

MINUTES OF THE SOLANO COUNTY PLANNING COMMISSION

Meeting of October 4, 2012

The regular meeting of the Solano County Planning Commission was called to order at 7:00 p.m. in the Board of Supervisors' Chambers, Fairfield, California.

PRESENT: Commissioners Boschee, Rhoads-Poston, Karah, Cayler, and Chairman Mahoney

EXCUSED: _____

STAFF PRESENT: Mike Yankovich, Planning Program Manager; Karen Avery and Nedzlene Ferrario, Senior Planners; Lori Mazzella, Deputy County Counsel; and Kristine Letterman, Planning Commission Clerk

Items from the floor - none

1. **PUBLIC HEARING** to consider Use Permit Application No. U-12-13 of **Benicia North Gateway II, LLC (Ridge Top Ranch)** to establish a wildlife conservation bank to conserve and protect special status wildlife species and habitat located at 1 Lake Herman Road north of the City of Benicia in an "A-20" Exclusive Agricultural Zoning District, APN: 0181-240-040. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Nedzlene Ferrario) **Staff Recommendation:** Approval

Nedzlene Ferrario gave a brief summary of the written staff report. She stated that the applicant proposes to establish a wildlife conservation bank known as Ridge Top Ranch Wildlife Conservation Bank for the purposes of selling credits to public and private entities requiring mitigation for impacts to protected species or their habitat. The focal species for the bank is for the federal endangered California Red-Legged Frog (CRLF) and the Callippe Silverspot Butterfly (CSB). The 745 acre property will be preserved and protected in perpetuity under a conservation easement and a long term management plan. Oversight responsibilities are with United States Fish and Wildlife Service. Staff recommended approval of the project.

The applicant's representative, Malcolm Jarrell, appeared before the commission. He stated that the company owns several parcels adjacent to the former IT Panoche landfill site, and the land that was acquired was intentionally carved out as being non-impacted land. He said the parcel designated for conservation is on a groundwater surface divide and there are hills on either side. Mr. Jarrell stated that they are planning to operate the land the way it is currently being operated as grazing. He said there are no plans for any type of buildings or other development on the property. Mr. Jarrell noted that they will enhance some of the natural ponds to help make for better habitat.

In response to Commissioner Cayler's inquiry, Mr. Jarrell stated that there are a dozen ponds on the property and four have been designated for frog breeding.

Chairman Mahoney asked about the oversight responsibilities with U.S. Fish and Wildlife Service. Mr. Jarrell explained that there is a comprehensive process that is followed in order to obtain approval to open a conservation bank. It entails putting the land into permanent conservation as well as designating long term management of the property by a third party. He said that the work would be funded in perpetuity through an endowment. The long term activity would include controlling invasive species, specifically artichoke thistle, annual monitoring of the Red-Legged Frog, and maintenance of the fence structure around the parcel.

Chairman Mahoney wanted to know who the third party would be. Mr. Jarrell stated that discussions have taken place with the Wildlife Heritage Foundation, which has management experience and is responsible for a lot of conservation acreage in California.

Chairman Mahoney wanted to know who owns title to the property once the easement is sold. Mr. Jarrell stated that they would own the land, but it is strictly limited for conservation purposes. He stated that the landowner is funding the endowment, but only the caretaker of the parcel will have access to the funding.

Chairman Mahoney commented that it makes him a little hesitant when he hears that a conservation easement will be held in perpetuity because he has seen instances in the past where the land has been sold afterward. Mr. Jarrell stated that it will be written into the deed that the land is restricted for permanent easement.

Since there were no further questions, Chairman Mahoney opened the public hearing.

June Guidotti, 3703 Scally Road, Suisun, stated that she believed people in Vallejo own this parcel and it is connected to Marin County and Solano Land Trust. She said the county is spending public money on preexisting land and it is a scam and the public is being deceived. She also voiced concern about the ponds and how they need to be fenced off to be protected. She asked the commission to deny the project until it is put into writing exactly what is being done with the property.

Since there were no further speakers, Chairman Mahoney closed the public hearing.

Mr. Yankovich stated that this parcel is under private ownership. As the applicant has stated, he has been in negotiations with US Fish and Wildlife for a mitigation bank. The process is a very thorough one and includes the breeding for the Red-Legged Frog and all terms of breeding habitat. Conditions would be imposed as a part of the mitigation bank requirements for operations and maintenance and would have to be abided by. Mr. Yankovich stated that he believed a number of scientists have been a part of this agreement in order for it to be certified as a mitigation bank.

A motion was made by Commissioner Boschee and seconded by Commissioner Rhoads-Poston to approve Use Permit Application No. U-12-13 subject to the conditions of approval. The motion passed unanimously. (Resolution No. 4584)

2. **PUBLIC HEARING** to consider Minor Revision No. 1 to Use Permit No. U-93-24 of **George Bertram (Midway RV Park, LLC)** to add 12 RV spaces, cargo storage containers, dog park, garden and new septic at an existing recreational vehicle park located at 4933 Midway Road

adjacent to the City of Vacaville in a "CR" Commercial Recreation Zoning District, APN: 0106-210-280. This project is determined to be categorically exempt from the provisions of the California Environmental Quality Act. (Project Planner: Karen Avery) **Staff Recommendation:** Approval

Karen Avery briefly reviewed staff's report. She stated that the applicant is requesting a minor revision to an existing use permit to recognize the addition of 12 recreational vehicle spaces, storage containers, dog park and community garden area. The purpose of the minor revision is to recognize the current site plan and recent improvements made to Midway RV Park. Staff recommended approval of the project.

Since there were no questions of staff, Chairman Mahoney opened the public hearing.

June Guidotti, 3703 Scally Road, Suisun, spoke in opposition to the project. She stated that she believed the county's general plan has eliminated rest stops where travelers are able to pull over to sleep and now they would have to go to an RV park which could be costly.

Since there were no further speakers, Chairman Mahoney closed the public hearing.

A motion was made by Commissioner Cayler and seconded by Commissioner Karah to approve Minor Revision No. 1 to Use Permit No. U-93-24. The motion passed unanimously. (Resolution No. 4585)

3. **PUBLIC HEARING** to consider Revocation of Use Permit No. U-06-05 of **Fred and Brenda Bray (Discovery Land Care)** for a landscape and maintenance business located at 7624 Leisure Town Road, 1.1 miles north of the City of Vacaville in a "A-40" Exclusive Agricultural Zoning District, APN: 0106-100-110. (Project Planner: Nedzlene Ferrario) **Staff Recommendation:** Revoke permit

Nedzlene Ferrario stated that on September 15, 2011, the Planning Commission granted a Cottage Industry – General Land Use Permit to Fred and Brenda Bray. The use permit allowed the Brays to operate a landscape and maintenance business known as Discovery Land Care from their home. In February 2012, the property owners informed Resource Management staff that they intend to relocate the business to 5778 Dixon Avenue West and on May 12, 2012, filed a Minor Use Permit application for the new location. The Zoning Administrator approved Minor Use Permit MU-12-05 on August 2, 2012. Because the business will be relocated to 5778 Dixon Avenue West, the use permit for the Leisure Town location is no longer required and staff recommends that the Planning Commission revoke the land use permit approval. The landowner/permittee holder consents to this revocation.

Chairman Mahoney opened the public hearing. There were no speakers either for or against this matter, therefore the hearing was closed.

A motion was made Commissioner Cayler and seconded by Commissioner Boschee to revoke Use Permit No. U-06-05 granted to conditionally allow a landscape and maintenance business at 7624 Leisure Town Road. The motion passed unanimously. (Resolution No. 4586)

4. **ANNOUNCEMENTS and REPORTS**

Chairman Mahoney requested staff prepare a listing of the acreage in Solano County being put into conservation banks. He said that there is great potential of the county losing many acres of productive ag ground, and he felt it important to keep track of the amount of land being lost.

Mr. Yankovich stated that staff would provide a map of both the existing mitigation banks in the county as well as the Solano Land Trust properties. He noted that Solano Land Trust property is different than a mitigation bank. The mitigation bank to be recognized to issue credits has to go through a pretty substantial application process with either Fish and Wildlife or State Fish and Game, or both depending upon the type of credits. Solano Land Trust land is different because they put their property under conservation easements such as with Lynch Canyon where it is open to the public at certain times of the year as well as having private docent tours.

Commissioner Cayler stated that she would also like some kind of an interpretation of how long perpetuity is and how easy it is to break perpetuity in relation to conservation easements.

5. Since there was no further business, the meeting was **adjourned**.