special Events are defined as a facility offered for use by third parties for hire for the conduct of social gatherings or similar types of events. All activities open to the public shall be limited to the 600 square foot area designated on the approved plan as Tap Room and the adjacent 280 square foot patio area. The area shown on the plan submittal as a "meadow" shall not be used for public assembly of any type.
5. The number of persons on-site shall be limited to the maximum occupancy assigned to the public assembly area of the facility, which includes the 600 sq. ft. Tap Room and 280 sq. ft. patio. Occupancy on-site shall not exceed 150 persons or the maximum occupancy of the public assembly area, whichever is less.
6. All authorized Special Events shall start no sooner than 10 a.m. and end by 10 p.m. each day. Facility set up and clean up shall be allowed between the hours of 8 a.m. to 11 p.m. All guests of an Event shall be off the property by 10:30 p.m.
6. **Indemnification.** By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to property or person arising from the issuance or exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers and employees from all claims, liabilities, losses, or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance of and/or interpretation of this permit. This agreement is a

covenant that runs with the land and shall be binding on all successors in interest of the permittee.

7. **Failure to Comply.** 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 and cessation of the permitted uses at the Permittee's expense.

### **Site and Facility Improvements**

8. **Access.** The site shall have two twenty-foot minimum width all-weather surface driveway connections to Sievers road. The permittee shall provide adequate truck loading area as required by the Zoning Administrator, together with ingress and egress designed to avoid traffic hazard and congestion.
9. **Exterior Lighting.** Lighting capable of providing adequate illumination for security and safety shall be provided. Lighting shall be downcast and/or directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
10. **Parking.** On-site parking shall be located in an open area with a slope of 10 percent or less, at a minimum ratio of 1 space per 2.5 attendees, on a lot free of combustible material.
11. **Use of Existing Structures.** The use of existing permanent structures temporarily during events are limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.
12. **New Permanent Structures.** Event activities may only be allowed in new structures where approved through a Conditional Use Permit. All new structures proposed for events shall be located off Class I and II soils as defined by the NRCS and are limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable.

### **Operational and Performance Standards**

13. 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.
14. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
15. All uses of land and buildings shall be conducted in a manner that provides adequate controls and operational management to prevent dust, glare, vibration which are detectable beyond any property line, and noise that exceeds 65dBA LDN at any property line.
16. Any use of land or buildings shall contain measures to manage storm water to prevent any potential contaminants, processing wastes or by-products from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river.

17. Removal of natural material 1) shall be done in a manner that prevents offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.

**18. Solid Waste and General Liquid Waste Storage and Disposal.**

- a. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
- b. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.
- c. All burning of waste materials accessory to any use shall comply with the Yolo-Solano Air Quality Management District.
- d. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.

**Business License**

19. The permittee shall secure and abide by the terms and conditions of a Business License issued by this Department for each business on site. This approved Use Permit shall constitute as the "Zoning Clearance" necessary to file for the license.

**Building Division Conditions**

20. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2016 California Building Code. "Any owner or authorized agent who intends to construct, enlarge, or change the occupancy of a building or structure shall first make application to the building official and obtain the required permit."
21. No building shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein."
22. **Site Accessibility Requirements.** The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2019 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 20169 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale reflecting all site accessibility. The site shall be developed in a manner consistent with state and federal requirements for accessibility for disabled persons, including all parking area, aisles and paths of travel and structures. The applicant shall submit accessibility analysis prepared by a Certified Access Specialist (CAS). The analysis must state that the inspected structures and other site features meet both state and federal accessibility requirements or specify what corrections are necessary in order to comply. The permittee

shall make any necessary corrections identified by the CAS analysis. All accessible paths of travel and parking areas shall be a hard-scaped surface as specified by the CAS specialist and shall meet all of the worst case requirements between Chapter 11B of the 2019 California Building Code and the ADA Federal Law.

- 23.** The building permit plans shall include a code analysis as listed below and the design shall be under the 2016 California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:
- a. Occupancy Classification
  - b. Type of Construction
  - c. Seismic Zone
  - d. Location on Property
  - e. Height of all buildings and structures
  - f. Square footage
  - g. Occupant Load
  - h. Allowable Floor Area
  - i. Height and Number of Stories
- 24.** Plans and Specifications shall meet the requirements as per Section 105 of the 2016 California Building Code. "Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional." Electronic media documents are permitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official."

#### **Environmental Health Division Conditions**

- 25. Potable Water Requirements.** The facility shall provide potable water as evidenced by a Public Water System (PWS) permit issued from the Division of Drinking Water of the State Water Resources Control Board, pursuant to the Health and Safety Code (HSC) §116275(h). The facility shall remain in compliance with all operating, monitoring, and reporting requirements of the Division of Drinking Water PWS permit for the duration of the use permit and comply with all Division of Drinking Water directives regarding the water system.

If the facility should fall below the daily water user threshold, or for any other reason no longer require the Division of Drinking Water PWS permit, the facility shall obtain a State Small Water System (SSWS) permit from Solano County, pursuant to the HSC §116275(n), regardless of the number of water connections onsite. The facility shall remain in compliance with all operating, monitoring, and reporting requirements of the Solano County SSWS permit for the duration of the use permit and comply with all Solano County Environmental Health directives regarding the water system.

**26. Hazardous Materials Requirements.** The facility shall comply with all hazardous materials management, storage, handling, and reporting requirements. If the facility handles any hazardous material in quantities equal to or greater than 55 gallons of liquids, 200 cubic feet for gases, and/or 500 lbs. solids then they shall create a Hazardous Materials Business Plan (HMBP) and upload the HMBP to the online California Environmental Reporting System (CERS) within 30 days of exceeding the hazardous materials threshold quantities. The HMBP includes requirements for reporting the facility information, hazardous materials inventory, site diagram, emergency response plan, and an employee training plan.

**27. Sewage Disposal Requirements.** For domestic wastewater, the facility shall construct and maintain adequate onsite wastewater treatment systems (OWTS) that are in compliance with Solano County Code Ch. 6.4: Sewage Standards and are designed to handle the daily maximum projected wastewater flows. The facility shall remain in compliance with all operation, maintenance, and reporting requirements of Environmental Health regarding the OWTS system for the duration of the use permit.

For process wastewater generated by the agricultural processing facility, the facility shall obtain Waste Discharge Requirements (WDRs), or similar written approvals, for the method of process wastewater disposal from the Central Valley Regional Water Quality Control Board (CV-RWQCB). The facility shall remain in compliance with all CV-RWQCB requirements regarding the disposal of its process wastewater.

**28. Solid Waste.** The facility shall maintain adequate commercial garbage service onsite to prevent disease vector attraction, odors, and other nuisance factors.

**29. Consumer Protection.** Catering or staging for Special Events are not allowed inside of any permitted permanent structures. Only caterers and mobile food facilities permitted in Solano County are allowed to provide food service for Special Events.

Any event which meets the definition of a Community event in the California Retail Food Code is not permissible.

### **Planning Services Division**

**30. Sign Permit.** A sign permit for all existing or proposed signs shall be applied for and granted prior to the commencement of the use.

### **Public Works – Engineering**

**31.** The permittee shall apply for, secure and abide by the conditions of a grading permit for any grading on the property including, but not limited to, building site preparation, access improvements, parking areas and walkways, as well as any onsite grading exceeding a total of 5,000 square feet. In addition, grading permits shall be secured for any future grading or drainage improvements on the property. Public Works Engineering will require the submittal of a drainage plan showing all offsite and onsite improvements necessary to manage storm water issues related to this development.

**32.** The permittee shall apply for, secure, and abide by the conditions of an encroachment permit to upgrade existing driveway(s) to commercial driveway standards. The access must be

maintained in such a manner as to prevent soil, rocks, and debris from tracking onto Sievers Road.

**33.** Off-site parking within the Sievers Road public right-of-way shall be prohibited.

**Local, Regional, State, and Federal Agencies**

**Dixon Fire Protection District**

**34.** Plans submitted for building permit must meet all requirements of the Uniform Building and Fire Codes. Occupancies will be determined by the County Building Official for restrictions.

**35.** New buildings may require protection by an automatic fire sprinkler system. System plans must be submitted to the Suisun Fire Protection District for permit, plan review and field inspections. Other Fire Protection Systems and Alarms may be required pending occupancy use.

**36.** Public events on-site may have special requirements.

**37.** Access Road and building approach must meet County and Fire Code Standards.

**38.** Occupant load and exits will be determined upon submission of plans for building permit.

**39.** The access road must meet all Solano County requirements for use as a commercial driveway. This may include adequate turning radius or approved turnarounds capable of supporting fire apparatus.

**40.** Any gate entrances shall be at least 16 ft. wide. If gate is locked, it will be required to be provided with approved fire department access device.

**41.** Prior to issuance of building permits, all requirements of the Dixon Fire Protection District shall be met.

**42. Division of Drinking Water of the State Water Resources Control Board.** See Condition of Approval No. 25.

**43. Central Valley Regional Water Quality Control Board (CV-RWQCB).** See Condition of Approval No. 27.

**Permit Term**

**44.** The permit shall be in effect for a five (5) year period with provision that a renewal may be granted if said request is received prior to the expiration date of February 20, 2025 and the use shall remain the same and in compliance with 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 Zoning Administrator on February 20, 2020.

BILL EMLER, DIRECTOR



## RESOURCE MANAGEMENT

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Terry Schmidtbauer,  
Interim Planning Program Manager

DRAFT

## **SITE DESCRIPTION**

The subject property is located within unincorporated Solano County, 1 mile north of the City of Dixon. The site is situated within a predominantly agricultural setting identified as the Dixon Ridge Agricultural Region in the General Plan. Dixon Ridge is characterized as containing some of the best farmland in the region mostly producing field crops such tomatoes, alfalfa, and safflower. Land surrounding the subject site is planted in walnut orchard.

The 39.86 acre parcel is generally flat exhibiting slopes of less than six percent. The rectangular lot has frontage along Sievers Road. Development on-site is clustered within a 5 acre footprint at the northwest corner of the parcel. Existing infrastructure and buildings remain from the former Wellco Manufacturing facility. Approximately 26,000 square feet of former warehousing remain on-site, including a 19,600 sq. ft. structure to be converted to the hop processing facility, brewery, and taproom. In addition there is an existing 6,150 sq. ft. equipment and shop building which will not be utilized as part of the agricultural processing operation. Existing development is served by on-site water well, septic, and electrical service.

## **PROJECT DESCRIPTION**

The applicant (Ruhstaller Farm) is requesting approval of Use Permit application U-19-04 to establish and operate a Small Agricultural Processing Facility consisting of hop processing, production brewery, and an accessory taproom. Ruhstaller will grow, harvest, store, brew, and taste their estate grown hops on-site. Hops, like grapes, lie dormant in the winter. In the spring they begin growing with harvest occurring in late August through the end of September. The hops are immediately dried, baled, and stored in refrigerated units until brewed into beer. No warehousing would occur on-site. The hops are stored for between 1 – 2 years. The beer is stored for 1 – 6 weeks.

All processing including, Hop Picker and Baler, Kilns, Brew House, Packaging, and Cold Storage would occur within the existing 19,600 sq. ft. metal structure. Remodeling and upgrades to the existing structure would occur to accommodate the change in use and occupancy as well as bring the building up to current Building Code and Americans with Disability Act (ADA) standards. The applicant anticipates producing 75,000 cases of beer annually at this facility. Twelve full time and 25 part time employees are expected to work at this location. A 600 sq. ft. Tap Room (tasting room) and associated restroom facilities would also be developed within the existing structure. A 280 sq. ft. patio will be available for tasting adjacent to the proposed Tap Room. There will be no food service associated with the facility. The project involves developing a 3.5 acre Hop Yard, surrounding the processing building to the south and west. Parking will be provided east of the existing development.

The project also involves utilizing the facility for use by third parties for hire for the conduct of social gatherings or similar types of events. The Special Event Facility would operate up to 12 events per year and up to 150 persons per event.

## **ENVIRONMENTAL ANALYSIS**

The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

The project involves the remodel and utilization of an existing agricultural manufacturing facility as an agricultural processing facility. The existing agricultural use of the property (35 acre walnut orchard) would remain unchanged as a result of this use permit.

## **DISCUSSION:**

### **General Plan**

The property is designated as Agricultural by the 2008 Solano County General Plan which is intended to protect areas devoted to the practice of agriculture. Crop production and agricultural processing activities are consistent with this land use designation.

### **Zoning**

The property is zoned Exclusive Agriculture (A-40) which permits agricultural processing facilities. As a part of the project, the applicant is proposing up to 12 special events per year with a maximum attendance of 150 persons. The facility as proposed may be approved with a use permit.

### **Williamson Act**

The property is not governed by a Williamson Act contract.

### **Development Review Committee**

The project was referred to the Development review committee for Solano County. Comments were received from the Environmental Health, Public Works and Building and Safety Divisions. Their requirements have been incorporated into the conditions of approval (Attachment A Resolution).

### **Outside Agency Review**

The project was also referred to several outside agencies, including:

1. City of Dixon
2. Dixon Fire District
3. CalTRANS

As of the writing of this report, staff has received comments from the Dixon Fire District.

### **Public Correspondence Received to Date**

As of the writing of this staff report, we have received no correspondence with respect to this application.

### **Conclusion**

It is the conclusion of staff that the project as proposed is consistent with all applicable plans and policies of Solano County.

## **FINDINGS:**

Staff is recommending that the Zoning Administrator make the following findings in support of approving Use Permit U-19-04:

- 1. That the establishment, maintenance or operation of the use or building 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 to be pertinent.**

The proposed Agricultural Processing Facility with Special Events is consistent with the goals, objectives and policies of the Solano County General Plan and Zoning Ordinance.

Both businesses support agricultural operations within the region and are conditionally permitted land uses within the Exclusive Agriculture “A-40” Zoning District. As detailed in the Analysis of this report, the proposal meets or exceeds the general and specific land use regulations pertaining to this use.

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

The subject site has developed and proposed utilities, access off Sievers Road, and drainage necessary for the facility.

**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.**

As conditioned, the proposed facility will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

**ADDITIONAL FINDINGS:**

The project qualifies for a Class 1 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features.

**RECOMMENDATION**

Staff is recommending that the Zoning Administrator adopt a resolution approving Use Permit U-19-04, including the conditions of approval in Attachment A (Resolution).

**ATTACHMENTS:**

A – Draft Resolution