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Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT
Use Permit Renewal**

Application: U-92-16-EX1
Applicant: Campbell Ranch
Project Planner: Travis Kroger

Meeting of: October 15, 2015
Agenda Item No. 3

Location: 4975 Rio Dixon Road
Assessor Parcel Numbers: 0042-060-040, 0042-020-180, 0042-030-130, -140, -150, -160
General Plan: Agriculture

Proposal

The applicant has requested extension No. 1 of use permit U-92-16, pursuant to condition of approval No. 32. Per Zoning Regulations Section 28.106(N), the Zoning Administrator shall administratively approve a use permit renewal request so long as the following requirements are satisfied:

- 1) The permittee has requested renewal
- 2) The permittee has paid the applicable renewal fee
- 3) The use is being conducted in compliance with the conditions of the use permit

Background

In 1972, Land Use Permit R-585 was granted to allow camping, target shooting, off road motorcycle racing, and other recreational uses. On March 21, 1991, Land Use Permit application U-89-60 to establish automobile, motocross and go kart racetracks and RV camping areas was denied by the Solano County Planning Commission. On November 21, 1996 the Solano County Planning Commission granted Use Permit U-92-16 to permit the operation of various off highway vehicle recreational uses, and related facilities, including the continued operation of existing facilities and proposed improvements. On October 18, 2006 the permit holder requested extension No. 1, and on September 4, 2015 a site visit confirmed that all compliance issues have been resolved.

Review and Recommendation

Upon review of the permit conditions of approval and based on the absence of code compliance cases on file, staff has determined that this recreational facility is being operated in compliance with Use Permit U-92-16.

Permit Term

Per condition 32 of U-92-16, staff recommends that this permit be extended for a 10 year term with provision that an extension may be granted if requested by the applicant prior to the expiration date of October 15th, 2015.

Attachment: Solano County Planning Commission Resolution No. 4143

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. 4143

WHEREAS, the Solano County Planning Commission has considered, in public hearing, **Use Permit Application No. U-92-16 of Campbell Ranch**, pertaining to the operation of various off-highway vehicle/recreational uses and ancillary facilities already constructed at the project site as well as additional proposed off-highway vehicle/recreational uses. The property is located on 320 acres 11 miles south of Dixon on the west side of Cook Lane near Dozier Station and State Highway 113 on a parcel zoned "A-160" Exclusive Agriculture, APN: 0042-060-040 and,

WHEREAS, said Commission has reviewed the report of the Department of Environmental Management, and

WHEREAS, said Commission held a duly noticed public hearing on October 17, 1996, was continued to November 21, 1996, during which it and heard testimony regarding the environmental documentation and permit requirements for the proposed application, and

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

1. The County of Solano ("County") in accordance with the requirements of the California Environmental Quality Act (California Public Resources Code §§ 21000 et seq.; "CEQA"), the State CEQA Guidelines (Title 14, California Code of Regulations §§ 15000 et seq.) and the Solano County EIR Guidelines, has caused to be prepared and completed a Final Environmental Impact Report ("FEIR") which analyzes the environmental impacts of the Project and provides mitigation measures to reduce environmental impacts.
2. On July 16, 1993, following receipt of the initial application for the use permit, the County prepared an Initial Study identifying the key environmental issues that might be affected by the Project, and determined that an EIR was required.
3. The County initiated a scoping process to determine the range of actions, alternatives, mitigation measures and significant effects to be addressed in the EIR. On February 15, 1994, a Notice of Preparation was circulated to the appropriate federal, state, regional and local agencies and interested parties, which required a 30-day review period closing on March 16, 1994.

4. The County received, and provided responses to various comments from public agencies and interested parties on the Notice of Preparation, which public comments were used as a guide in preparing the Draft EIR.
5. On August 4, 1994, a Draft EIR was completed and circulated for public review through the State Clearinghouse at the Governor's Office of Planning and Research. Along with a Notice of Completion, the Draft EIR was distributed to the appropriate federal, state, regional and local agencies, interested organizations and private citizens, and was delivered to a list of persons requesting it, to those noted on the distribution list in the Draft EIR and to adjacent property owners; the Notice of Completion providing for a sixty (60) day public review period commencing on August 1, 1994 and closing on October 31, 1994.
6. On September 15, 1994, the Commission held a duly advertised public hearing on the Draft EIR at which opportunity was given for public comment and public comment was received on the Draft EIR.
7. On October 31, 1994, the sixty (60) day public comment period for the Draft EIR was closed, prior to which the County received written comments on the Draft EIR.
8. The County caused to be prepared responses to comments on the environmental issues received at the September 15, 1994, public hearing and in writing during the sixty (60) day public comment period for the Draft EIR, and caused to be prepared revisions of the text of the Draft EIR in response to comments received and errors in the Draft EIR to be corrected; and, presented this material, along with a list of organizations and individuals submitting comments, in the Final Environmental Impact Report (FEIR) document which was published and distributed to the Commission and to all parties who commented on the Draft EIR, and was available to others upon request at the Solano County Department of Environmental Management office.
9. The County's Response to Comments was prepared, based upon the Draft EIR, consultations and public comments received during the public review process, as set forth in the FEIR, all as required by law.
10. The Campbell Ranch (U-92-16) Final Environmental Impact Report (FEIR) consists of the Draft EIR (December, 1994), the comments received on the Draft EIR and each response thereto as contained in the FEIR and the changes and additions to the Draft EIR contained in said document.

11. The FEIR identifies potentially significant impacts from the proposed development relative to impacts to wetlands and associated sensitive species populations.
12. The FEIR concludes that if the mitigation measures incorporated by the development and the EIR-required mitigation measures are followed, all potentially significant impacts with the exception of vernal pool impacts, will be reduced to a level of insignificance including impacts to the visual environment, agricultural land, rare and endangered species, other sensitive species, Jepson Prairie Preserve, noise, traffic and circulation, air quality, soils, hydrology and water quality.
13. On April 20, 1995, the Planning Commission held a public hearing to receive comments on the adequacy of the Responses to Comments on the Draft EIR. All comments raised during the public review period of the Draft EIR and the public hearing conducted by the Commission were responded to adequately and considered by the Commission.
14. The Final Environmental Impact Report was certified by the Planning Commission for the project on April 20, 1995. The Department of Environmental Management has since prepared an Addendum to the Final EIR incorporating revised mitigation measures. The Planning Commission has read and considered the Draft EIR, Final EIR, Addendum to the Final EIR and a Mitigation Monitoring Program pursuant to AB 3180, and public comments thereon prior to acting on the project and finds that there is no evidence that the project will have a significant effect on the environment with the exception of those associated with the filling of vernal pool wetlands as described in the Statement of Overriding Considerations discussed below.
15. Statement of Overriding Considerations:

The project includes unpermitted development which has already occurred without benefit of County permits or approvals which has filled vernal pool wetlands. The impacts of this illegal wetland fill cannot be mitigated to less-than-significant levels. Although all of the mitigation measures recommended by the project EIR associated with mitigating the environmental effects of filling of vernal pool wetlands have been included in the project Conditions of Approval, such as the preservation of off-site vernal pools, these measures will not completely offset or reduce the existing impacts on wetlands to less-than significant levels, because creating/restoring wetland habit remains an experimental procedure. Although the U. S. Army Corps of Engineers and other agencies allow creating new vernal pool habitat as a mitigation measure; no standard, reproducible procedure for creating new vernal pool habitat has been established. The projects vernal pool impacts have already

occurred and will not be increased by the Planning Commission's action on the proposed project. In fact, mitigation measures incorporated in the project are designed to reduce the project's impacts on vernal pools. Because of the factors the Planning Commission finds that the recreational benefits of the proposed project clearly outweigh the unavoidable adverse environmental effects and that the effects on vernal pool wetlands are thus considered acceptable.

16. It is the intent of the Planning Commission to adopt in full the mitigation measures contained in the Final EIR (and Addendum) as clarified and supplemented by the other recommended conditions of approval. The recommended Conditions of Approval incorporate the mitigation measures from the Final Environmental Impact Report for the Campbell Ranch project. Except as identified above in the Statement of Overriding Conditions, the Planning Commission finds that all of the project's significant environmental effects will be mitigated to less-than-significant levels by the recommended mitigation measures. The Planning Commission finds that the mitigation measures imposed will not have significant impacts that were not analyzed in the Final EIR.
17. A mitigation monitoring and reporting program has been prepared and incorporated into the proposed conditions of approval to insure compliance with the mitigations and conditions, which have been required or incorporated into the project in order to mitigate or avoid the significant environmental effects identified in the project FEIR.
18. The Commission reviewed and considered the FEIR (including the Addendum to the FEIR), and found that the FEIR is adequate, accurate and objective, and that the responses to comments received on the Draft EIR as set forth in the FEIR are in compliance with CEQA, the State CEQA Guidelines and the County EIR Guidelines.
19. The Commission hereby finds and determines, pursuant to Section 21082.1 of the Public Resources Code, that the FEIR reflects the Commission's independent judgement.
20. The FEIR was presented to the Commission and the Commission has reviewed and considered the information contained in the FEIR prior to taking action on the project.
21. The Solano County Planning Commission has considered, in a public hearing on October 17, 1996 and continued to November 21, 1996, Use Permit Application No. U-92-16 of Campbell Ranch for Amendment to Use Permit (R-585) to allow for new

- recreational uses, some of which have already been constructed on-site without permit authorization.
- 22. Said Commission heard testimony relative to the subject application at a duly noticed public hearing.
- 23. The establishment, maintenance or operation of the proposed project is in conformity with the County General Plan with regard to traffic circulation, population densities and distribution and other aspects of the General Plan.
- 24. The proposed uses are compatible with the Policy and the Uniform Regulations Governing Administration of Agricultural Preserves in Solano County.
- 25. The proposed use, as conditioned, 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 within the affected Zoning Districts or to the General Welfare of the County.
- 26. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby ADOPT the above findings, CERTIFIES the Final Environmental Impact Report (including the Addendum to the Final EIR) as adequate for purposes of considering approval of said project by certifying that: (1) the FEIR has been completed in compliance with the California Environmental Quality Act and the State and County EIR Guidelines; (2) the Planning Commission has reviewed and considered the information contained in the FEIR and determined that the FEIR is adequate, accurate and objective; (3) the Planning Commission has reviewed and considered the information contained in the FEIR prior to taking action on the Use Permit and a Mitigation Monitoring Program for the Project; (4) the conclusions reached in the FEIR reflect the Planning Commission's independent judgement; and ADOPTS the Mitigation Monitoring and Reporting Program and APPROVES Use Permit Application No. U-92-16 except the RV camping and Go Kart Track Expansion proposals, subject to the following conditions of approval:

- 1a. The above use shall be established and operated in accord with the plan, and as described in the project (hereafter referred to as the "facility") description documents submitted with the permit application, and approved by the Solano County Planning Commission, and as conditioned herein. In acting on the application two elements of the project: 1) the proposed RV camping, and 2) the proposed Go Kart Track Expansion were not approved.

- 1b. This use permit supersedes and replaces Use Permits No. R-585 and U-92-35. Uses that were not developed and/or maintained under R-585 such as target shooting, duck hunting and the camping area around the lake are specifically revoked and are no longer permitted under this Use Permit.
- 1c. The applicant shall submit revised plans prepared consistent with the approved application and the conditions of approval for the facility.
- 1d. Additional uses may not be established on the facility parcel whether they are allowed or conditional uses without amendment to this use permit to insure that the mitigation measures are implemented without interference from other uses. Because of this the number of animal units maintained in the paddocks to the north of the go-kart tracks must be restricted to less than 20.
- 1e. Only one Major event may take place per day at Campbell Ranch. A Major event is defined for purposes of this condition as a race or series of races where participants pay entry fees to race and awards are given to the top finishers. A Minor event is one in which practice is available to participants. The number of racing vehicles, cars, participants and spectators allowed at each class of event (ie Major or Minor) shall be restricted to the maximum numbers identified in Table 3.3.1 (Revised) "Proposed Activities" as found in the Addendum to the Final EIR for the project as Certified by the Solano County Planning Commission. In addition the number of annual events is restricted to that reflected in Table 3.3.1 (Revised). The dates provided on Table 3.3.1 are provided for impact analysis purposes only and are not considered a condition of this use permit.
2. The permittee shall submit an annual compliance report to the Department of Environmental Management on the first and second anniversaries of the use permit approval documenting progress toward compliance with each verification provision detailed below in these Conditions of Approval (including Condition 6 g). Additional annual compliance reports shall be submitted if requested by the Department to document compliance with project mitigation measures and Conditions of Approval. Upon receipt of the Annual Compliance Report the Department shall conduct an annual field inspection to verify compliance.
3. The applicant shall obtain all of the required permits related to the development of the proposed facility. These include but are not limited to: a Solano County grading permit and an NPDES permit from the Regional Water Quality Control Board for the Central Valley Region. The permit applications shall include the following provisions:

- a. As a part of the application for a grading permit, the application shall include a grading and erosion control plan which, at a minimum, meets the basic design principles and standards as presented in the County's Grading and Erosion Control Ordinance. The ordinance lists 15 measures which provide guidelines for the removal of vegetation, construction and installation of control devices and structures, grading procedures, and disposal of materials. The ordinance also identifies the applicant's responsibilities in execution of erosion control provisions as conditions of the permit.
- b. As a condition of the drainage permit, the applicant is required to comply with the erosion control measures specified by the grading and erosion control standards.
- c. The issuance of an NPDES permit from Water Quality Control Board will require the preparation of a Storm Water Pollution Prevention Plan before the start of construction. The SWPPP shall incorporate best management practices which control pollutant contributions from: construction practices, material handling, waste handling, vehicle and equipment operation and maintenance. The BMPs for erosion and sediment control shall also be incorporated into the SWPPP.

Post-construction BMPs shall be used to ensure continued control of pollutants resulting from the operation of the site for recreational vehicles and activities.

Verification:

Post-construction BMPs shall be considered conditions of the facility permit and enforced by the Solano County Building Division.

4. Vehicle access shall be restricted from areas adjoining Barker Slough to minimize the disturbance of shoreline vegetation. This vegetation stabilizes the slopes above the slough channel and reduces the potential for erosion along the channel.

Verification:

The Planning Division will be responsible for verifying the facility is operated consistent with this requirement.

5. The permittee shall establish native trees in the northeast corner of the site (away from existing wetlands and any mitigation wetland areas) sufficient to screen views of the site (particularly the motocross track) from the section of Highway 113 to the

east. The Department of Environmental Management shall approve planting and irrigation plans before planting.

Verification:

The permittee shall be responsible for submitting written verification of compliance with this condition to the Planning Division within 12 months of the issuance of the use permit. The Planning Division will verify that the plantings are being maintained during the annual inspection (See Condition 2b).

6. The following conditions of approval shall be implemented to mitigate for the project's resulting loss of wetlands:
 - a. All project activities that propose to fill wetlands (including vernal pools) shall be redesigned or relocated to avoid filling wetlands (beyond those already filled).
 - b. **VERNAL POOL MITIGATION:** Up to 0.7 acres of vernal pools and swales have already been filled; therefore, 2.1 acres of vernal pools and swales must be preserved. The permittee shall permanently protect an area of vernal pools (not presently preserved), equal to three times the area of vernal pools already filled by the project. The vernal pools to be preserved may occur on property owned by the permittee or on property that the permittee shall purchase, but should be adjacent to existing preserves. An entire vernal pool system, including the vernal pool contributing area and suitable upland buffer, must be preserved. A 3:1 mitigation preservation ratio is necessary to compensate for the additional value the project site pools have as habitat for rare and endangered species.
 - c. **NON VERNAL POOL WETLAND MITIGATION:** All non-vernal pool wetlands that have already been filled by project activities shall be restored or replaced by creation of new wetlands at a ratio of 1:1, to allow for "no net loss" of wetlands. Up to 1.1 acres of wetlands have already been filled on the project site; therefore 1.1 acres of wetlands must be restored or replaced.
 - d. Wetland mitigation shall be implemented under a detailed wetlands mitigation plan that shall be approved by the County, in consultation with the U.S. Army Corps of Engineers, USFWS, and CDFG, prior to project construction.

Verification:

The permittee shall be responsible for submitting written verification of compliance with this condition to the Planning Division within 12 months of the issuance of the use permit.

- e. The wetland mitigation plan shall identify the types of wetland habitats to be created, identify suitable locations at which to implement the mitigation, and detail methods for constructing and revegetating the new wetland habitat. The plan shall include: performance standards upon which to evaluate the success of mitigation measures; requirements for monitoring and corrective measures (if needed); identification of the responsible parties for implementation, maintenance, monitoring, and corrective measures; and assurances of long-term maintenance and adequate funding.

The first preference for creating wetland habitats shall be to restore vernal pools in historic vernal pool locations on-site. If that option is infeasible, or insufficient acreage is present to accommodate the mitigation, then out-of-kind mitigation shall be allowed if : 1) sufficient acreage exists on-site to create non-vernal pool wetlands; and 2) creation of new vernal pool habitat on-site would adversely affect existing vernal pool habitat.

Suitable mitigation locations need to be determined on the basis of appropriate soils and hydrology. The EIR recommended the present location of the smooth TT track and the upland grassland south of Barker Slough as potential locations for on-site replacement wetlands. Replacement wetlands shall not be located in areas with existing vernal pools and swales to avoid disturbing the hydrology of those pools and swales, unless restoring previously-existing pools and swales.

A wetland delineation shall be prepared at a scale of 1"=50' or 1"=100', to allow sufficient detail for determining acreages accurately. Based on the detailed wetland delineation the impact acreages given in this condition shall be revised using the more accurate delineation to determine the amount of replacement wetlands that are required to be created or protected.

Verification:

The permittee shall be responsible for submitting written verification of compliance with this condition to the Planning Division within 12 months of the issuance of the use permit.

- f. All new wetlands shall exhibit biological and hydrologic characteristics within the range now exhibited by existing wetlands on the project site. Successful establishment of replacement wetlands shall be determined by achieving specific biological and hydrologic performance standards set by baseline studies of similar wetlands on the project site. The performance standards shall be achieved within five years of the creation of the new wetlands.

Specific performance standards cannot be proposed without knowing the type of wetlands that will be created. In general, the average number and percent cover of wetland species in the new wetlands should be within 70 to 80 percent of the average number in the existing wetlands in the impact area. Also, the composition and diversity of the invertebrate fauna in the new wetlands should be similar to that found in existing wetlands in the impact area.

Verification:

- g. The wetland mitigation plan shall include requirements for monitoring and corrective measures (if needed). Annual monitoring of the new wetlands shall be performed for five years or until the performance standards are achieved, whichever is longer. Annual written reports shall be submitted to the County and to the CDFG.
- h. The permittee shall be responsible for creating the new wetlands, protecting the new and existing wetlands during the mitigation phase, taking corrective action as noted above, and implementing the monitoring. As a condition of permit approval, the permittee shall commit the new wetland habitat to permanent protection through a conservation easement (which should specify those allowable uses under current zoning that are also consistent with wetland preservation) or transfer of title to the California Department of Fish and Game, the Solano County Open Space and Farmlands Foundation or by some other arrangement approved by the County. The permittee shall provide the County with assurances of long-term maintenance and adequate funding, such as through posting of a bond.

Beyond mitigation required by CEQA, other regulatory agencies may require mitigation as part of their permitting processes. The U.S. Army Corps of Engineers, which regulates placement of fill in all waters of the United States (including adjacent and isolated wetlands), requires mitigation for all Individual Permits and some Nationwide Permits. On September 16, 1994, the U.S. Fish and Wildlife Service issued a final ruling listing the vernal pool tadpole shrimp as endangered and the vernal pool fairy shrimp as

threatened. Because of this the USFWS may require mitigation for these species as part of their Section 7 consultation process with the Corps. The California Department of Fish and Game regulates fill and other disturbances in streambeds and has standard mitigation requirements. These agencies should be contacted during the preparation of the wetlands mitigation plan to determine the need for permits and specific mitigation measures that may be required to ensure that these measures are included in the wetlands mitigation plan.

7. The following mitigation measures are recommended to mitigate impacts on dwarf downingia, vernal pool fairy shrimp, fairy shrimp *Branchinecta "mesovalliensis"*, and vernal pool tadpole shrimp:

- a. All project activities that propose to affect vernal pools containing these species shall be redesigned or relocated to avoid the pools.

Verification:

The permittee shall be responsible for submitting written verification of compliance with this condition to the Planning Division within 12 months of the issuance of the use permit.

- b. If no vernal pools are created under the wetland mitigation plan, then the project applicant shall consult with the USFWS to determine appropriate mitigation, such as acquisition and permanent protection of existing off-site habitat for these species.

Verification:

The permittee shall be responsible for submitting written verification of compliance with this condition to the Planning Division within 12 months of the issuance of the use permit.

8. The following conditions mitigation measures are required to mitigate potentially adverse impacts on sensitive habitats on the adjacent Jepson Prairie Preserve due to wildfires originating on the facility site:

- a. Vehicles shall be excluded from all undeveloped portions of the facility site except as required for normal ranch operations. Undeveloped areas include all portions of the site outside of the race tracks, roads, and parking areas. Parking areas shall be kept cleared of vegetation. Vehicular access to undeveloped portions of the site shall be prevented by permanent fencing. Permanent fencing shall be designed to permit movement of terrestrial

wildlife across or under the fence. Permanent fencing shall include the area along the western edge of the Models area.

Verification:

The Planning Division will be responsible for the initial and continued inspections of the project site to verify the facility is operated consistent with this requirement. The permittee shall be responsible for submitting written verification of compliance with the requirement for permanent fencing to the Planning Division within 12 months of the issuance of the use permit.

- b. Perimeter fire breaks in uplands may be created by discing or mowing, but fire breaks in wetlands shall be created only by mowing. Mowing of fire breaks shall not be performed between October 15 and June 15. October 15 marks the start of the rainy season, and most vernal species will have dropped their seeds by mid-June. Mowing within seasonal wetlands is not necessary during the growing season because the vegetation is green and not flammable.

Verification:

The Vacaville Fire Protection District will be responsible for the continued inspection of the project site to insure operations are consistent with this condition.

- c. The California Health and Safety Code and the Solano County Fire Code require that a twelve-foot-wide fire break be maintained along all property lines. The fire break shall either be disced annually or mowed regularly, such that the vegetation within the fire break is maintained at a height of four inches or less, year-round.

Verification:

The Vacaville Fire Protection District will be responsible for the continued inspection of the facility site to insure operations are consistent with this condition.

9. The following conditions shall be implemented to mitigate for the project's impacts of Swainson's hawk foraging habitat:
 - a. All projects that result in the loss of Swainson's hawk foraging habitat require the project applicant to consult with the California Department of Fish and Game and to enter into a management agreement and take permit under Fish and Game Code 2081. Suitable mitigation measures depend on the

site and nature of the impacts, but in general the CDFG requires preserving suitable Swainson's hawk foraging habitat on a 1:1 ratio for the area developed. Preservation includes placing a conservation easement on the mitigation land. Unless otherwise specified by the CDFG preservation of 45 acres in the southwest or northwest corner of the property as open space shall be required to mitigate for the project's elimination of over 45 acres of foraging habitat.

- b. The permittee shall consult with the CDFG and implement the mitigation measures determined necessary by that agency.

Verification:

The permittee shall submit a letter from the CDFG documenting that their mitigation requirements for Swainson's hawk foraging habitat have been complied with no later than 12 months after the granting of this use permit.

10. Ten (10) acres of land identified as the smooth TT track in the EIR shall be reclaimed in the northeastern corner of the property. The reclamation measures should include restoration of the upper soils to an uncompacted condition through discing and/or tilling, revegetation by reseeding, and irrigation through the summer months until vegetation is restored to the area. Alternatively, this part of the site should be considered as a candidate location for the reestablishment of wetlands lost in other parts of the site.

Verification:

The Department of Environmental Management shall inspect for completion of this condition 12 months following the issuance of the use permit by the County during the first annual inspection.

11. The operator of the go-kart track shall require all waste oil containers at the go-kart facility to be placed in a double containment system to prevent spillage. Drip pans shall be used below go-kart engines when servicing or repairing go-karts. Enforcement of the use of drip pans shall include penalties of exclusion from practice or an event for non-compliance. Approved absorbent material shall be readily available at two locations in the go-kart pits, to be used in case of accidental spillage of oil or gasoline. The absorbent containers shall be clearly marked and easily accessible.

Verification:

The operator of the go-kart track shall begin a program of annual Phase 1 environmental inspections by a registered environmental assessor. The results of

the inspection shall be submitted to the County's Department of Environmental Management and used to adjust the rules and practices of the facility operations. The results of the first inspection shall be submitted with the first Annual Compliance Report (see 2 above) and shall report on the compliance of the facility with the condition specified above.

12. The facility shall meet the following requirements to the satisfaction of the Vacaville Fire Protection District:
 - a. A dedicated water supply system for fire protection purposes only.
 - b. Installation fire guards to prevent visitors' vehicles from wandering throughout the facility site.
 - c. Dedicated emergency access as a second access to the site. This access shall be locked and restricted with service only to emergency vehicles.
 - d. Construction of a helipad to airlift trauma victims to the closest medical centers for trauma treatment shall be established in the "infield" of the go-kart track.

Verification:

The Vacaville Fire Protection District will be responsible for the inspection of the facility site to insure operations are consistent with this condition. The permittee shall submit written verification from the District within 12 months of the issuance of the use permit documenting compliance with these conditions.

13. All requirements of the Solano County Environmental Health Division and the project EIR shall be met including:
 - a. The Division approves the use of portable chemical toilets at the Go-Kart Track provided there is no permanent on-site food facility and that food vending is limited to a mobile food unit. In addition, the mobile food unit shall be removed after each event. The use of portable chemical toilets to augment the existing permanent restrooms at the Motocross Track is also allowed.
 - 1) A minimum of one toilet per 50 persons shall be provided at each track at each event.

- 2) Before the issuance of the use permit, the permittee shall secure a permit from this Division to operate their privately owned portable chemical toilets. All rented chemical toilets shall be provided by a permitted sanitation company.
 - 3) Before the issuance of the use permit, the permittee shall submit to this Division a copy of a maintenance agreement with a licensed sanitation company to supply additional toilets as needed and to maintain all portable chemical toilets on-site.
 - 4) The placement of portable toilets shall be according to a plan approved by the Division. They shall be clustered, at least 200 feet from food facilities and easily accessible to visitors and pump trucks.
 - 5) All sewage disposal systems and portable toilets shall be maintained so as not to create a public health nuisance.
- b. The concession stand at the Motocross track has a current food facility permit and is not in compliance. Before commencement of food sales at the Go-Kart Track, the permittee shall secure a permit from this Division to operate a mobile food unit to service the Go-Kart Track. The mobile food unit shall be removed after each event.
- c. This Division will waive the requirement for a public water system permit at the Go-Kart Track provided:
- 1) The mobile food unit shall carry its own water supply from an approved source and this is to be verified by the food facility inspector.
 - 2) Before the issuance of the use permit, the existing water spigot at the Go-Kart Track shall be clearly posted with a sign warning users that the water is non-potable.

Verification:

The Environmental Health Services Division will be responsible for the initial and continued inspections of the facility site to insure operations are consistent with this condition.

14. The permittee shall obtain permission from the U.S. Department of Energy's Western Area Power Administration (or its successor in interest) before conducting the proposed recreational uses and support activities on the facility site in the high voltage power line right-of-way easement on the facility site.

Verification:

The permittee shall provide the Department of Environmental Management proof of written permission from the U. S. Department of Energy's Western Area Power Administration sufficient to verify compliance with this condition.

15. The permittee shall implement the following mitigation measures to the satisfaction of the Solano County Transportation Department:
 - a. Relocate Driveway No. 1 further to the south, such that its centerline shall be located 250 feet south of the south edge of the pavement of the east-west leg of S.R. 113.
 - b. Construct Driveway No. 1 with at least two lanes with a minimum width of 12 feet per lane for a distance of 200 feet west of the westerly Cook Lane right-of-way. No gate shall be installed within that 200 foot distance.
 - c. Construct the intersection of Cook Lane and Driveway No. 1 in conformance with the Solano County commercial driveway standard (northwest corner), and the requirements of the Transportation Department (southwest corner).
 - d. Construct the intersection of Cook Lane and Driveway No. 2 according to the requirements of the Transportation Department. The driveway within the Cook Lane right-of-way shall have at least two lanes with a minimum width of 10 feet per lane. The driveway outside of Cook Lane shall be configured and constructed to eliminate any stacking of traffic on Cook Lane.
 - e. Construct the intersection of Cook Lane and Driveway No. 3 according to the Solano County commercial driveway standard (northwest corner), and the requirements of the Transportation Department (southwest corner). The driveway within the Cook Lane right-of-way shall have at least two lanes with a minimum width of 12 feet per lane. The driveway outside of Cook Lane shall be configured and constructed to eliminate any stacking of traffic on Cook Lane.
 - f. Construct a two lane double chip seal over 0.5 feet of AB on Cook Lane from S.R. 113 to 50 feet south of the centerline of Driveway No. 3. Each lane

shall be constructed to a width of 12 feet, with 4 foot dirt shoulders, except that the chip sealed road width shall transition to the width of the bridge over Barker Slough beginning at a distance of 100 feet from each end of the bridge. The chip seal shall extend to a distance of 200 feet west of the westerly Cook Lane right-of-way for Driveway No. 1, and 50 feet west for Driveway No's. 2 and 3.

- g. Apply to the Transportation Department for an Encroachment Permit for all work to be done within the Cook Lane right-of-way before the issuance of the Use Permit. A security in a form acceptable to the Transportation Department shall accompany the application. The security shall be in an amount which includes the estimated cost of performing the work, including design and inspection. All work shall be completed within the time limit stated on the encroachment permit.
- h. Obtain all required permits from Caltrans for work to be done in State right-of-way.
- i. No event parking shall be allowed within the Cook Lane right-of-way. If, notwithstanding this condition, the Transportation Department determines that event participants do park along Cook Lane, the applicant shall reimburse the Transportation Department for the cost of installing "No Parking" signs.
- j. No event stacking shall be allowed on southbound Cook Lane, or on S.R. 113. Event stacking on northbound Cook Lane shall be controlled so as not to interfere with southbound traffic on Cook Lane.
- k. Install street lights on Cook Lane at S.R. 113 and all three facility driveways to ensure good nighttime visibility, since facility activities are proposed to occur after dusk.
- l. The applicant shall not conduct more than one event, major or minor, at a time.
- m. No tracking of gravel, mud, or any other material onto the Cook Lane right-of-way shall be allowed. The applicant shall take any preventive measures required, including chip sealing the driveways to a point farther west than the minimums mentioned above, as needed to prevent such tracking from occurring. If tracking does occur, the applicant shall immediately clean it up,

and shall take preventive measures to the satisfaction of the Transportation Department to prevent it from reoccurring.

- n. Install and maintain stop signs at the intersection of Driveway No's. 1, 2, and 3 with Cook Lane.
- o. Enter an agreement with Solano County to 1) dedicate to Solano County a temporary detour right-of-way, and permanent rights-of-way and easements as required, to accommodate the replacement of the Cook Lane Bridge over Barker Slough; and 2) pay a portion of the local cost of replacing the bridge, proportional to the share of traffic generated by the proposed use. Both actions shall occur upon the demand of the Transportation Department after the bridge has been selected as a candidate for replacement.

Verification:

The permittee shall submit improvement plans to the County Transportation Department within 6 months of the issuance of this use permit. The permittee shall be responsible for submitting written verification of compliance with this condition to the Planning Division within 12 months of the issuance of the use permit (as part of the first Annual Report Condition 2b).

- 16. Parking shall be prohibited along Cook Lane adjacent to Campbell Ranch by posting temporary "No Parking" signs along both sides of the roadway on event days.

Verification:

The Planning Division will be responsible for the initial and continued inspections of the facility site to insure operations are consistent with this condition.

- 17. Any project site right-of-way within 50 feet of the centerline along the frontage of S.R. 113 shall be dedicated to Caltrans.

Verification:

The permittee shall be responsible for submitting written verification of compliance with this condition to the Planning Division within 6 months of the issuance of the use permit.

- 18. All access to the facility should be from Cook Lane and no access should be closer than 150 feet south of the S.R. 113 / Cook Lane intersection.

Verification:
Not applicable

19. The Kinsmen Kart Club should provide traffic control personnel at the Cook Lane bridge on major event days to ensure that access is maintained over the bridge in both directions and to enforce the parking prohibition along both sides of Cook Lane.

Verification:
The Planning Division will be responsible for the initial and continued inspections of the facility site to insure operations are consistent with this condition.

20. To mitigate existing safety concerns, the following measures should be required:
- a. Maintenance (filling in the potholes on Cook Lane) should be completed immediately.

Verification:
The permittee shall be responsible for submitting written verification of compliance with this condition from the County Transportation Department to the Planning Division within 6 months of the issuance of the use permit.

- b. Stop-sign controls should be provided on all three Argyll Park eastbound driveway approached to Cook Lane.

Verification:
The permittee shall be responsible for submitting written verification of compliance with this condition from the County Transportation Department to the Planning Division within 6 months of the issuance of the use permit.

- c. Parking on Cook Lane should continue to be prohibited on all event days.

Verification:
The Planning Division will be responsible for the initial and continued inspections of the facility site to verify the facility is operated consistent with this requirement.

21. If the road improvements required as conditions of project approval require the Cook Lane roadway section to be widened biotic surveys as described in Section 5.2.3 of the Final EIR shall be conducted and further CEQA findings shall be

required before the issuance of encroachment permits by the County Transportation Department.

Verification:

Once specific road improvement plans are prepared the Planning Division shall determine if additional biotic surveys are necessary.

22. The following conditions shall be implemented to mitigate for the project's impacts on air quality:
- a. During a major event on the smooth TT track, the track shall be watered frequently between heats with a water truck. Water trucks shall be filled with water from the existing holding pond located east of the motocross track and north of Barker Slough, just as existing water trucks are filled.
 - b. During a major event on the motor cross track, no other major or minor events should be allowed on the facility site.
 - c. To minimize the nuisance effects of wind-blown litter, the project applicant and its lessees should be required to inspect Cook Lane and other downwind areas at the end of the same day as the major or minor event, and any visible litter shall be picked up before it blows away.
 - d. During major and minor go-kart events, all unpaved areas should be watered down to minimize potential dust generation.

Verification:

The Planning Division will be responsible for verifying the facility is operated consistent with this requirement.

23. The following conditions shall be implemented to mitigate for the project's impacts on noise levels:
- a. The go-kart track hours of operation shall be limited to the period between 9:00 AM - 7:00 PM except as noted in Condition 24. e. (below).

Verification:

The Planning Division will be responsible for verifying the facility is operated consistent with this requirement.

- b. Operation of vintage motorcycles shall be prohibited on the project site to a noise level commensurate with other vehicles (as described in the Peter Klaveness & Associates Report, 1993.)

Verification:

The Planning Division will be responsible for verifying the facility is operated consistent with this requirement.

- c. The project applicant is required to maintain compliance of all project uses (individually and cumulatively) with the County's 60-dBA (CNEL) noise criterion at the Groom residence, the closest existing sensitive receptor. If at such time, the undeveloped parcel located south of the facility site is developed with a residence, its northern boundary or the new residence should be considered the closest receptor and compliance with the 60-dBA criterion should be applied to this new location. This requirement can be met through the use of sound reduction technologies including air boxes and mufflers.

If engine technology is not sufficient to maintain compliance a solid noise barrier or berm shall be provided along the west and south sides of the track to effectively reduce cumulative noise levels at existing and potential sensitive receptors to the southwest and south. On the west side, it should extend as far north as indicated by Klaveness (refer to Figure 1 of Appendix C of the DEIR) and continue along the south side to just east of the pit area. However, the feasible extent of the barrier will be constrained by existing wetlands resources which occur on the in the vicinity of the northwest corner of the proposed track extension and to the southeast of the existing pit area (adjacent to the pit area).

It may not be possible to extend the berm as far north as indicated by Klaveness, or as far east as recommended in this report due to these wetlands. However, it may be possible to place the berm/barrier along the perimeter of the pit area (on the pavement) to allow full extension to the east as recommended. The noise barrier's effectiveness should be reassessed once a specific design is provided which avoids impacts on wetlands. As recommended by Klaveness (1993), the barrier should be six feet high above the track. Noise barriers are more effective in reducing high frequency noise than low frequency noise. Therefore, this barrier should effectively reduce go-kart related noise by as much as 5 to 6 dBA.

Verification:

Such a reduction should be sufficient to maintain compliance of all project uses (individually and cumulatively) with the County's 60-dBA (CNEL) noise criterion at the Groom residence, the closest existing sensitive receptor. If at such time, the undeveloped parcel located south of the project site is developed with a residence, its northern boundary or the new residence should be considered the closest receptor and compliance with the 60-dBA criterion should be applied to this new location.

- d. Loudspeakers shall be oriented toward the north away from sensitive receptors. The volume should be limited so as not to exceed 60-dBA at the southern project boundary at any time.

Verification:

The Planning Division will be responsible for verifying the project is operated consistent with this requirement. If noise complaints by neighbors continue, the Department of Environmental Management can require noise levels to be monitored on a weekend when multiple minor events are occurring in the motocross and go-kart track areas. Monitoring should be conducted by a qualified acoustical consultant to determine if the 60-dBA (CNEL) criterion is being maintained at nearby residences at that time.

- e. The go-kart track hours on Saturdays and Sundays from March 15 to May 15 of each year are limited to 3:00 PM to 7:00 PM in order to reduce noise impacts on the users of the Jepson Prairie Preserve during the spring wildflower visitation period. Weekday track hours for this period would remain 9:00 AM to 7:00 PM. The go-kart track operators shall maintain communications with the Jepson Preserve management to schedule activities so as not to interfere with each others operation to the extent possible,

Verification:

The Planning Division will be responsible for verifying the project is operated consistent with this requirement.

- 24a. The permittee shall obtain approval of the Solano County Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting or demolishing any building or structure, fence or retaining wall regulated by the Solano County Building Laws. The applicant shall submit three sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.

- 24b. The permittee shall comply with all requirements of the National Flood Insurance Program which requires all permanent structures to be sited 1' above the elevation of the 100 year flood.

Verification:

The Building Inspection Division will be responsible for verifying the project is operated consistent with this requirement.

25. The permittee shall allow the Solano County Department of Environmental Management, County Transportation Department and any other responsible agency to conduct site inspections of the construction and operation of the facility anytime after commencement of construction and either annually or at the completion of any phase of facility construction, at the discretion of said department(s), to insure compliance with plans. Noncompliance with the approved use permit or any condition(s) set forth therein shall be cause for revocation by the Planning Commission of said permits.

26. The maximum hours of operation for racing at the TT smooth track/motocross facility shall be from 9 AM to sunset. After racing events on Fridays and Saturday nights activities such as barbeques, award ceremonies and music may continue until 11:00 PM.

Verification:

The Planning Division will be responsible for verifying the project is operated consistent with this requirement.

27. On-site signage visible from Highway 113 or Cook Lane is limited to the signage existing as of the 8-1-96.

- 28 a. The permittee is responsible for the maintenance of the entire facility in compliance with all requirements of the Solano County Code and this use permit.

- b. The project applicant shall be responsible for reimbursing the Department of Environmental Management for its cost of monitoring, enforcing, and verifying compliance; implementing the mitigation measures; and monitoring and reporting of results.

29. Substantial change in the permitted operation as determined by the Director of Environmental Management, shall require an application for an amended use permit for continuance of the activity.

- 30. The project site shall be kept free of trash and debris at all times.
- 31. By signature of this permit, the permittee and its successors in interest agree to defend, indemnify and hold the County and its officers, employees, and agents harmless, from claims, demands, losses and expenses, including attorneys' fees and costs, occurring directly or indirectly by reason of or in connection with any negligent or intentionally wrongful act of the permittee or its agents, employees or subcontractors in the exercise of this permit with respect to claims by third parties for personal injury, property damage or other loss. The permittee further agrees to hold the County harmless from all claims, demands, loses, or expenses occurring by reason of or in connection with the issuance of this permit, any condition therein, and any and all associated approvals (including CEQA related claims) and further, to reimburse the County for all County costs, attorneys' fees and any other fees incurred in the litigation thereof. This agreement shall be a covenant that runs with the land and shall be binding on all successors in interest of the permittee.
- 32. The permit shall be in effect for a ten (10) year period with provision that an extension may be granted if said request is received prior to the expiration date of November 21, 2006, depending upon the circumstances at that time.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on November 21, 1996 by the following vote:

AYES: Commissioners Campbell, Stahl, Hawkes

NOES: Commissioners Plutchok, Robbins

ABSTAIN: Commissioners None

ABSENT: Commissioners None

By 
 Birgitta Corsello, Interim Director