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Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT  
Use Permit Renewal**

<b>Application:</b>	U-07-02-EX2	<b>SPECIAL Meeting of:</b>	November 8, 2018
<b>Applicant:</b>	Art Garben	<b>Agenda Item No.</b>	1
<b>Project Planner:</b>	Travis Kroger		
<b>Location:</b>	3871 Gum Tree Road	<b>General Plan:</b>	Marsh
<b>Assessor Parcel Number:</b>	0046-190-200	<b>Zoning:</b>	MP

**Proposal**

The applicant has requested compliance review No. 2 for Land Use permit U-07-02 pursuant to condition of approval No. 10. 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 April 19<sup>th</sup>, 2007 the Solano County Zoning Administrator approved Land Use permit U-07-02 for installation and occupancy of a manufactured home for use as a duck club. The manufactures home has been installed and was permitted by Building Permit B2007-0094, which received a final inspection on November 14<sup>th</sup>, 2007.

**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 duck club facility is being operated in compliance with Use Permit U-07-02.

**Permit Term**

Per condition 10 of U-07-02, staff recommends that U-07-02 be found to be in compliance with the conditions of approval, with the next compliance review be due April 19, 2022.

**Attachment:** Solano County Zoning Administrator Resolution 07-08.

**SOLANO COUNTY ZONING ADMINISTRATOR  
RESOLUTION NO. 07-08**

**WHEREAS**, the Solano County Zoning Administrator has considered Use Permit Application No. U-07-02 of **Arthur Garben** for the installation and occupancy of a manufactured home to be used as a duck club, located on a private road off Van Sickle Road on Grizzly Island in an "M-P" Marsh Preservation Zoning District, APN: 0046-190-200, 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 April 19, 2007, and

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

1. That the establishment, maintenance or operation of the use applied for 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.

The use is consistent with the goals, objectives, and policies of the Solano County General Plan, including, but not limited to the Recreation Land Use Section of the Land Use and Circulation Element Chapter IV.

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

The water storage tank and septic holding tank to be installed will meet all requirements of the Environmental Health Technical Services Division. Access will be obtained from a private road off of Van Sickle Road.

3. That the applicant exhibits proof that such 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; provided, that if any proposed building or use is necessary for the public health, safety or general welfare, the finding shall be to that effect.

The proposed manufactured unit is located in the marsh where there are other hunting clubs. The club has operated since 1972 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. The proposed project is therefore not expected to constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of others in the neighborhood.

#### ADDITIONAL FINDING

4. The proposed project qualifies for a Class 2 Categorical Exemption from CEQA.

The project is categorically exempt from the California Environmental Quality Act pursuant to Section 15302 Replacement of an Existing Structure

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved the use permit subject to the following recommended conditions of approval:


1. The proposed use shall be established in accord with the application and site plan for Use Permit U-07-02, submitted March 29, 2007 by the applicant, Arthur Garben, 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. The water storage tank and septic holding tank to be installed will and meet the requirements set forth by the Solano County Environmental Health Department.
4. A grading permit shall be obtained from the Solano County Public Works Engineering Division in the event that grading of the site becomes necessary.
5. All requirements of the Suisun Fire Protection District shall be met prior to issuance of building permit including:
  - a. The permittee shall provide a county approved, 16 ft. wide, all weather surface residential driveway. For fire protection, all structures must have all portions of the buildings within 150' of this driveway.
  - b. Any gate entrances shall be the width of the required traffic lane serving the gate.
6. The manufactured unit shall maintain a minimum setback of 10 feet from any other structure.
7. The area under and around the mobilehome shall be maintained clear of all dry vegetation and combustible growth for a distance of not less than 30 feet.

8. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.
9. Written confirmation from BCDC stating that a marsh development permit will not be required shall be submitted prior to issuance of a building permit.
10. The permit shall be in effect for a five (5) year period with provision that an extension may be granted if said request is received prior to the expiration date of April 19, 2012 and the use shall remain the same and in compliance with the conditions of approval. An extension may be considered if requested prior to the expiration date and depending upon the circumstances at that time. Upon expiration of the permit, should no extension be granted, the manufactured home shall be disconnected and removed from the property

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on April 19, 2007.

BIRGITTA E. CORSELLO, DIRECTOR  
RESOURCE MANAGEMENT

  
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Michael Yankovich  
Planning Program Manager