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Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT  
Use Permit Renewal**

<b>Application:</b>	U-12-13-CR1	<b>Meeting of:</b>	April 18, 2019
<b>Applicant:</b>	Tim Roberts	<b>Agenda Item No.</b>	1
<b>Project Planner:</b>	Travis Kroger		
<b>Location:</b>	North of Lake Herman Road	<b>General Plan:</b>	Agriculture
<b>Assessor Parcel Number:</b>	0181-240-040	<b>Zoning:</b>	A-20

**Proposal**

The applicant has requested compliance review No. 1 for Land Use permit U-12-13 pursuant to condition of approval No. 2. 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**

On October 4, 2012 the Solano County Planning Commission granted Land Use permit U-12-13 to establish a wildlife conservation bank.

**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 the existing wildlife conservation bank is being operated in compliance with Land Use permit U-12-13.

**Permit Term**

Per condition 2 of U-12-13, staff recommends that U-12-13 be found to be in compliance with the conditions of approval, with the next compliance review being due October 4, 2022.

**Attachment:** Solano County Planning Commission Resolution No. 4584.

## SOLANO COUNTY PLANNING COMMISSION RESOLUTION NO. 4584

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**WHEREAS**, the Solano County Planning Commission has considered Use Permit Application No. U-12-13 of Benicia North Gateway II, LLC to establish and operate a wildlife conservation bank located at 1 Lake Herman Road in an "A-20" Exclusive Agricultural Zoning District, north of the City of Benicia, APN: 0181-240-040, and;

**WHEREAS**, said Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on October 4, 2012, and;

**WHEREAS**, after due consideration, the said Planning Commission 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 County General Plan with regard to traffic circulations, population densities and distribution, and other aspects of the General Plan.**

The use is consistent with the Agricultural and Resource Conservation Overlay Land Use Designation in that the purpose of the wildlife conservation bank is to protect and preserve habitat for two Federal special status species – California Red Legged Frog and Calippe Silverspot Butterfly and sell credits to public or private entities requiring mitigation for impacts to these protected species.

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

Adequate access to the property currently exists via Lake Herman Road and private ranch roads. No additional utilities are required for this project.

3. **The subject use will not, under the circumstances of the 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 proposed conservation bank will clearly not constitute a nuisance or be detrimental to the welfare of County residents.

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission of the County of Solano does determine that the project qualifies for a Class 8 Categorical Exemption Section 15308 of the California Environmental Quality Act and **APPROVE** the Use Permit Application No. U-12-13 subject to the following conditions of approval:

1. Approval is hereby granted to establish and operate a wildlife conservation bank at 1 Lake Herman Road known as Ridge Top Ranch Wildlife Conservation Bank for Benicia North Gateway II, LLC, on 745 acres zoned A-20. The proposed wildlife conservation bank shall be established in accord with the plans entitled Ridge Top Ranch Wildlife Conservation


Bank submitted with Use Permit Application No. U-12-13, and approved by the Solano County Planning Commission subject to the any revisions required by the conditions of approval below.

2. The use permit is approved for an indefinite period. Pursuant to Section 28.106(N), a use permit is subject to periodic renewal every five (5) years and may be granted by the Zoning Administrator provided that the request is received prior to October 4, 2017, the owner has paid a renewal fee and the project is found to be in full compliance with the terms and conditions of this permit. The applicant shall submit a "Report of Compliance" to the Resource Management Department, along with applicable renewal fee, on the fifth (5<sup>th</sup>) anniversary of the issuance of this permit for review by the staff. The "Report of Compliance" shall address compliance of conditions no. 1 through 5.
3. Provide a copy of the approved Development Plan, Long Term Management Plan and recorded conservation easement to the Department of Resource Management within 60 days of United State Fish and Wildlife Service approval.
4. The permittee shall not install a well or conduct groundwater pumping within the 1000-foot buffer on the eastern portion of the property, as shown on Exhibit C (Ridge Top Ranch – 1000 foot buffer). The permittee shall conduct annual groundwater sampling for constituents of concerns, based upon the constituents monitored at the IT Panoche landfill facility as required by the Department of Toxics and Substance Control or Regional Water Quality Control Board, and submit the report to the Environmental Health Division on an annual basis. Groundwater sampling shall be limited to wells installed by or for the benefit of the permittee on the conservation parcels and used for conservation bank purposes.
5. 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.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on October 4, 2012 by the following vote:

AYES:	Commissioners	<u>Boschee, Rhoads-Poston, Karah, Cayler and</u> <u>Chairman Mahoney</u>
NOES:	Commissioners	<u>None</u>
EXCUSED:	Commissioners	<u>None</u>

By:   
Bill Emlen, Secretary