

SOLANO COUNTY ZONING ADMINISTRATOR Resource Management Staff Report

Application No. MU-14-02 (Potrero Duck Club)
Project Planner: Eric Wilberg

Special meeting of December 29, 2014
Agenda Item No. 1

Applicant:
John Bessolo
424 First Street
Rodeo, CA 94572

Property Owner:
same

Action Requested:

Zoning Administrator approval of minor use permit MU-14-02 to permit a 1,344 square foot modular structure utilized in conjunction with an existing marsh oriented recreation facility (seasonal duck hunting club).

SITE INFORMATION

Size: 516.01 acres

Location: Off Highway 12, near Nurse Slough

APN: 0046-120-060

Zoning: Marsh Preservation

Land Use: Marsh Oriented Recreation

General Plan: Marsh

Ag. Contract: No. 913

Soils Type(s): N/A

Access: State Highway 12

Utilities: N/A

Adjacent General Plan Designations, Zoning and Existing Land Uses

	General Plan	Zoning	Land Use
North	Agriculture	A-160	Open space
South	Marsh	MP	Marsh, seasonal recreation
East	Marsh	MP	Marsh, seasonal recreation
West	Marsh	MP	Marsh, seasonal recreation

Environmental Analysis:

The project qualifies for a Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, New Construction of Small Structures.

Motion to Approve:

The Zoning Administrator does hereby **ADOPT** the attached resolution and **APPROVE** minor use permit No. MU-14-02 based on the enumerated findings and subject to the recommended conditions of approval.

SETTING

The subject site is 516 acres located southeast of Suisun City. The entire property is relatively flat and located within the Primary Management Area of the Suisun Marsh. Multiple sloughs and drainage ditches exist on the parcel and generally drain south towards Nurse Slough and Suisun Bay.

The applicant states that the site has been utilized as a seasonal duck hunting club since 1961. A boat house, boat launch docks, dog kennel, and various small accessory structures comprise the development of the club. Development is clustered near the northern extent of the property, near State Highway 12, which provides access to the facility. Similar land uses and open marsh surround the project site.

PROJECT

The applicant proposes to construct a 1,344 square foot modular mobilehome as part of an existing marsh oriented recreation facility. Since 1961, the site has operated as a seasonal duck hunting club. The structure is proposed within the previously graded footprint of the facility, adjacent to the existing boat docks and launch area (Attachment C, Site Plan). Vehicle and boat parking are available within this graded area.

ENVIRONMENTAL ANALYSIS

The project qualifies for a Categorical Exemption from CEQA, under CEQA Guidelines Section 15303 – New Construction of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures. The proposed project involves utilizing a 1,344 square foot manufactured unit as office space for the existing duck hunting club. The structure is proposed within the developed footprint of the facility and does not exceed the 2,500 square foot floor area threshold outlined in the CEQA Guidelines.

ANALYSIS

General Plan and Zoning

The project site is designated Marsh by the Solano County General Plan. In addition, the parcel is located within a Resource Conservation Overlay. The Marsh designation provides for the protection of marsh and wetland areas and permits marsh-oriented recreational uses such as hunting clubs. The purpose of the overlay is to identify and protect areas of the county with special resource management needs such as the Marsh, while maintaining the validity of the underlying land use designations. As such, the existing and continued operation of the hunting club is consistent with the General Plan.

The project site is located within the Marsh Preservation 'MP' Zoning District. Per Section 28.52 of the County Zoning Regulations, Marsh oriented recreation is a conditionally permitted land use within this district. As proposed, the project conforms with the general requirements for recreational uses outlined in Section 28.73.10(A) of the County Zoning Regulations, as follows:

The project site is accessed via existing private roadway off State Highway 12. As such, ingress and egress to the property would not change. Issuance of an encroachment permit to a County maintained road is not necessary.

Lighting capable of providing illumination for security and safety will be directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.

The proposed structure is set back 290 feet from the northern (front) property line and greater than 1,500 feet from all other lot lines. The structure exceeds the minimum set back requirements as required for the main building within the 'MP' district.

The project does not abut residentially zoned property and does not require screening measures to separate parking areas.

Suisun Marsh

The project is located within the Primary Management area of the Suisun Marsh and requires issuance of a Marsh Development Permit from the San Francisco Bay Conservation and Development Commission (BCDC).

The Solano County Policies and Regulations Governing the Suisun Marsh consolidate the policies and regulations contained in the Local Component of the Suisun Marsh Local Protection Program as certified by BCDC. These documents identify the importance of the marsh as a recreational area which can be seen in the amount of land devoted to duck hunting, approximately 37,000 acres. Policies promote the use of the Marsh for recreational purposes, especially when located near the outer portion of the Marsh, within close proximity to population centers. The proposed project is consistent with this policy and is located off State Highway 12, at the northern extent of the Suisun Marsh Management Area, 3.5 miles southeast of Suisun City.

The applicant has been in contact with BCDC and is aware that a marsh development permit from BCDC is required. A condition of approval reflecting this requirement is included below.

MINOR USE PERMIT MANDATORY FINDINGS

- 1. The establishment, maintenance, or operation of the proposed use is in conformity with the Solano County General Plan with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan.**

The marsh oriented recreation land use is consistent with the goals, objectives, and policies of the General Plan, including, but not limited to the Land Use and Resources chapters.

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

Access to the site will be from an existing private road off of State Highway 12. All necessary utilities will be provided on-site.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

The seasonal duck hunting club is located in the Suisun Marsh. Open marsh surrounds the project site, with seasonal hunting and fishing clubs being the predominant land use in the

area. The club has operated since the 1960's with no history of nuisance or detriment to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood, or detriment or injury to property and improvements in the neighborhood.

SUGGESTED FINDINGS

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

The project qualifies for a Categorical Exemption from CEQA, under CEQA Guidelines Section 15303 – New Construction of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures. The proposed project involves utilizing a 1,344 square foot manufactured unit as office space for the existing duck hunting club. The structure is proposed within the developed footprint of the facility and does not exceed the 2,500 square foot floor area threshold outlined in the CEQA Guidelines.

RECOMMENDATION

Staff recommends that the Zoning Administrator **APPROVE** minor use permit No. MU-14-02, based on the findings enumerated herein, and subject to the recommended conditions of approval incorporated in this report.

CONDITIONS OF APPROVAL

1. The marsh oriented recreation facility shall be established and operated in accord with the application materials for Minor Use Permit U-14-02, submitted August 27, 2014 by the applicant, John Bessolo, 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. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2013 California Building Code, or the latest edition enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
4. Prior to Building Permit issuance by the Department of Resource Management, the permittee shall submit documentation from the San Francisco Bay Conservation and Development Commission, confirming acquisition of the requisite Marsh Development Permit.
5. Upon termination, expiration, or revocation of the subject use permit, the permitted structure shall be removed from the site and the area restored to natural conditions.
6. The permit shall be in effect for a five (5) year period with the provision that a renewal may be granted if said request is received prior to the expiration date of December 29, 2019 and the use remains in compliance with permit conditions of approval.

Attachments

- Exhibit A** – Draft Resolution
- Exhibit B** – Assessor's Parcel Map
- Exhibit C** - Site Plan

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered Minor Use Permit Application No. MU-14-02 of **John Bessolo (Potrero Duck Club)** to permit a 1,344 square foot structure utilized in conjunction with an existing marsh oriented recreation facility (seasonal duck hunting club) located off of Highway 12 adjacent to the City of Suisun City in an "MP" Marsh Preservation Zoning District, APN: 0046-120-060, 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 special public hearing held on December 29, 2014, and;

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

- 1. The establishment, maintenance, or operation of the proposed use is in conformity with the Solano County General Plan with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan.**

The marsh oriented recreation land use is consistent with the goals, objectives, and policies of the General Plan, including, but not limited to the Land Use and Resources chapters.

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

Access to the site will be from an existing private road off of State Highway 12. All necessary utilities will be provided on-site.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

The seasonal duck hunting club is located in the Suisun Marsh. Open marsh surrounds the project site, with seasonal hunting and fishing clubs being the predominant land use in the area. The club has operated since the 1960's with no history of nuisance or detriment to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood, or detriment or injury to property and improvements in the neighborhood.

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

The project qualifies for a Categorical Exemption from CEQA, under CEQA Guidelines Section 15303 – New Construction of Small Structures. Class 3 consists of construction and

EXHIBIT A

location of limited numbers of new, small facilities or structures. The proposed project involves utilizing a 1,344 square foot manufactured unit as office space for the existing duck hunting club. The structure is proposed within the developed footprint of the facility and does not exceed the 2,500 square foot floor area threshold outlined in the CEQA Guidelines.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Minor Use Permit Application No. MU-14-02 subject to the following recommended conditions of approval:

1. The marsh oriented recreation facility shall be established and operated in accord with the application materials for Minor Use Permit U-14-02, submitted August 27, 2014 by the applicant, John Bessolo, 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. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2013 California Building Code, or the latest edition enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
4. Prior to Building Permit issuance by the Department of Resource Management, the permittee shall submit documentation from the San Francisco Bay Conservation and Development Commission, confirming acquisition of the requisite Marsh Development Permit.
5. Upon termination, expiration, or revocation of the subject use permit, the permitted structure shall be removed from the site and the area restored to natural conditions.
6. The permit shall be in effect for a five (5) year period with the provision that a renewal may be granted if said request is received prior to the expiration date of December 29, 2019 and the use remains in compliance with permit conditions of approval.

I hereby certify that the foregoing resolution was adopted at the special meeting of the Solano County Zoning Administrator on December 29, 2014.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager

AD COPY

46-12

Tax Area Code 60090

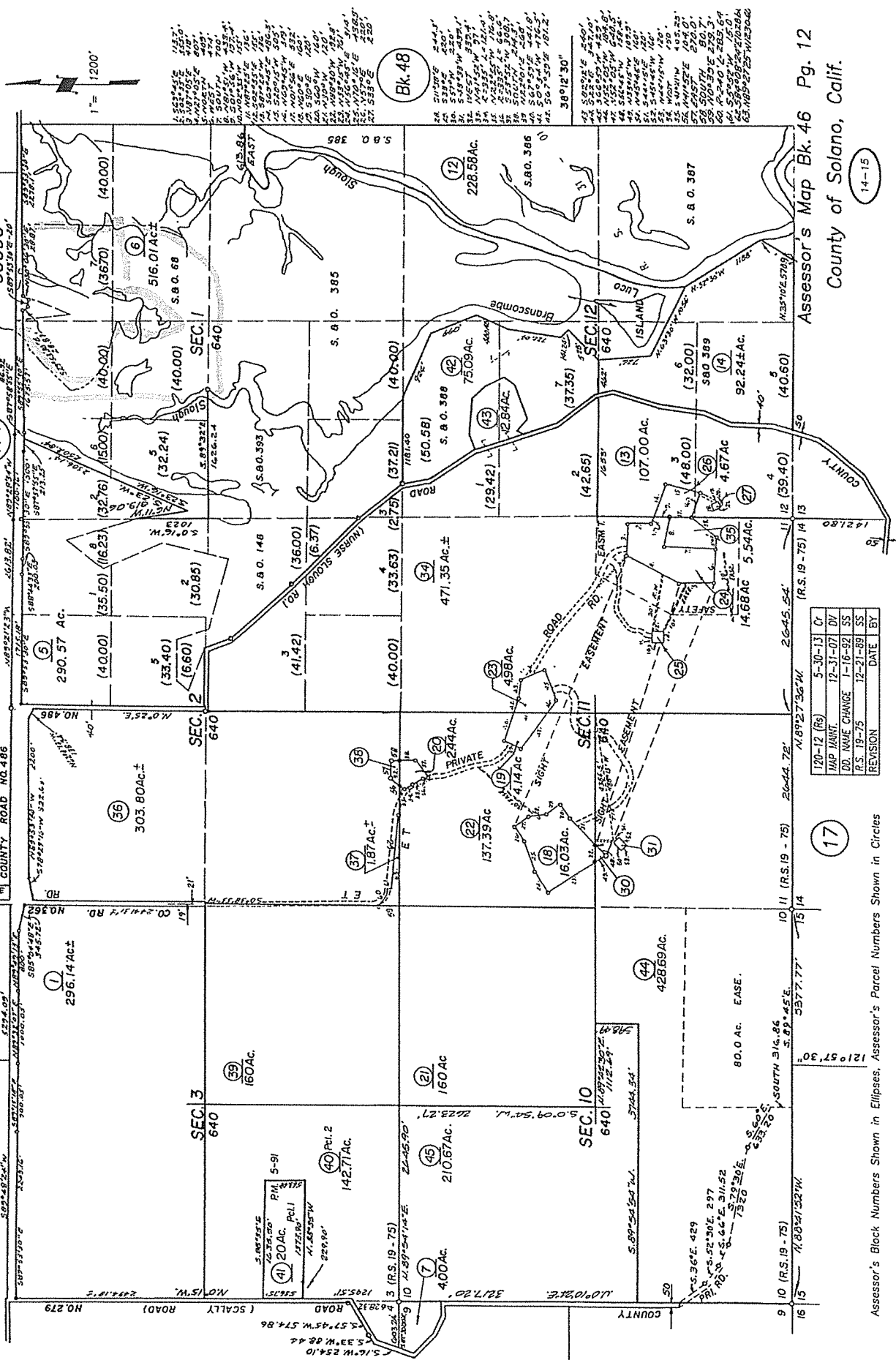
T.4N., R.1W., M.D.B.& M.

Bk. 174

Assessor's Map Bk. 46 Pg. 12

County of Solano, Calif.

14-15



REVISION	DATE	BY
120-12 (R6)	5-30-13	CR
MAP WARR	12-31-07	DY
DD. NAME CHANGE	1-16-92	SS
K.S. 19-75	12-21-89	SS

Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles

