



County of Yolo

John Bencomo
DIRECTOR

PLANNING AND PUBLIC WORKS DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

December 10, 2009

FILE #2008-030: An appeal remanded back to the Planning Commission for final action from the Board of Supervisors regarding a proposed Use Permit to expand an existing nonconforming commercial stable and boarding facility (formerly the Cottonwood Stables), by adding a 15,840 square-foot covered riding arena, the boarding of up to 75 horses, and the installation of an advertisement sign on an existing hay barn. (**Attachment A**).

APPLICANT: Creekside Stables/Marlene Botter
23151 County Road 100A
Woodland, CA 95776

LOCATION: 23151 County Road 100A, south of County Road 27, east side of State Highway 113 and north of the City of Davis; APN: 041-110-15 (**Attachment B**).

GENERAL PLAN: Agricultural

ZONING: Agricultural Preserve Zone (A-P)

SUPERVISORIAL DISTRICT: 4TH (Supervisor Provenza)

SOILS: Rincon (Rg) silty clay loam (Class II), and Yolo (Ya) silt loam (Class I)

FLOOD ZONE: X and AE (areas within the 100-year floodplain, base flood elevation determined)

FIRE SEVERITY ZONE: None

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

REPORT PREPARED BY:


Donald Rust, Principal Planner

REVIEWED BY:


David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission take the following actions:

1. Receive a staff presentation, open the public hearing, and receive comments;
2. Adopt the Mitigated Negative Declaration (**Attachment C**) as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines;
3. Adopt the Mitigation Monitoring and Reporting Plan which implements and monitors all mitigation measures in accordance with CEQA and the CEQA Guidelines (**Attachment D**);
4. Approve the Use Permit and the Conditions of Approval (**Attachment E**); and
5. Adopt the recommended Findings (**Attachment F**).

REASONS FOR RECOMMENDED ACTIONS

On November 10, 2009, a public hearing was held by the Board of Supervisors regarding the proposed Use Permit to expand an existing non-conforming commercial stable and boarding facility (formerly the Cottonwood Stables). Pursuant to the Board of Supervisors direction, the appeal was remanded back to the Planning Commission to allow the commissioners to review the progress made by the project proponents to provide fire protection and meet county building requirements for public health and safety at the proposed expanded facility.

Over the past several months, the applicant, property owner, Woodland/Springlake Fire Protection District, and staff have worked out mutually agreed-upon conditions that fully comply with fire protection and county building requirements. As a result, all public health and safety issues have been fully addressed.

The proposed expansion of the Creekside Stables operations will create economic development and up to five new jobs, in a way that is respectful of surrounding agriculture and habitat, and provides adequate protection for the customers and members of the public who visit the facility.

BACKGROUND

The project site has been used as a commercial stable since the 1940's and is a legal nonconforming use. Legal non-conforming uses are those activities that do not comply with current zoning requirements, but were legally established (or "grandfathered") prior to the adoption of the applicable County Code sections. The project site is zoned Agriculture Preserve (A-P), with agricultural land uses and associated residences surrounding the project site. The closest residence is a single-family dwelling located west of State Route 113 on County Road 99D, approximately 1,500 feet west of the project site. The California Northern Railroad runs along the east property boundary, State Route 113 runs along the west property boundary, and the south boundary is Willow Slough. In general, the surrounding properties are being used for agricultural purposes, with rural residences. The applicant also manages a second commercial horse stable on an adjoining property to the south of the project site, which obtained approval of a Use Permit in February, 2002 (ZF 2000-062).

Historically, the existing facilities have provided boarding for up to 75 horses and other livestock. The original facilities were constructed in the 1940s. The non-conforming portion of the project stable includes the following existing structures: horse corrals, a hay barn, two horse barns, an existing uncovered riding arena, a maintenance shop, a modular home and a farm house. The existing utilities, access road, and/or other equine features have been in place with few alterations. County Road 100A is the main access point to the site, with an existing paved driveway. An existing domestic water well and septic system will serve the existing structure.

PROJECT DESCRIPTION

The applicant has proposed the construction of an additional 15,840 square-foot covered riding arena, the boarding of up to 75 horses, and the installation of an advertisement sign on the existing hay barn. Clients will be utilizing the facility for boarding and training their horse(s) with no public horse shows or other types of equestrian events to take place on this site.

It is anticipated that there will be approximately 30 daily vehicle trips to the site. There is an existing compacted aggregate base for the driveway and parking areas. There will be no food and beverages provided at the facility. The odor management plan includes a manure collection and treatment program. Litter will be picked up daily and disposed in garbage containers.

The applicant has proposed a 2' X 10' advertising sign to be located on the existing hay barn, as shown on the site plan (**Attachment A**). The applicant will create the graphic design for the sign and obtain a building permit for the placement of the sign on the existing hay barn.

STAFF ANALYSIS

The project site is zoned Agriculture Preserve (A-P), with agricultural land uses and associated residences surrounding the project site. The closest residence is a single-family dwelling located west of State Route 113 on County Road 99D, approximately 1,500 feet west of the project site. The California Northern Railroad runs along the east property boundary; State Route 113 runs along the west property boundary; and the south boundary is Willow Slough (**Attachment B**). In general, the surrounding properties are being used for agricultural purposes, with rural residences. County Road 100A is the main access point to the site with an existing paved driveway. An existing domestic water well and septic system will serve the existing structures. The applicant also manages a second commercial horse stable on an adjoining property to the south, which obtained approval of a Use Permit in February 2002 (ZF 2000-062).

Before the application could be heard before the Planning Commission, a complaint was received by the Planning and Public Works Department (PPW) on December 13, 2008, which indicated that the covered riding arena was under construction at the project site. The PPW staff verified that the covered riding arena was under construction and that building permits were currently under review. The Yolo County Building Division issued a Stop Work notice for the un-permitted structure.

At the December 18, 2008, Planning Commission meeting, the applicant and property owner requested a continuance to the next scheduled Planning Commission meeting to allow sufficient time to correct the violation, and to resolve the type of fire protection method to be used at the project site. However, at the January 29, 2009 Planning Commission meeting, the applicant/property owner's representative, Kent Calfee, indicated that the applicant and property owner opposed the local fire protection district requirements on the basis that they were excessive for the proposed covered riding arena. No alternative fire protection methods were offered by the representative at that time. Based on concerns regarding the health and safety of the public in the use of a structure that does not include adequate fire protection measures, the ongoing violation at the site, and the applicant and property owner's unwillingness to comply with the local fire protection district and county requirements, the Planning Commission denied the proposed Use Permit to expand an existing nonconforming commercial stable and boarding facility. The applicant subsequently appealed the Commission's denial, based on the applicant and property owner believe that the fire protection requirements were excessive and unreasonable for the proposed covered riding arena.

Over the following ten months, the applicant, County staff, and the Woodland Fire Department discussed the appeal and eventually came to agreement regarding the necessary fire protection requirements for the proposed project. Based upon this agreement, the appeal was scheduled for consideration before the Board of Supervisors. Staff recommended overturning the Commission's decision to deny, based upon the applicant's willingness to comply with the new requirements to correct the violation. However, at the November 10, 2009, Board of Supervisors meeting, the Board of Supervisors remanded the proposed project back to the Planning Commission to allow the commissioners to review and take the appropriate actions regarding the proposed project.

The primary issue under consideration over the past ten months has been how to ensure the public health and safety at the proposed expanded facility, particularly with regards to fire protection. A commercial horse stable operation has a large amount of combustible materials associated in its daily operation. The applicant has indicated that there will be no public horse shows or other types of equestrian events. However, the facility will be used as a boarding and training facility by customers of the stable, visitors from the public, new or potential customers, and/or individuals visiting customers during training sessions. If an accident occurs, and emergency services are needed within the riding arena, the emergency vehicles need a reliable access road to allow them to reach the victim(s). There also needs to be sufficient water available for the fire department's use should a fire occur.

Based on the mutually-agreed upon fire protection requirements, as the appropriate level of fire protection for the commercial use of the covered riding arena, which are supported by the both the Woodland/Springlelake Fire Protection District and the county's Chief Building Official, the original Site Plan and Conditions of Approval (**Attachment E**) have been revised to reflect the new fire protection requirements. In addition, for the past year or more, staff has been working with other commercial stable operators to bring them into compliance to allow the operation of public riding arenas within other parts of the unincorporated area of the county. The Woodland/Springlelake Fire Protection District was also involved in these efforts, and required similar protective measures to allow public access to restroom facilities, covered riding arenas, and other buildings.

With the applicant and property owner's willingness to now provide adequate fire protection measures for the expansion of the covered riding arena, staff recommends that the Planning Commission approve the proposed Use Permit. Given the applicant and property owner's willingness to provide the appropriate level of fire protection, the Stop Work notice for the covered riding arena can be removed, and the Building Permit taken off of its "hold" status, if the Use Permit is approved by the Planning Commission. In addition, the property owner has voluntarily agreed to place an avigation easement over the subject property as part of this project.

AGENCY RESPONSES

A Request for Comments was prepared and circulated for the proposed project from August 28, 2008 to September 19, 2008. An Initial Study/Mitigated Negative Declaration was circulated between November 7, 2008 and December 7, 2008.

A number of agencies and organizations have been involved with and/or commented on this project, including the Central Valley Regional Water Quality Control Board, Yolo-Solano Air Quality Management District, Yolo County Farm Bureau, Yolo County Agricultural Commissioner, Woodland/Springlelake Fire Protection District, Yolo County Environmental Health Division, Public Works Division, and Building Division. A summary of the comments received and staff responses are provided below:

AGENCY	DATE	COMMENTS	RESPONSE
City of Davis – Community Development Department	8/5/08	Provided a letter indicating that the City has no objection to the proposed project	Letter received and filed.
City of Davis – Redevelopment Agency	8/5/08	Provided a letter indicating that the City has no objection to the proposed project	Letter received and filed.
Yolo County Building Division	8/25/08	Provide conditions for the activities associated with the proposed use	Comments have been incorporated into the Conditions of Approval.
Yolo County Public Works Division	8/25/08	Public Works Division had no comments regarding the project.	Response received and filed.
Yolo County Environmental Health	10/3/08	Provide conditions for the activities associated with the proposed use	Comments have been incorporated into the Conditions of Approval.
Woodland/Springlelake Fire Protection District	11/25/08	Provide conditions for the activities associated with the proposed use	Comments have been incorporated into the Conditions of Approval.
State of California Department of Conservation	12/8/08	The DOC indicated that the existing and proposed use may constitute a material breach of the Williamson Act.	Yolo County considers horse stable an agricultural use.
State of California Department of Transportation (Caltrans)	12/17/08	Caltrans indicated that the project has a direct access to SR 113, and a updated driveway would be required.	There is not a direct access to SR 113, the existing driveway is connected to CR 100A and reviewed by PWD.

Yolo County Building Division	12/17/08	Notice of Violation – the unpermitted construction of the covered riding arena	The project was continued to the January 29, 2009 Planning Commission meeting.
The McMullen Company	2/24/09	Fire protection consultant hired by the applicant to provide alternative methods for fire protection for the fire protection district to review.	Letter received and filed
Woodland/Springlake Fire Protection District	2/26/09	Provided a letter approving the alternative methods with two additional conditions and a reminder that the conditions from the 11/25/2008 still apply	Additional comments have been incorporated into the revised Conditions of Approval
Calfee/Konwinski	8/7/09	Provided additional information regarding the site plan, access road, and water tanks.	Letter received and filed
Woodland/Springlake Fire Protection District	9/23/09	Provided comments regarding the letter provided by Calfee/Konwinski on 8/7/2009	Staff participated in two additional site visits with the Fire Marshall and the property owner to resolve the final two issues regarding the access road and water tanks.
Growers Air Service	12/2/09	Provide comments regarding an avigation easement to be placed on the subject property	The property owner and Growers Air Service have mutually agreed to execute the avigation easement.

The Yolo County Farm Bureau and Agricultural Commissioner have not provided any comments regarding this project.

ATTACHMENTS:

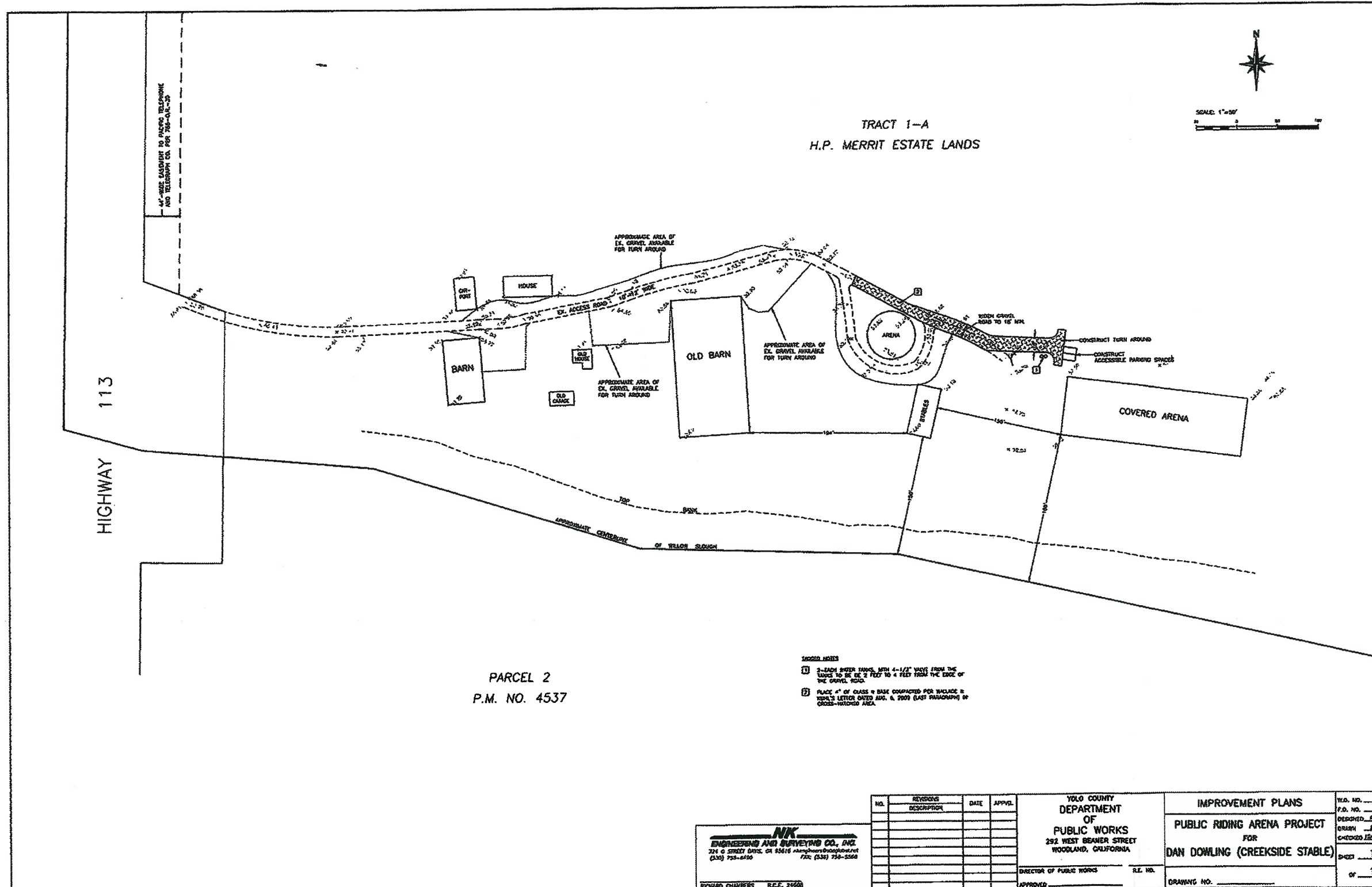
- ATTACHMENT A – Site Plan
- ATTACHMENT B – Location Map
- ATTACHMENT C – Mitigated Negative Declaration
- ATTACHMENT D – Mitigation Monitoring and Reporting Plan
- ATTACHMENT E – Conditions of Approval
- ATTACHMENT F – Findings
- ATTACHMENT G – Correspondence
- ATTACHMENT H – Application History

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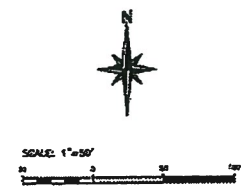
ATTACHMENT A

Site Plan

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TRACT 1-A
H.P. MERRIT ESTATE LANDS



HIGHWAY 113

PARCEL 2
P.M. NO. 4537

- NOTED AREAS
- 1 2-EACH SIDER FENCE WITH 4-1/2" Voids FROM THE SIDES TO BE ON 2 FEET TO 4 FEET FROM THE EDGE OF THE GRAVEL ROAD.
 - 2 PLACE #1 OF CLASS 6 BASE COMPACTED PER INCLUDE IN YOUR LETTER DATED AUG. 6, 2009 (LAST PARAGRAPH) OF CROSS-HATCHED AREA.

ENK
ENGINEERING AND SURVEYING CO., INC.
274 G STREET, SUITE 201, WOODLAND, CALIFORNIA 95694
(916) 938-6400 FAX: (916) 938-5560

RODARD CHAMBERS R.E. 24600

NO.	REVISIONS DESCRIPTION	DATE	APPROV.

YOLO COUNTY
DEPARTMENT
OF
PUBLIC WORKS
252 WEST BEAVER STREET
WOODLAND, CALIFORNIA

DIRECTOR OF PUBLIC WORKS R.E. NO.
APPROVED _____

IMPROVEMENT PLANS
PUBLIC RIDING ARENA PROJECT
FOR
DAN DOWLING (CREEKSIDE STABLE)

DRAWING NO. _____

Y.C. NO. _____
P.O. NO. _____
DESIGNED BY _____
DRAWN BY _____
CHECKED BY _____
DATE _____
OF 1

ATTACHMENT B

Location Map

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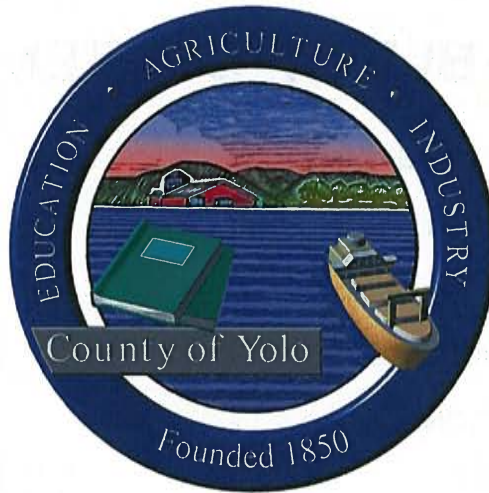


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ATTACHMENT C

Initial Study/Mitigated Negative Declaration

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**YOLO COUNTY
PLANNING & PUBLIC WORKS DEPARTMENT**

**INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION
ZONE FILE # 2008-030**

CREEKSIDE STABLES

November 7, 2008

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PROJECT INFORMATION

1. **Project title:** CREEKSIDE STABLES
2. **Lead agency name and address:** Yolo County Planning and Public Works Department
292 West Beamer Street
Woodland, CA 95695
3. **Contact person and phone number:** Donald Rust, Principal Planner (530) 666-8835
4. **Project location:** 23151 County Road 100A, just east of State Route 113, between County Road 27 and County Road 29, north of the City of Davis.
5. **Project sponsor's name and address:** Marlene Botter, Project Manager
Creekside Stables
23151 County Road 100A
Woodland, CA 95776
(530) 979-6116
6. **General Plan designation:** Agricultural
7. **Zoning:** Agriculture Preserve (A-P)
8. **Description of project:** A proposed conditional use permit for the operation of an existing commercial horse boarding facility (formerly the Cottonwood Stables) on a 79.54-acre parcel in the Agriculture Preserve (A-P) Zone. The applicant has proposed a 15,840 square foot covered riding arena, the boarding of 75 horses, and the installation of an advertisement sign on an existing structure. Clients may board and train their horse(s) will utilize the facility. There will be no public horse shows or other types of equestrian events.

The proposed project consists of the following entitlements:
 - Certification of a Mitigated Negative Declaration / Initial Study and approval of a Mitigation Monitoring Program.
 - Approval of a Conditional Use Permit for a commercial horse boarding facility.
9. **Surrounding land uses and setting:** The project site is zoned Agriculture Preserve (A-P), with agricultural land uses and associated residences surround the project site. The California Northern Railroad runs along the east property boundary, State Route 113 runs along the west property boundary, and the south boundary is bounded by the Willow Slough. In general, the surrounding properties are being used for agricultural purposes, with rural residences. The project site includes agricultural structures for the purposes of operating a commercial stable and related activities, existing facilities include: horse corrals, a hay barn, two (2) horse barns, an existing riding arena, a maintenance shop, a modular home and a farm house.
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):** CVRWQCB, Yolo-Solano AQMD, Yolo County Habitat Joint Powers Authority, Yolo County Environmental Health, Yolo County Building Division, Yolo County Public Works Division and Woodland Fire Department.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

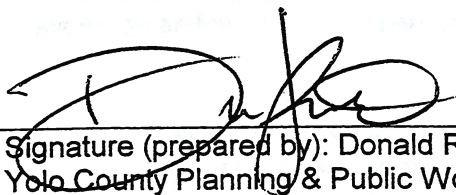
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use/ Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- Although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature (prepared by): Donald Rust, Principal Planner
Yolo County Planning & Public Works Department

Date

11/07/2008

Mitigation Measure Compliance Review Agreement

I, being the applicant for the described project, agree to the full implementation of the mitigation measure(s) outlined in this environmental document as Conditions of Approval of the project.

I understand that by agreeing to the mitigation measure(s) outline in this document, all foreseeable "significant effects on the environment" should be reduced to a less-than-significant level as required by the California Environmental Quality Act and Guidelines (CEQA), thereby permitting the Yolo County Planning and Public Works Department to publicly notice and circulate the environmental document for my project.



Marlene Botter, Applicant (Creekside Stables)

11-7-08

Date

BACKGROUND AND INTRODUCTION

This Initial Study provides an environmental analysis pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, for the proposed Creekside Stable project.

The mitigation measures prescribed for environmental effects described in this Initial Study will be implemented in conjunction with the project, as required by CEQA. The mitigation measures will be incorporated into the project through project conditions of approval. Yolo County will include findings and a Mitigation Monitoring/Reporting Program for the project in conjunction with its consideration of the project.

PROJECT DESCRIPTION

A Conditional Use Permit for the operation of a commercial stable (formerly the Cottonwood Stables) on a 79.54-acre parcel in the Agriculture Preserve (A-P) Zone. By definition, a "Commercial Stable" shall mean a stable, other than a private stable, where sixteen (16) or more equine animals are boarded, that are not owned or leased pursuant to a written agreement, by either the property owner or resident. Commercial stables may include the retail or wholesale sales of tack, feed, and other equestrian products. Such sales shall be incidental to the operation of the stable. Shows, exhibitions, or other public/quasi events related to equine animals may be included as a part of the commercial stable.

The property is used for agricultural purposes including horses, and other related equestrian activities. Existing facilities include: horse corrals, a hay barn, two (2) horse barns, an existing riding arena, a maintenance shop, a modular home and a farm house. The applicant has proposed the construction of an additional 15,840 square foot covered riding arena, the boarding of up to 75 horses and the installation of an advertisement sign on the existing hay barn. There is an existing compacted aggregate base for the driveway and parking areas. The applicant will be conditioned to provide a dust control plan for the entire facility.

The project site is accessed by County Road 100A. It is anticipated that there will be approximately 30 daily vehicle trips to the site. Clients boarding and training their horse(s) will utilize the facility with no public horse shows or other types of equestrian events.

The existing restroom facilities will be required to meet current County and State requirements. There will be no food and beverages provided at the facility. In addition, the odor management plan that includes a manure collection and treatment program and will be implemented mitigation measures. Litter will be picked up daily and disposed in garbage containers that will collect and disposed by Yolo County Intergraded Waste Management.

**INITIAL STUDY
APN: 041-110-15
CREEKSIDE STABLES
ZF # 2008-030**

Yolo County Mosquito and Vector control will be utilized to maintain the site free from vectors. Natural fly traps and the release of natural fly predators will aid in control.

Litter will be picked up daily and disposed in garbage containers supplied by Waste Management. The existing agricultural structures will be used on the site, the existing structures include:

- Fenced horse corrals
- Existing (fenced) riding arena
- Hay Barn of 4,000 sq. ft.
- Maintenance Shop of 864 sq. ft.
- Modular home of 1,400 sq. ft.
- Farm house of 1,000 sq. ft.
- Horse Barn of 16,200 sq. ft.
- Horse Barn of 2,160 sq. ft.

Discretionary Actions

Implementation of the proposed project would require the following discretionary actions by the Yolo County Planning Commission. These discretionary actions—in particular, the Conditional Use Permit—will limit the use of the Project site to the activities described above.

- Certification of a Mitigated Negative Declaration/Initial Study and approval of a Mitigation Monitoring Program.
- Approval of a Conditional Use Permit for a commercial stable on a 79.54-acre parcel.

ENVIRONMENTAL CHECKLIST

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

- **Potentially Significant Impact:** An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.
- **Potentially Significant Unless Mitigation Incorporated:** An impact that requires mitigation to reduce the impact to a less-than-significant level.
- **Less-Than-Significant Impact:** An impact that would not be considered significant under CEQA relative to existing standards.
- **No Impact:** The project would not have any impact.

Figure 1 - Regional Location Map

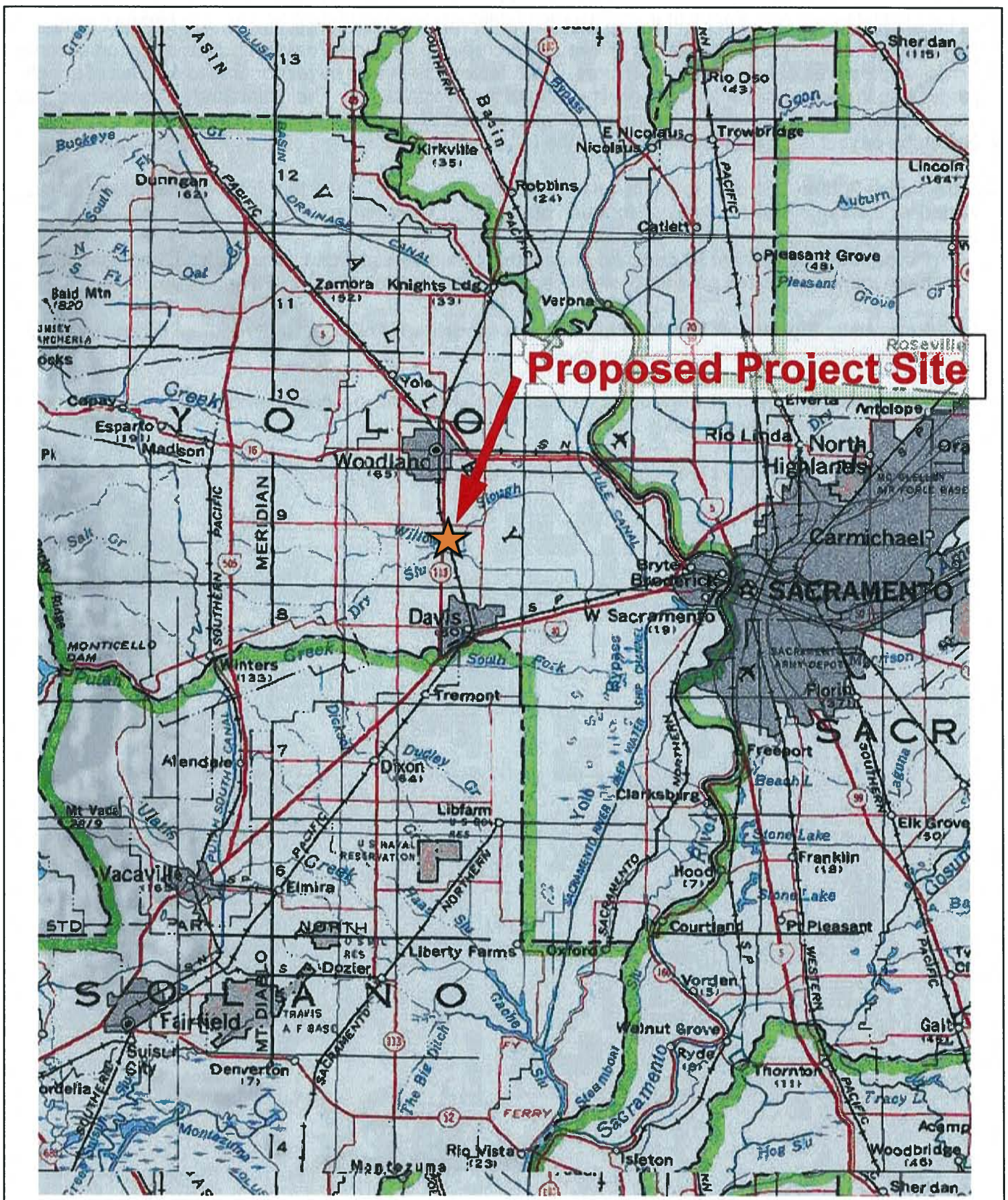


Figure 2 - Project Location Map



Figure 3 – Aerial Photograph of the Project Site



INSERT LATEST SITE PLAN

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
I. AESTHETICS - Would the project				
a Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

- a - c) The project site is zoned as Agriculture Preserve (A-P) Zone and contains an array of structures used for the existing commercial stable (formerly Cottonwood Stable). State Highway 113 bounds the western boundary of the project site. California Northern Railroad bounds the eastern boundary. The southern boundary is bounded by Willow Slough and agricultural land uses with associated residences to the north. State Highway 113 is not listed in the Yolo County General Plan (1983) as designated scenic highways.

The project site contains existing structures for the operations of a commercial horse boarding facility, with existing landscaping. The applicant proposes is to construct and operate an additional 15,840 square foot covered riding arena in the rear portion of the site. The proposed riding arena would be consistent with existing character of the site. In addition, the site does not fall within a scenic highway or scenic vista corridor. Because the project area does not fall within a scenic highway region, and would not result in the removal of trees, rock outcroppings, or buildings which meet the historic building criteria. Therefore, the project would result in a **less-than-significant** impact to scenic resources.

- d) The project site is developed as a commercial equestrian facility and contains various agricultural structures, including horse corrals, a hay barn, two (2) horse barns, an existing riding arena, a maintenance shop, a modular home and a farm house for the operation of the existing facility. The proposed project may introduce new sources of light and potential glare into the area in the form of parking lot lighting, signing and exterior building lights. The site is located adjacent to State Highway 113, depending on the lighting intensity of the project, light and glares impacts to the traveling public on State Highway 113. Therefore, the increase in light and glare produced by the project would be considered a **potentially significant** impact.

MITIGATION MEASURES

Implementation of the following mitigation measure would reduce the potential impacts related to light and glare to a **less-than-significant** level.

- I-1 *Within 90 days from the use permit approval, the applicant/operator shall implement a detailed lighting plan that has been submitted, review and approval by the Yolo County Planning & Public Works Department. The lighting plan shall include the proposed locations, design, and type of the light fixtures. Outdoor light fixtures shall be low-intensity, shielded and/or directed away from residences and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures. All light fixtures shall be designed, installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. The lighting plan shall demonstrate that illumination levels at adjacent residences will not exceed one-foot candle.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

a - c) The project site is developed as and the historic use has been agricultural purposes including horses, and other related equestrian activities (formerly Cottonwood Stable); existing facilities include: horse corrals, a hay barn, two (2) horse barns, an existing riding arena, a maintenance shop, a modular home and a farm house. The applicant proposes is to construct and operate an additional 15,840 square foot covered riding arena, the boarding of up to 75 horses and the installation of an advertisement sign on the existing hay barn on the 79.54-acre parcel. There is an existing compacted aggregate base for the driveway and parking areas. The project represents the re-use of the former Cottonwood Stables.

Pursuant to the Yolo County Code, Section, 8-2.2416(2)(a), Agricultural land or farmland. Those land areas of unincorporated Yolo County, regardless of current zoning, that are either currently used for agricultural purposes or that are substantially undeveloped and capable of agricultural production. The ordinance requires one (1) acre of agricultural land to be preserved by an agricultural conservation easement which meets criteria in the ordinance for each acre of agricultural land changed to a non-agricultural zoning classification (1:1 ratio). However, as documented above, the majority of the project site has been extensively developed and disturbed so that it is no longer feasible for agricultural purposes. The Project will therefore include mitigation in accordance with this ordinance for the small amount of on-site agricultural land (i.e., excluding areas that have been improved or otherwise impacted by prior operations on the site) that would result in the conversion of existing and/or feasible farmland. Because the proposed project would convert agricultural land to non-agricultural uses the proposal would be considered **potentially significant**.

As previously discussed above, the site serves as an existing horse boarding facility. Approximately 7.54-acres will be utilized for the horse boarding facility and remaining 72-acre will be used for agricultural crop production: sunflower, alfalfa, and other crops. Currently, the property is under a Williamson Act contract (06-001) within an existing agricultural preserve (AP 66).

The project site is developed as commercial equestrian facility and associated agricultural uses including horses, and other related equestrian activities. The project would not conflict with any Williamson Act contracts. In light of the limited potential for the project to create impacts to surrounding agricultural operations, this impact is considered ***less than significant***

MITIGATION MEASURES:

Implementation of the following mitigation measures would reduce the impacts noted above to a *less-than-significant* level.

- II-1 Prior to the issuance of a grading permit or building permit, whichever occurs first, the Developer shall create a permanent agricultural conservation easement for 0.50-acres. The calculation of agricultural land acreage is approximate and the precise amount of feasible agricultural land existing on the project site may be slightly more or less than 0.50-acres. The precise amount of agricultural land to be mitigated shall be determined by the County Agricultural Commissioner following a site inspection to evaluate soil condition and other factors relevant to the existing potential for agricultural use of portions of the site. One acre of agricultural land shall be required for each acre of feasible agricultural land to be converted to industrial use. Mitigation shall be satisfied by either: (1) granting in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity; or (2) upon adoption of an Agricultural Conservation Easement program by the County, payment of in an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism consistent with the provisions of Section 8-2.2416.*

Lands eligible as agricultural mitigation shall: (1) have soil quality similar to or better than the land which is converted to a non-agricultural land or use; (2) have adequate water supply for the purposes of irrigation; (3) be located within Yolo County within a two-mile radius of the project site; and (4) not overlap with any other agricultural conservation easement, but may overlap partially with existing habitat easement areas. If no comparable land is available within a two-mile radius, lands outside the two two-mile radius area may be obtained for the purpose of the agricultural mitigation provided the land is of equal or better conservation easement market value to the land inside the two-mile radius area.

- II-2 The applicant shall disclose to all employees and visitors of the proposed project site that active farming operations occur on surrounding properties. Notification shall be prominently posted disclosing that employees and visitors could experience inconvenience or discomfort resulting from accepted farming activities pursuant to the provisions of the County's Right-to-Farm Ordinance.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

a -c) Yolo County is under the jurisdiction of the Yolo-Solano Air Quality Management District (YSAQMD). The YSAQMD is responsible for implementing emissions, standards, and other requirements of federal and state law regarding air quality. The YSAQMD and the California Air Resource Board (CARB) maintain several air quality monitoring sites in Yolo County.

The project would have short-term and long-term impacts to air quality. There are three sources of air emissions expected as a result of the project: 1) mobile emissions; 2) temporary construction emissions; and 3) operational emissions. Mobile emissions will be in the form of vehicle trips. Temporary construction activities are expected to occur and be limited to the construction phase of the project. The operational emissions will be in the form of odors due to the operation of the horse boarding facility and the generation of manure.

The proposed horse boarding facility is an agricultural use with Yolo County and is located on an existing commercial stable within an agricultural zoned property. The project site is located on County Road 100A, with the general access to the project from County Road 27 and State Highway 113 interchange. The existing facility generated vehicle trips to the project and the proposed improvements may have a minimal increase in vehicle trips and the majority of vehicle trips attributable to the project site are expected to come predominantly from State Highway 113. Based on general experience in Yolo County, there is a shortage of equestrian type of services to be provided by the proposed facility. In general, the public engaged in equestrian hobbies have to travel longer distances for such facilities. The proposed project will reduce the long-distance traveling and in turn will reduce vehicle emissions.

The construction phase of the project will generate air emissions in the form of particulate dust from grading and equipment activities at the site. The applicant will be required to implement appropriate mitigation measure to provide adequate dust control measures recommended in the YSAQMD. Therefore, the temporary construction impacts produced by the project would be considered a **potentially significant** impact.

- d) A sensitive receptor includes uses such as: houses, churches, schools, hospitals, public areas, etc. The closest sensitive receptor consists of a single family dwelling on west of State Route 113 on County Road 99D, approximately 1,500-west of the project site. The project area consists of agricultural uses with associated residences. The Willow Slough contains various trees and other vegetation that is located along the south property line and provides a visual, as well as a physical barrier from the project site. The vegetation within the Willow Slough helps to reduce the exposure of adjoining land uses from the project site. These site features, along with the mitigation measures discussed in subsection e are intended to reduce air quality impacts to **less than significant**.
- e) The applicant has indicated that the proposed project would include the boarding of up to 75 horses as part of the operation of the horse boarding facility. With this amount of horses on the premises, increased odor is anticipated for the project area. As part of the Odor Management Plan, the manure collection and treatment program would include collection, treatment, storage and application on agricultural fields; to a lesser degree, odor could also be directly associated with the horses.

Manure generated at the site in unpaved corrals would be: 1) collected by scraping the corrals, stockpiled at the site and hauled to the County Landfill and other appropriate location approved by the Yolo County Environmental Health; or 2) directly loaded onto trucks and applied to on-site and/or off-site agricultural fields.

Manure odor is strongest at its source and dissipates with increased distance. The offensiveness and the degree of the manure odor are ultimately dependent on the sensitivity of the receptors exposed to the odor. In general, a separation is required to mitigate the potential impacts caused by the proposed facility. In that regard, the nearest sensitive receptor is located approximately 1,500-west of the project site. Due to the relative proximity of a sensitive receptor, the project may create objectionable odors to the adjacent properties. Therefore, the odors produced by the project would be considered a **potentially significant** impact.

MITIGATION MEASURES:

Implementation of the following Mitigation Measures would reduce emissions of PM₁₀ by over 85% and reduce impacts from construction and operational related odors to a *less-than-significant* level.

- III-1 *Prior to construction, the applicant/operator shall apply for and obtain air quality Authorities to Construct for all applicable pollutant emitting equipment. In addition, the facility shall apply best management practices in accordance with YSAQMD Rule 3-4, Section 300 to all applicable air pollutant-emitting equipment operating at the stationary source.*
- III-2 *The applicant shall submit a construction dust control plan to the Yolo-Solano Air Quality Management District. This plan shall ensure that dust controls measures are implemented during all phases of project construction and daily operations. The dust control best management practices (BMPs) shall include but not be limited to the following:*
- *Reestablish ground cover in disturbed areas quickly;*
 - *Water active construction sites at least twice daily to avoid visible dust plumes;*

- *Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;*
- *Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);*
- *Enforce a speed limit of 15 MPH for equipment and vehicles operated in unpaved areas;*
- *All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard; and*
- *Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads.*

III-3 *The applicant shall prepare an Odor Management Plan that specifies standard operating procedures for livestock handling and manure collection, treatment, storage, and land application. The applicant shall submit the plan for review and approval by the Yolo County Environmental Health Division and the Planning and Public Works Department. At a minimum, the plan shall include procedures and practices to ensure that the following are implemented:*

Manure Collection Areas

- *Clean out manure generated at the barns, corrals, and arenas at a frequency that would reduce or eliminate odors;*
- *Keep horses and any other animals dry and clean as possible at all times; and*
- *Scrape manure from barns, corrals, and arenas at an appropriate frequency rate.*

Manure Treatment and Application

- *Reduce moisture content of separated solids to a level that would minimize the potential for release of odorous compounds during land application;*
- *Minimal agitated stockpiled manure during preparation for unloading, hauling, and spreading;*
- *Apply manure when weather conditions will generate minimal odor travel distance potential and intensity (e.g. apply manure in early mornings, during cooler temperatures, and on days with minimal or no wind); and*
- *Immediately clean up manure spills.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) This project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, because the project site is a previously distributed and operated as a commercial stable. However, the California Natural Diversity Data Base (CNDDB) records indicate that there are active nesting sites of the State-listed threatened Swainson's hawk (*Buteo swainsoni*) within the trees located within the Willow Slough. Because of its agricultural use, and the proximity to active Swainson's hawk nest locations, the project site would be considered to support foraging habitat for the species. The project site is located within the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) planning area, and the County administers a Swainson's hawk

foraging habitat mitigation fee program. Only a small area, approximately 0.50-acres of foraging habitat, will be removed for the installation of the proposed 15,840 square foot covered riding arena. The applicant will be required to mitigate for the 0.50-acres of lost foraging habitat to install the proposed riding arena.

Additionally, if construction of the project occurs during the Swainson's hawk breeding season (March 15 through September 15), avoidance measures to reduce the potential for "take" of the species should be implemented.

- b) This project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service because the project site was previously distributed and operating as a commercial stable and no such biological resources, riparian habitat or sensitive natural community identified on site. Therefore, a **less-than-significant** impact would occur.
- c) This project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, because the project is not within a wetland. Therefore, a **less-than-significant** impact would occur.
- d) This project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, because there are no such corridors or nursery sites within or near the project site. Therefore, a **less-than-significant** impact would occur.
- e) The proposed project does not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, a **less-than-significant** impact would occur.
- f) The Yolo County Habitat Conservation Joint Powers Agency (JPA) was formed in August 2002 for the purposes of acquiring habitat conservation easements and to serve as the lead agency for the preparation of a Natural Communities Conservation Plan/Habitat Conservation Plan for all of Yolo County. A County-wide HCP/NCCP is under preparation, but will not be completed until about 2009. Because a County-wide HCP/NCCP has not yet been adopted for Yolo County and the proposed project would not interfere with its adoption, a **less-than-significant** impact would result from project implementation.

MITIGATION MEASURES:

Implementation of the following mitigation measures would ensure that the impact on the above species would be *less-than-significant*.

- IV-1 **Swainson's Hawk.** *If construction occurs during the breeding season (March-September 15), the project applicant shall conduct pre-construction surveys no more than 14 days and no less than 7 days prior to initiating construction. A qualified biologist shall conduct the surveys and the surveys shall be submitted to Yolo County Planning & Public Works Department for review. The survey area shall include all potential nesting sites located within ½ mile of the project site. If no active nests are found during the surveys, no further mitigation shall be required except with regard to foraging habitat, as discussed below.*

If an active nest used by a Swainson's hawk, is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game and a ½ mile construction-free buffer zone shall be

established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are feeding on their own or the nest is no longer in active use.

- IV-2 Swainson's Hawk.** *Prior to issuance of a grading permit, the developer shall mitigate for the loss of Swainson's hawk habitat through participation in the Yolo County HCP/NCCP. The applicant shall either: 1) pay a Swainson's hawk mitigation fee for the area disturbed by development, which is currently estimated at 0.50-acres, or 2) implement another project specific mitigation plan which is deemed appropriate to the California Department of Fish and Game. The fee is currently set at \$8,660 per acre and is subject to change. As of January 9, 2006 projects that exceed 40 acres in area are no longer eligible to pay the fee, but are required to dedicate suitable conservation easements as determined by the Yolo HCP/NCCP Joint Powers Agency and the California Department of Fish and Game. In the event that the final HCP/NCCP is adopted before development occurs, the developer shall participate in the Final HCP/NCCP to mitigate for the loss of Swainson's hawk habitat.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
V. CULTURAL RESOURCES - Would the project				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a-d) The project is to utilize the existing equestrian facilities for the operation of the proposed Creekside horse boarding facility with minor alterations, with the exception of the proposed 15,840 square foot covered riding arena, and the installation of an advertisement sign on the existing hay barn. However, the construction of the proposed covered riding arena and minor alterations to bring the existing facilities to current building code standards could disturb unknown cultural resources.

Various Native American tribes once inhabited Yolo County. Native Americans lived in villages that existed on the banks of Cache Creek, Putah Creek, along the Sacramento River.

Ground-disturbing construction activities associated with the proposed covered riding arena and minor alterations (e.g., septic system, drainage facilities, manure management program, etc.) have the potential to directly impact potential cultural resources in the project area by disturbing both surface and subsurface soils. Impacts could result from minor grading and excavation including site preparation; trenching for underground utility connections; minor grading for access driveways and any other activities associated with site development that involves subsurface disturbance.

Subsurface and surface disturbance could result in the loss of integrity of cultural deposits, loss of information, and the alteration of a site setting. Potential indirect impacts, primarily vandalism, could result from increased access to and use of the general area during construction. The potential also exists for inadvertent discoveries of buried archaeological materials during construction.

Because construction of the proposed project could unearth previously unknown resources, a **potentially significant** impact could result.

MITIGATION MEASURES:

Implementation of the following mitigation measure would reduce the potential impacts to a *less-than-significant* level.

V-1 *The following mitigation measures shall be included in the construction documents to be used by the project contractor to the satisfaction of the Planning and Public Works Department:*

- (a) *Prior to land disturbing activities, the project proponent shall inform all construction personnel*

- involved with excavation of the potential for exposing subsurface cultural resources and the anticipated procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment. It is recommended that this be done in a formal meeting as well as in a "toolbox" meeting at the job site.*
- (b) *All project construction personnel shall be informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by the conditions of the project and by applicable laws and regulations.*
- (c) *If potential historical or unique archaeological resources are discovered during construction, all construction work shall be suspended in the immediate vicinity (within approximately 25 feet) to avoid altering the cultural materials and their context pending site investigation by a qualified archaeological or cultural resources consultant retained by the project applicant. Construction work shall not begin again until the archaeological or cultural resources consultant has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed.*
- (d) *If the discovery is determined to be a historical or unique archaeological resource, and if avoidance of the resource is not possible, the archaeological or cultural resources consultant shall prepare a treatment plan acceptable to the County. The treatment plan shall be designed to result in the extraction of sufficient volumes of non-redundant archaeological data to address important regional research considerations. The work shall be performed by the archaeological or cultural resources consultant, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center. Construction in the vicinity of the find shall not recommence until treatment has been completed.*
- (e) *If human remains are discovered, they shall be handled in accordance with state law including immediate notification of the Yolo County Medical Examiner/Coroner.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VI. GEOLOGY AND SOILS - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving; i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) Seismic-related ground failure, including liquefaction or iv) Landslides, because there are no such geologic hazards identified in the immediate vicinity of the project site. The project will be reviewed and approved by County Building Division. The site does not lie within or adjacent to an Alquist-Priolo Earthquake Fault Zone and the nearest mapped active fault is the Dunnigan Hills Fault located approximately twelve miles to the northwest. Therefore because the project does not lie within an Earthquake fault zone, a **less-than-significant** impact would occur

- b) The project site is not located in an area known to be susceptible to soil erosion; therefore the project is not expected to result in substantial soil erosion or the loss of topsoil. The portion of the project site to be used for the horse boarding facility is composed primarily of pervious surfaces.. Therefore, the proposed project would have a ***less-than-significant*** impacts to soil erosion
- c) The project site is generally flat and therefore not susceptible to landslides. In addition, the project site consists of the following soil type: Rincon (Rg) silty clay loam, and Yolo (Ya) silt loam, alluvial land. The soil is described as consisting of silty clay loam and loam deposits. On-site soils could be subject to liquefaction given the recent granular low-plasticity alluvial deposits, relatively shallow ground water level, and anticipated ground acceleration. However, the site has been developed and liquefaction has not occurred. Therefore, a ***less-than-significant*** impact would occur related to liquefaction, land slides, lateral spreading, and subsidence.
- d) The project area consists of sandy silts and alluvial silts and the expansive soils would not likely significantly impact the proposed development. Therefore, a ***less-than-significant*** impact would result to the project from expansive soils.
- e) The project site is served by an existing on-site septic tanks and leach fields. The existing leach fields shall be inspected, rehabilitated, and expanded if necessary. In addition, the existing leach fields are located with appropriate setbacks to the existing wells and property lines and can be expanded if required. The on-site soils provide adequate percolation for septic purposes and the existing on-site structures are served by on-site septic systems. Therefore, a ***less-than-significant*** impact would occur.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, because no use approved on the site is anticipated to be involved in such activities. If such uses are proposed on-site in the future, they will be subject to permit and inspection by the Hazardous Materials Division of the Yolo County Environmental Health Division and in some instances additional land use review.

- b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment because any proposed use or construction activity that might use hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the Yolo County Environmental Health Division.
- c) The project uses will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, because all existing schools are more than one-quarter mile away from the project site.
- d) The project site is not included on a list of hazardous materials sites. Therefore, **no impact** would occur
- e, f) The project site is approximately 10 miles from the nearest private airport and approximately 20 miles from Sacramento International Airport. Therefore, **no impact** would occur
- g) The project site would not effect an emergency plans. The proposed project occurs on private property and would not impair any known emergency plans or activities. In addition, the applicant will be required to provide evacuation plan as part of an overall Emergency Response Plan. Therefore, a **less-than-significant** impact would occur.
- h) The project is currently an existing agricultural use and is not located within the Fire Severity Zone. The project site will be conditioned to meet all fire safety standards for projects within the Fire Department's jurisdiction. Therefore, a **less-than-significant** impact would occur.

MITIGATION MEASURES:

Implementation of the following mitigation measure would reduce the potential impacts to a less-than-significant level.

- VII-1 *Prior to the commencement of operation, the applicant/operator shall submit for review and approved by the YCEH - Hazardous Materials Division a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption.*
- VII-2 *Prior to the commencement of operation, the applicant/operator shall be required to apply for one or more of the following, if applicable: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, contact the YCEH - Hazardous Materials Division*

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VIII. HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structure that would impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a) The project site is currently composed primarily of pervious surfaces. Construction and operational

activities are required by the Central Valley Regional Water Quality Control Board (CVRQCB) to obtain a National Discharge Elimination System (NPDES) permits. The permit is required to control both construction and operational activities that may adversely affect water quality. Permit applicants are required to prepare and retain at the construction site a Storm Water Pollution Prevention Plan (SWPPP). Dischargers are also required to inspect construction sites before and after storms to identify storm water discharge from construction activity, and to identify and implement controls where necessary. Without a SWPPP or NPDES permit, a **potentially significant** impact would occur.

- b-e) The topography of the project site is relatively flat with the existing drainage into Willow Slough. Most of the project site is covered with pervious surfaces. The existing horse boarding facility will utilize the existing on-site drainage patterns with minimal grading required for the proposed project.

There will be adequate capacity in the local and regional drainage systems so that downstream properties are not negatively impacted by any increases or changes in volume, velocity or direction of storm water flows originating from or altered by the project. Therefore, the proposed project would have a **less-than-significant** impact to existing drainage courses and storm drainage systems.

- f) The implementation of the proposed project would increase demand for potable water from the domestic use of water for restrooms, drinking fountains, and accommodation for up to 75 horses being boarded at the facility. The proposed project would receive potable water from existing on-site domestic groundwater well.

The Yolo County Environmental Health (YCEH) shall review and approve the odor management plan that includes the manure management plan before the issuance of a grading permit or building permit, whichever occurs first. YCEH will routinely inspect the construction and operations to verify that the measures specified in the manure management plan are properly implemented and maintained. YCEH will notify the applicant/operator immediately if there are noncompliance issues and require compliance.

Therefore, the implementation of the mitigation measures will reduce the impacts to a **less than significant** level.

- g) The proposed project does not include housing. Therefore **no impact** would occur.
- h - i) Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 060423-0560 D shows the project site within flood zone AE and zone X. Within the flood zone AE and zone X, the base flood elevations (100 year flood) have been determined. The majority of the project site is above the base flood elevations, except for a small area along south property line which is within the Willow Slough. As proposed, the additional 15,840 square foot covered riding arena would not affect the base flood elevations within the flood plain. The proposed covered riding arena must comply with the County's Flood Management Ordinance, which requires calculations showing that the downstream neighbors would not be adversely affected by the proposed grading operations. Therefore, the proposed permanent structure may be added to a portion of the site that is presently in a flood zone and grading of the site is proposed, a **potentially significant impact** may occur.
- j) Tsunamis are defined as sea waves created by undersea fault movement. A tsunami poses little danger away from shorelines; however, when it reaches the shoreline, a high swell of water breaks and washes inland with great force. Waves may reach fifty feet in height on unprotected coasts. As the project site is far inland, the project site is not exposed to flooding risks from tsunamis.

A seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir, whose destructive capacity is not as great as that of tsunamis. Seiches are known to have

occurred during earthquakes. The project is not located near a closed body of water; therefore, it is not anticipated that the project site would experience seiches in the future.

As mudflows typically occur in mountainous or hilly terrain, and the project site and surrounding areas are relatively flat, danger would not be presented from the likelihood of mudflows.

The above analysis indicates that the project site would not be threatened by a seiche, tsunami, or mudflow; therefore, **no impact** from such phenomena would occur.

MITIGATION MEASURES:

Implementation of the following mitigation measure would reduce the potential impacts to a less-than-significant level.

- VIII-1 Prior to the issuance of a grading permit, the applicant shall obtain a National Discharge Elimination System permit (NPDES), which pertains to operational discharges. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation: the SWPPP shall be provided for the review and approval of the Yolo County Planning and Public Works Department.*
- VIII-2 All concrete waste and wash out shall be directed to a self-contained system which shall adequately contain and properly dispose or recycle the settling waste to the satisfaction of the Yolo County Planning and Public Works Department.*
- VIII-3 Prior to land disturbance or the issuance of a grading permit, the applicant shall submit for the review and approval of the Planning and Public Works Department, verification that the construction of the proposed additional 15,840 square foot covered riding arena is above the base flood elevation and that any grading will comply with the County's Flood Management Ordinance.*
- VIII-4 Grass or other vegetative cover will be established on the construction site after land disturbance. At a minimum, vegetative application will be completed by September 1 to allow plants to establish. No disturbed surfaces will be left without vegetation or the appropriate erosion control measures in place between October 1 and April 30.*

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a) The project site is developed as and the historic use has been agricultural purposes including horses, and other related equestrian activities (formerly Cottonwood Stable). As mentioned above, surrounding land uses include agricultural uses and with associated residences. The proposal is essentially a re-use opportunity that includes the construction of the proposed 15,840 square foot covered riding arena and other minor alterations. The proposed project would not physically divide an established community, resulting in **no impact**.
- b) The current General Plan Land Use designation is Agricultural. The site has been developed for agricultural purposes including horses, and other related equestrian activities. Existing facilities include: horse corrals, a hay barn, two (2) horse barns, an existing riding arena, a maintenance shop, a modular home and a farm house. The proposed project represents the re-use of an existing equestrian facility, and supports the County's goals of redeveloping underutilized sites. The proposed conditional use permit will establish the development parameters for the project site, according to the limitations specified in the conditional use permit. As stated in Section 1, above, no land use conflicts are expected.
- c) The Yolo County Habitat Conservation Joint Powers Agency (JPA) was formed in August 2002 for the purposes of acquiring habitat conservation easements and to serve as the lead agency for the preparation of a Natural Communities Conservation Plan/Habitat Conservation Plan for all of Yolo County. A County-wide NCCP/HCP is under preparation, as previously discussed. Because a County-wide Habitat Conservation Plan has not yet been adopted for Yolo County and the proposed project would not interfere with its adoption, a **less-than-significant** impact would result from project implementation.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
X. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION

- a - b) The most important mineral resources in the region are sand and gravel, which are mined on Cache Creek and other channels in Yolo County. The proposed project is not removing sources of sand and gravel, nor is it located within an identified Mineral Resource Zone. Therefore, **no impact** to mineral resources would occur.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XI. NOISE - Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

a - b) Sound is a pressure wave transmitted through the air. It is described in terms of loudness or amplitude. The standard unit of measurement of the intensity of sound is the decibel (dB). Noise is defined as unwanted sound and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the State of California has established criteria to protect public health and safety and to prevent disruption of certain activities; Yolo County has adopted the State's noise regulation standards in regards to land use compatibilities.

The operation of the existing horse boarding facility would likely not cause noise levels to exceed established standards for agricultural zoning noise levels significantly beyond the existing noise levels.

Due to the substantial distances between the nearest residences to the existing horse boarding facility, perceptible increases in off-site vibration levels are not expected from the type of equipment described above. Therefore, the proposed project would have a **less-than-significant** impact to groundborne vibrations and/or standard noise levels

c) The proposed facility may contribute minimally to a permanent increase in ambient noise levels associated with the daily operation of the horse boarding facility, general farming activities and

agricultural land uses. However, due to the existing ambient noise levels of the existing land use activities of the surrounding properties, any increase in permanent noise would likely be minimal. Therefore, the proposed project would have a ***less-than-significant*** impact to ambient noise levels.

- d) During the construction phases including minor re-grading of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. Activities involved in construction would generate maximum noise levels ranging from 85 to 90 dB at a distance of 50 feet and would likely include motor graders, backhoes, front loaders, etc. Because construction activities would be temporary in nature and would occur during normal daytime working hours, there would not be significant temporary increases in ambient conditions associated with project construction and the impact would be ***less-than-significant***.
- e -f) Neither a public nor private airport is located within the project vicinity; this impact is irrelevant to the project. Therefore, ***no impact*** from excessive airport noise would occur.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

	Potentially Significant Impact	Less than Significant with Mitigation Incomp.	Less than Significant	No Impact
XII. POPULATION AND HOUSING - Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

DISCUSSION

a) The project site was previously developed as a commercial stable (formerly the Cottonwood Stable). As mentioned, the surrounding land uses include agricultural uses and with associated residences. The proposal is essentially a re-use opportunity that includes the construction of the proposed additional 15,840 square foot covered riding arena and other minor alterations. The surrounding area is zoned agricultural and is not designated in the County General Plan for urban development. The project would not result in substantial direct or indirect population growth and a **less-than-significant** impact would result.

b - c) The proposed project would not displace people or housing. Therefore, the proposed project would result in **no impact**.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION

- a - b) The proposed project is currently and would continue to be served by the Woodland Fire Department and Yolo County Sheriff's Department. No additional fire or police facilities would be required to serve the proposed project. Therefore, the proposed project would result in **less-than-significant** impacts.
- c) The proposed project would not include residential units or increase demand on school facilities. Therefore, **no impact** to schools would result
- d) The project would not result in an increased demand for additional recreations facilities or result in increased use of park and recreation facilities. Therefore, the proposed project would result in **less-than-significant** impacts.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XIV. RECREATION

- | | | | | |
|--|--------------------------|--------------------------|----------|--------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |

DISCUSSION

a - b) The project would not result in an increased demand for additional recreations facilities or result in increase use of park and recreation facilities. Therefore, the proposed project would result in a ***less-than-significant*** impact to recreational facilities.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XV. TRANSPORTATION/TRAFFIC - Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) County Road 100A provides access to the project site. The project will not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system because the increase in the number of vehicle trips, the volume to capacity ratio on roads, and the congestion level at intersections remains below the planned thresholds for those facilities. Therefore, the proposed project would result in a **less-than-significant** impact to roads and highways.
- b) The project will not exceed, either individually or cumulatively, a level of service [LOS] standard established by the county for designated roads or highways, because the traffic generation of the proposed project and anticipated traffic service will remain at an LOS of "C" or better, as required by the County General Plan. Therefore, the proposed project would result in a **less-than-significant** impact to roads and highways.
- c) The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks because there are no airports in the vicinity of the project and there is no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed uses and no new air traffic facilities are proposed. Therefore, the proposed project would result in a **no impact** to air traffic patterns.

- d) The project will not substantially increase hazards due to a design feature or incompatible uses because the project site is adjacent to an established road that is accessed at points with good site distance and properly controlled intersections. There are no incompatible uses proposed by the project that will impact surrounding land uses. Therefore, the proposed project would result in a ***less-than-significant*** impact to roads and highways.
- e) Access for emergency vehicles to the site would be provided via an existing access point on County Road 100A at the northwest corner of the site. Therefore, the proposed project would have adequate emergency access and result in a ***less-than-significant*** impact.
- f) The project will not result in inadequate parking capacity, because the project will be required to meet the parking standards established by the County as part of the Conditions of Approval. Therefore, the proposed project would result in a ***less-than-significant*** impact to roads and highways
- g) The project is located in a rural area and would not conflict with adopted transportation policies. Therefore, a ***less-than-significant*** impact would result.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION

- a) The proposed project does not exceed wastewater treatment requirements of the Regional Water Quality Control Board, Central Valley Region, as determined by Yolo County Environmental Health (YCEH). Future waste disposal will be served by YCEH-approved septic systems. Therefore, the proposed project would have a **less-than-significant** impact to existing drainage courses and storm drainage systems.
- b) The proposed project will not require, or result in the construction of new wastewater treatment facilities or expansion of existing facilities, because the restrooms for the existing horse boarding facility will be connected to YCEH-approved septic systems. Therefore, the proposed project would have a **less-than-significant** impact to existing drainage courses and storm drainage systems.
- c) The topography of the project site is relatively flat with an existing drainage facility that drains into the Willow Slough. Most of the project site is covered with pervious surfaces. The proposed project will utilize the existing drainage facilities with minimal grading required for the proposed project. There will be adequate capacity in the local and regional drainage systems so that downstream properties are

not negatively impacted by any increases or changes in volume, velocity or direction of stormwater flows originating from or altered by the project. Therefore, the proposed project would have a ***less-than-significant*** impact to existing drainage courses and storm drainage systems.

- d) The proposed project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities that cause significant environmental effects, the existing storm water drainage system will not be change by the project proposal. The proposal will utilize existing stormwater drainage system and site topography. The project will utilize the existing on-site domestic water well.
- e) The project is served by on-site septic systems. Therefore, ***no impact*** would occur to public wastewater treatment systems.
- f-g) All non-recyclable wastes collected from the area are disposed of at the 770-acre Yolo County Central Landfill. The landfill is owned and operated by the Yolo County Division of Integrated Waste Management. As of January 1998, the landfill had a remaining capacity of 8.5 million tons, and is projected to reach capacity in the year 2021. The proposed project would require additional dumpster service. However, the solid waste that is anticipated to be generated by the project is estimated to be ***less-than-significant***.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects, which will cause Substantial adverse effects on human beings, either directly Or indirectly?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION

- a) The proposed project would result in the re-use of an existing commercial stable (formerly the Cottonwood Stable) with an additional proposed 15,840 square foot covered riding arena, the boarding of up to 75 horses and the installation of an advertisement sign on the existing hay barn. The project, as mitigated, would not disturb any biological habitat, substantially reduce the habitat of a fish or wildlife species, or impact any rare or endangered species. Therefore, the proposed project would cause a **less-than-significant** impact.
- b-c) The project site is north of the City of Davis’ Urban Limit Zone; the city has reviewed the proposal and has indicated that they have no objections to the project. Currently, the project site is served by private domestic water wells and an existing septic system. The proposed project would result in the redevelopment of an existing agricultural production site with agricultural commodity storage and transfer facility. The General Plan currently designates the project site as Agricultural Preserve Zone (A-P) If approved, the proposal will result in the re-use of an existing commercial stable with minor alterations. Therefore, regarding environmental effects that cause substantial adverse effects, directly or indirectly, on human beings, a **less-than-significant** impact would occur.

GENERAL REFERENCES (List author or agency, date, title):

CEQA Guidelines, Appendix G

County of Yolo, County Code

County of Yolo General Plan, adopted 1983

Cortese list of hazardous clean-up sites for California

County of Yolo, Countywide Integrated Waste Management Plan

County of Yolo Public Works Department's - Design Standards

Environmental Impact Report, Yolo County General Plan, 1983

Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map

Yolo-Solano Air Quality Management District, Handbook for Assessing and Mitigating Air Quality Impacts, July 2007

ATTACHMENT D

Mitigation Monitoring and Reporting Plan

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**MITIGATION MONITORING AND REPORTING PROGRAM
CREEKSIDE STABLES (MARLENE BOTTER)
USE PERMIT ZF# 2008-030**

Mitigation Number	Mitigation Measure	Enforcement and Monitoring Responsibility	Timing/Implementation	Verification (Date and Initials)
Aesthetics				
I-1	<p>Within 90 days from the use permit approval; the applicant/operator shall implement a detailed lighting plan that has been submitted, review and approval by the Yolo County Planning & Public Works Department. The lighting plan shall include the proposed locations, design, and type of the light fixtures. Outdoor light fixtures shall be low-intensity, shielded and/or directed away from residences and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures. All light fixtures shall be designed, installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. The lighting plan shall demonstrate that illumination levels at adjacent residences will not exceed one-foot candle.</p>	Yolo County Planning and Public Works Department	Require measure as a Condition of Approval.	
Agricultural Resources				
II-1	<p>Prior to the issuance of a grading permit or building permit, whichever occurs first, the Developer shall create a permanent agricultural conservation easement for 0.50-acres. The calculation of agricultural land acreage is approximate and the precise amount of feasible agricultural land existing on the project site may be slightly more or less than 0.50-acres. The precise amount of agricultural land to be mitigated shall be determined by the County Agricultural Commissioner following a site inspection to evaluate soil condition and other factors relevant to the existing potential for agricultural use of portions of the site. One acre of agricultural land shall be required for each acre of feasible agricultural land to be converted to commercial use. Mitigation shall be satisfied by either: (1) granting in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity; or (2) upon adoption of an Agricultural Conservation Easement program by the County, payment of in an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism consistent with the provisions of Section 8-2.2416</p> <p>Lands eligible as agricultural mitigation shall: (1) have soil quality similar to or better than the land which is converted to a non-</p>	Yolo County Planning and Public Works Department	Require measure as a Condition of Approval.	

**MITIGATION MONITORING AND REPORTING PROGRAM
CREEKSIDE STABLES (MARLENE BOTTER)
USE PERMIT ZF# 2008-030**

Mitigation Number	Mitigation Measure	Enforcement and Monitoring Responsibility	Timing/ Implementation	Verification (Date and Initials)
II-2	<p>agricultural land or use; (2) have adequate water supply for the purposes of irrigation; (3) be located within Yolo County within a two-mile radius of the project site; and (4) not overlap with any other agricultural conservation easement, but may overlap partially with existing habitat easement areas. If no comparable land is available within a two-mile radius, lands outside the two-mile radius area may be obtained for the purpose of the agricultural mitigation provided the land is of equal or better conservation easement market value to the land inside the two-mile radius area.</p> <p>The Developer shall disclose to all employees and visitors of the proposed project site that active farming operations occur on surrounding properties. Notification shall be prominently posted prior to the commencement of operations, disclosing that employees and visitors could experience inconvenience or discomfort resulting from accepted farming activities pursuant to the provisions of the County's Right-to-Farm Ordinance.</p>	Yolo County Planning and Public Works Department	Require measure as a Condition of Approval.	
Air Quality				
III-1	<p>Prior to construction, the applicant/operator shall apply for and obtain air quality Authorities to Construct for all applicable pollutant emitting equipment. In addition, the facility shall apply best management practices in accordance with YSAQMD Rule 3-4, Section 300 to all applicable air pollutant-emitting equipment operating at the stationary source.</p>	Yolo County Planning and Public Works Department	Require measure as a Condition of Approval.	
III-2	<p>The applicant shall submit a construction dust control plan to the Yolo-Solano Air Quality Management District, prior to the commencement of operations. This plan shall ensure that dust controls measures are implemented during all phases of project construction and daily operations. The plan shall include short-term measures for use during high wind (greater than 25-mph gust) conditions. Control measures shall include surface stabilization (such as active watering) to comply with YSAQMD requirements. The dust control best management practices (BMPs) shall include but not be limited to the following:</p> <ul style="list-style-type: none"> • Reestablish ground cover in disturbed areas quickly; • Water active construction sites at least twice daily to avoid 	Yolo County Planning and Public Works Department	Require measure as a Condition of Approval.	

**MITIGATION MONITORING AND REPORTING PROGRAM
CREEKSIDE STABLES (MARLENE BOTTER)
USE PERMIT ZF# 2008-030**

Mitigation Number	Mitigation Measure	Enforcement and Monitoring Responsibility	Timing/Implementation	Verification (Date and Initials)
	<p>visible dust plumes;</p> <ul style="list-style-type: none"> • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; • Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); • Enforce a speed limit of 15 MPH for equipment and vehicles operated in unpaved areas; • All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard; and • Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads. • The operator shall wet down stockpiles on a regular basis and more frequently as needed during windy conditions. The operator shall also either shut down the operation or double the frequency/intensity of dust suppression efforts (as approved by YSAQMD) on days of extreme wind conditions as defined by sustained wind forces of 15 mph or greater. • Stockpiled materials shall be kept to overall heights not exceeding 25 feet to reduce the exposure of stockpiled materials to wind erosion. • Tune and maintain all equipment and use YSAQMD required low sulfur fuel. Also, maintain six (6) inches of freeboard on all haul trucks. 			
III-3	<p>The applicant shall prepare an Odor Management Plan that specifies standard operating procedures for livestock handling and manure collection, treatment, storage, and land application. The applicant shall submit the plan for review and approval by the Yolo County Environmental Health Division and the Planning and Public Works Department. At a minimum, the plan shall include procedures and practices to ensure that the following are implemented:</p> <p><u>Manure Collection Areas</u></p> <ul style="list-style-type: none"> • Clean out manure generated at the barns, corrals, and arenas at a frequency that would reduce or eliminate odors; • Keep horses and any other animals dry and clean as possible at 			

**MITIGATION MONITORING AND REPORTING PROGRAM
CREEKSIDE STABLES (MARLENE BOTTER)
USE PERMIT ZF# 2008-030**

Mitigation Number	Mitigation Measure	Enforcement and Monitoring Responsibility	Timing/ Implementation	Verification (Date and Initials)
	<p><i>all times; and</i></p> <ul style="list-style-type: none"> • <i>Scrape manure from barns, corrals, and arenas at an appropriate frequency rate.</i> <p><u>Manure Treatment and Application</u></p> <ul style="list-style-type: none"> • <i>Reduce moisture content of separated solids to a level that would minimize the potential for release of odorous compounds during land application;</i> • <i>Minimal agitated stockpiled manure during preparation for unloading, hauling, and spreading;</i> • <i>Apply manure when weather conditions will generate minimal odor travel distance potential and intensity (e.g. apply manure in early mornings, during cooler temperatures, and on days with minimal or no wind); and</i> • <i>Immediately clean up manure spills.</i> 			
Biological Resources				
IV-1	<p>Swainson's Hawk. <i>If construction occurs during the breeding season (March-September 15), the project applicant shall conduct pre-construction surveys no more than 14 days and no less than 7 days prior to initiating construction. A qualified biologist shall conduct the surveys and the surveys shall be submitted to Yolo County Planning & Public Works Department for review. The survey area shall include all potential nesting sites located within ½ mile of the project site. If no active nests are found during the surveys, no further mitigation shall be required except with regard to foraging habitat, as discussed below.</i></p> <p><i>If an active nest used by a Swainson's hawk, is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game and a ½ mile construction-free buffer zone shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are</i></p>	Yolo County Planning and Public Works Department	Require measure as a Condition of Approval.	

**MITIGATION MONITORING AND REPORTING PROGRAM
CREEKSIDE STABLES (MARLENE BOTTER)
USE PERMIT ZF# 2008-030**

Mitigation Number	Mitigation Measure	Enforcement and Monitoring Responsibility	Timing/Implementation	Verification (Date and Initials)
IV-2	<p>feeding on their own or the nest is no longer in active use.</p> <p>Swainson's Hawk. Prior to issuance of a grading permit, the developer shall mitigate for the loss of Swainson's hawk habitat through participation in the Yolo County HCP/NCCP. The applicant shall either: 1) pay a Swainson's hawk mitigation fee for the area disturbed by development, which is currently estimated at 0.50-acres, or 2) implement another project specific mitigation plan which is deemed appropriate to the California Department of Fish and Game. The fee is currently set at \$8,660 per acre and is subject to change. As of January 9, 2006 projects that exceed 40 acres in area are no longer eligible to pay the fee, but are required to dedicate suitable conservation easements as determined by the Yolo HCP/NCCP Joint Powers Agency and the California Department of Fish and Game. In the event that the final HCP/NCCP is adopted before development occurs, the developer shall participate in the Final HCP/NCCP to mitigate for the loss of Swainson's hawk habitat.</p>	Yolo County Planning and Public Works Department	Require dedication of easement, included as a Condition of Approval.	

**MITIGATION MONITORING AND REPORTING PROGRAM
CREEKSIDE STABLES (MARLENE BOTTER)
USE PERMIT ZF# 2008-030**

Mitigation Number	Mitigation Measure	Enforcement and Monitoring Responsibility	Timing/Implementation	Verification (Date and Initials)
Cultural Resources	<p>The following mitigation measures shall be included in the construction documents to be used by the project contractor to the satisfaction of the Planning and Public Works Department:</p> <p>(a) Prior to the initiation of construction or ground-disturbing activities, the project proponent shall inform all construction personnel involved with excavation of the potential for exposing subsurface cultural resources and the anticipated procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment. It is recommended that this be done in a formal meeting as well as in a "toolbox" meeting at the job site.</p> <p>(b) All project construction personnel shall be informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by the conditions of the project and by applicable laws and regulations.</p> <p>(c) If potential historical or unique archaeological resources are discovered during construction, all construction work shall be suspended in the immediate vicinity (within approximately 25 feet) to avoid altering the cultural materials and their context pending site investigation by a qualified archaeological or cultural resources consultant retained by the project applicant. Construction work shall not begin again until the archaeological or cultural resources consultant has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed.</p> <p>(d) If the discovery is determined to be a historical or unique archaeological resource, and if avoidance of the resource is not possible, the archaeological or cultural resources consultant shall prepare a treatment plan acceptable to the County. The treatment plan shall be designed to result in the extraction of sufficient volumes of non-redundant archaeological data to address important regional research considerations. The work</p>	Yolo County Planning, Resources and Public Works Department	Require measure as a Condition of Approval.	

**MITIGATION MONITORING AND REPORTING PROGRAM
CREEKSIDE STABLES (MARLENE BOTTER)
USE PERMIT ZF# 2008-030**

Mitigation Number	Mitigation Measure	Enforcement and Monitoring Responsibility	Timing/Implementation	Verification (Date and Initials)
	<p>shall be performed by the archaeological or cultural resources consultant, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center. Construction in the vicinity of the find shall not recommence until treatment has been completed.</p> <p>(e) If human remains are discovered, they shall be handled in accordance with state law including immediate notification of the Yolo County Medical Examiner/Coroner.</p>			
HAZARDS AND HAZARDOUS MATERIALS				
VII-1	<p>Prior to the commencement of operation, the applicant/operator shall submit for review and approved by the YCEH - Hazardous Materials Division a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption.</p>	Yolo County Environmental Health	Require measure as a Condition of Approval.	
VII-2	<p>Prior to the commencement of operation, the applicant/operator shall be required to apply for one or more of the following, if applicable: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, contact the YCEH - Hazardous Materials Division</p>	Yolo County Environmental Health	Require measure as a Condition of Approval.	
Hydrology and Water Quality				
VIII-1	<p>Prior to the issuance of a grading permit, the applicant shall obtain a National Discharge Elimination System permit (NPDES), which pertains to operational discharges. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation: the SWPPP shall be provided for the review and approval of the Yolo County Planning and Public Works Department.</p>	Yolo County Planning and Public Works Department	Require measure as a Condition of Approval.	
VIII-2	<p>All concrete waste and wash out shall be directed to a self-contained system which shall adequately contain and properly dispose or recycle the settling waste to the satisfaction of the Yolo County</p>	Yolo County Planning and Public Works Department	Require measure as a Condition of Approval.	

**MITIGATION MONITORING AND REPORTING PROGRAM
CREEKSIDE STABLES (MARLENE BOTTER)
USE PERMIT ZF# 2008-030**

Mitigation Number	Mitigation Measure	Enforcement and Monitoring Responsibility	Timing/ Implementation	Verification (Date and Initials)
	Planning and Public Works Department.			
VIII-3	Prior to land disturbance or the issuance of a grading permit, the applicant shall submit for the review and approval of the Planning and Public Works Department, verification that all new construction is above the base flood elevation and that any grading will comply with the County's Flood Management Ordinance.	Yolo County Planning and Public Works Department	Require measure as a Condition of Approval.	
VIII-4	Grass or other vegetative cover will be established on the construction site after land disturbance. At a minimum, vegetative application will be completed by September 15 to allow plants to establish. No disturbed surfaces will be left without vegetation or the appropriate erosion control measures in place between October 15 and April 15.	Yolo County Planning and Public Works Department	Require measure as a Condition of Approval.	

ATTACHMENT E

Conditions of Approval

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**CONDITIONS OF APPROVAL
CREEKSIDE STABLES
USE PERMIT, ZF# 2008-030**

ON-GOING OR OPERATIONAL CONDITIONS OF APPROVAL:

PLANNING DIVISION – PPW (530) 666-8808

1. The project shall be developed in compliance with all adopted Conditions of Approval and the Mitigation Monitoring Program for Zone File No. 2008-030. The applicant shall be responsible for all costs associated with implementing the Conditions of Approval and Mitigation Monitoring Program as contained herein. The Use Permit shall commence within one (1) year from the date of approval by the Yolo County Planning Commission or said permit shall be deemed null and void without further action.
2. The applicant shall comply with the Conditions of Approval and Mitigation Measures adopted by the Yolo County Planning Commission and contained in Zone File 2008-030. Each structure shall be subject to site plan approval by the Planning and Public Works Department in accordance with the Conditions of Approval.
3. The project shall remain in substantial conformance with the Conditions of Approval and Mitigation Measures, as adopted by the Yolo County Planning Commission. Any subsequent minor changes in the project (as determined by the Director of Planning and Public Works) may only occur subject to appropriate County review and approval. Any subsequent substantive changes in the project (as determined by the Director of Planning and Public Works) may only occur subject to discretionary review by the Yolo County Planning Commission.
4. Assessment of fees under Public Resources Code Section 21089, and as defined by Fish and Game Code Section 711.4 will be required. The fees (\$1,926.75) are payable by the project applicant upon filing of the Notice of Determination by the lead agency, within five working days of approval of this project by the Planning Commission.
5. In order to obtain grading, building and occupancy permits, the developer shall submit a Condition Compliance deposit through the Planning Division in accordance with the directions stated in the Conditional Approval letter. The deposit must be in the project account at the time the Condition Compliance is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review.
6. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
7. All of the conditions of this Use Permit are continuously in effect through out the operative life of the project for the use approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the Conditional Use Permit. The County shall provide adequate notice, time and opportunity to the property owner or other interested party to correct the non-complying situation.

8. Failure to comply with the Conditions of Approval and Mitigation Monitoring Plan as approved by the Board of Supervisors may result in: (1) Non-issuance of future building permits; (2) legal enforcement action; and/or (3) revocation of the Use Permit.
9. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attach, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperates fully in the defense. If the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.
10. Within 60 days from the date of project approval by the Yolo County Planning Commission, the applicant is required to schedule and participate in a pre-construction meeting at the Development Review Committee (DRC).
11. The project site shall be continuously maintained by the applicant in a litter free and weed free manner.
12. The applicant shall ascertain and comply with the requirements of all Federal, State, County and Local agencies as applicable to the proposed use and the project area. These include, but are not limited to: **1) FEDERAL:** U.S. Fish & Wildlife; **2) STATE:** Department of Fish & Game (DFG), Central Valley Regional Water Quality Control Board (CVRWQCB), California Occupational Safety and Health Administration (Cal-OSHA), Yolo-Solano Air Quality Management District, Cal Trans District 3, California Highway Patrol **3) COUNTY:** Public Health-Environmental Health Services, Building Division, Code Enforcement, Public Works; **4) LOCAL** Woodland/Springlake Fire Protection District.
13. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be operated and maintained by the operator/property owner in such a manner, and with such frequency, to ensure the public health, safety, and general welfare. All on-site "No Trespassing" or other "Posted Area" signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis. All landscaping, fuel modification measures, fencing and structures shall be maintained regularly by the operator/property owner, so that all facets of the operations are kept in continual good repair, including but not limited to the removal of graffiti and the continued provision of healthy thriving landscaping. The property shall be maintained so that is visually attractive and not dangerous to the health and welfare of the surrounding properties.
14. All costs of ownership, operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the applicant, operator or the property owner.
15. Unless otherwise authorized by the Planning and Public Works Director, grading, excavation, and trenching activities shall be completed prior to November 1st of each year

to prevent erosion. A drought-tolerant, weed-free mix of native and non-native grasses or alternate erosion control measures approved by the Planning and Public Works Director shall be established on all disturbed soils prior to November 1st of each year.

16. Any topsoil excavated during the construction of the project shall be stockpiled and used on the subject site. Topsoil shall not be transported from the site to any other property.
17. All building plans shall be submitted to the Planning and Public Works Department for review and approval in accordance with County Building Standards prior to the commencement of construction. Any work completed without the requisite building, electrical, plumbing, and mechanical permits shall be permitted prior to the issuance of a Business License.
18. The applicant shall pay all appropriate fees prior to Building Permit issuance, Final Inspection or Issuance of a Certificate of Occupancy subject to agencies of jurisdiction. Fees include, but are not limited to: Building and Planning Fees, Woodland Fire District Fees and Swainson's hawk Mitigation fees.
19. The applicant shall provide address signage visible from the street. Fire extinguishers for public access areas shall be installed in accordance with Article 9 of the CFC to the satisfaction of the Woodland/Springlake Fire Protection District.
20. Any grading of the property shall require the applicant to submit complete engineered plans detailing topography and site drainage. The grading and drainage plans shall delineate building envelopes, building pad elevations and finish slab elevations. At a minimum, the finish slab elevations shall be no less than twelve (12") inches above the Base Flood Elevation (BFE). The applicant shall submit an Elevation Certificate prepared by an Engineer or Survey to ascertain the Base Flood Elevations concurrently with grading and/or building plans. Surface drainage shall be designed to accommodate a ten (10) year, one (1) hour storm event. All drainage conveyances shall be designed to provide positive drainage. Surface drainage shall be designed to prevent flooding on surrounding properties and County right-of-ways.
21. Concurrent with grading and/or building permit application, the applicant shall submit a detailed plot plan and parking lot improvement plans to the Planning and Public Works Department. Parking lot improvement plans shall clearly delineate Truck and Trailer parking areas, proposed utilities, and all weather parking areas including accessible parking. Parking shall be in accordance with County Zoning Code Parking requirements and Chapter 11 of the Uniform Building Code. Details and final layout of parking lot and circulation areas shall be subject to review and approval by the Director of the Planning and Public Works Department and Woodland Fire Protection District. All parking lot and circulation improvements shall be completed to the satisfaction of the Planning and Public Works Director and Woodland Fire Protection District prior to the issuance of a Building Permit for the facility.
22. All advertising signs shall require building permits approved by the Director of the Planning and Public Works Department for compliance with the Yolo County Code.
23. The applicant shall consult with the Environmental Health and Mosquito and Vector Control District, to address the avoidance of the public health nuisance of flies. The applicant shall comply with any recommendations from both the Environmental Health and Mosquito and Vector Control District.

24. Pursuant to Section 8-2.2603(g), *Nonconforming buildings and uses*, the existing structures are an extension of a legal nonconforming use at the project site that were originally designed and arranged for such uses prior to the date the building became nonconforming. The use of the nonconforming buildings are allowed as long as there are no alterations, except those required by law.
25. Any renovation, modification or alteration of the existing structures shall require the applicant/property owner to obtain building permit(s) from the Planning and Public Works Department, including accessibility requirements. Buildings shall be constructed and engineered in accordance with the "Occupancy" classification as determined by the Chief Building Official of Yolo County.
26. The facility is required to provide at least one restroom (a portable unit is acceptable) that is compliant with the America's with Disabilities Act (ADA), portable units are acceptable, with accessible path of travel to and from the accessible parking area.

PRIOR TO LAND DISTURBANCE OR ISSUANCE OF GRADING PERMITS:

PLANNING DIVISION - PPW (530) 666-8808

27. Mining of native on-site materials is prohibited.
28. The applicant shall contact Pacific Bell's Underground Service Alert (USA) two days prior to the commencement of any underground work to verify the existence of existing subsurface service and/or utility lines.

BUILDING DIVISION – PPW (530) 666-8775

29. Grading and/or Building plans shall be submitted to the Building Division for review and approval prior to any grading/land disturbance on the site.
30. Flood Certificate shall be submitted to the Building Division for review and approval prior to any grading/land disturbance on the site.

PUBLIC HEALTH DEPARTMENT - ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

31. The well shall be constructed under permits from Yolo County Environmental Health. Construction shall be done according to the requirements of a well that will serve a commercial establishment. A 50-foot or greater annular seal should be installed and constructed to exclude nitrates. A public water supply permit is required when the system serves at least 25 people, 60 days of the year.
32. Sewage and other liquid wastes must be disposed of in a manner approvable by Yolo County Environmental Health (YCEH) to septic system(s) that meet the capacity for the anticipated use. Repairs, replacement or new septic tanks or leach-lines must be done under approved permit from YCEH.
33. Solid waste must be handled and/or stored in a manner that does not cause a vector problem or cause a nuisance.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

BUILDING DIVISION – PPW (530) 666-8775

34. The applicant shall pay all appropriate fees prior to the issuance of Building Permits, including but not limited to Woodland/Springlelake Fire Protection District fees, Woodland Unified School District fees, and County facility fees.
35. Prior to the issuance of any Building Permit, all necessary permits as required by Federal, State, and local agencies and districts shall be provided to the Planning and Public Works Department.
36. Prior to construction, any building, sign, or structure to be located on site will require professionally prepared plans approved by the Building Division.

WOODLAND FIRE DEPARTMENT (530) 661-5855

37. The Woodland/Springlelake Fire Protection District protects the above referenced project. Prior to any construction occurring on any parcel, the applicant shall contact the fire department for verification of current fire protection development requirements. All new construction shall comply with the existing California Fire Code requirements and all applicable statutes, codes, ordinance, or standards of the Fire Department. Plans shall be submitted to the Fire Protection District for approval prior to any installation or construction.

The following are the "Alternate Means of Protections" requirements that have been agreed to by the Woodland Fire Department:

- The covered riding arena will remain open on each end of the structure;
- The installation of "4A40BC" fire extinguishers within every 75-feet of travel throughout the riding arena;
- A minimum of 100-feet of clear defensible space around the riding arena, in accordance with Public Resource Code 4290;
- Prohibit all combustible materials within or near the riding arena, including but not limited to: hay bales, equipment or machinery, horse directional devices (such as rails or signs), etc;
- The occupancy of the riding arena shall be limited to a maximum of 10 horses/riders within the riding arena at any one time;
- Provide a stationary water tank of a minimum 25,000 gallons (or provide connection to a permanent water supply that can provide a fire flow of at least 500 gallons per minute for a 2-hour duration), with the appropriate valve size and location per the NFPA and Fire Code requirements; and
- Provide a minimum 18-foot wide all weather access road, capable of carrying emergency vehicles with a total gross vehicle weight of 72,000 lbs, from the of the end of the existing site access road to the hammerhead. The access road and hammerhead shall be certified by a registered Engineer stating that the

access road and turnaround meets the loading requirements of a 72,000 LB Vehicle.

PRIOR TO THE COMMENCEMENT OF OPERATIONS:

PLANNING DIVISION – PPW (530) 666-8775

38. The applicant shall obtain a Business License from the Planning and Public Works Department.
39. The applicant shall install public access barriers and signage limiting and notifying the public of non-public use area. Said barriers and signage shall prevent public access to buildings and uses not authorized for public use areas. The barrier and signage plan shall be clearly delineated on the plot plan.

WOODLAND FIRE DEPARTMENT (530) 661-5855

40. Prior to final inspection or occupancy of any new or remodeled building, hand portable fire extinguishers are required to be provided. The location, type, and cabinet design shall be approved by the Woodland/Spring Lake Fire Protection District.
41. The access roads within the facility shall remain unobstructed at all times, except for a driveway access gate, which may be closed during night time operating hours. An approved fire department key box is required for any access gate, installed prior to the commencement of operations.

PUBLIC HEALTH DEPARTMENT - ENVIRONMENTAL HEALTH DIVISION (530) 666-8646

42. The operator/property owner will be required to submit a Hazardous Materials/Waste Business Plan (HMWBP) and Inventory to YCEH as soon as they store, handle, or use greater than the threshold quantity (55-gal, 500-lb, 200-ft³) of a hazardous material or any quantity of hazardous waste at this site.
43. The applicant shall obtain approval if a new permit to operate the public water system is required for this site, prior to the commencement of operations. The system must produce water of a quality that meets the requirements of a non-transient, non-community water system category. Failure to meet water quality standards may result in replacement of wells, installation of treatment facilities and/or other measures to meet compliance.

MITIGATION MEASURES

ON-GOING OR OPERATIONAL:

PLANNING DIVISION – PPW (530) 666-8808

44. *II-2. The Developer shall disclose to all employees and visitors of the proposed project site that active farming operations occur on surrounding properties. Notification shall be prominently posted prior to the commencement of operations, disclosing that employees and visitors could experience inconvenience or discomfort resulting from accepted farming activities pursuant to the provisions of the County's Right-to-Farm Ordinance.*

45. III-2. The applicant shall submit a construction dust control plan to the Yolo-Solano Air Quality Management District, prior to the commencement of operations. This plan shall ensure that dust controls measures are implemented during all phases of project construction and daily operations. The plan shall include short-term measures for use during high wind (greater than 25-mph gust) conditions. Control measures shall include surface stabilization (such as active watering) to comply with YSAQMD requirements. The dust control best management practices (BMPs) shall include but not be limited to the following:

- Reestablish ground cover in disturbed areas quickly;
- Water active construction sites at least twice daily to avoid visible dust plumes;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);
- Enforce a speed limit of 15 MPH for equipment and vehicles operated in unpaved areas;
- All vehicles hauling dirt, sand, soil, or other loose materials shall be covered or should maintain at least two feet of freeboard; and
- Sweep streets at the end of the day if visible soil material is carried onto adjacent public paved roads.
- The operator shall wet down stockpiles on a regular basis and more frequently as needed during windy conditions. The operator shall also either shut down the operation or double the frequency/intensity of dust suppression efforts (as approved by YSAQMD) on days of extreme wind conditions as defined by sustained wind forces of 15 mph or greater.
- Stockpiled materials shall be kept to overall heights not exceeding 25 feet to reduce the exposure of stockpiled materials to wind erosion.
- Tune and maintain all equipment and use YSAQMD required low sulfur fuel. Also, maintain six (6) inches of freeboard on all haul trucks.

PRIOR TO THE ISSUANCE OF GRADING OR BUILDING PERMITS:

PLANNING DIVISION – PPW (530) 666-8808

46. I-1. Within 90 days from the use permit approval; the applicant/operator shall implement a detailed lighting plan that has been submitted, review and approval by the Yolo County Planning & Public Works Department. The lighting plan shall include the proposed locations, design, and type of the light fixtures. Outdoor light fixtures shall be low-intensity, shielded and/or directed away from residences and the night sky. Lighting fixtures shall use low-glare lamps or other similar lighting fixtures. All light fixtures shall be designed, installed and shielded in such a manner that no light rays are emitted from the fixture at angles above the horizontal plane. The lighting plan shall demonstrate that illumination levels at adjacent residences will not exceed one-foot candle.

47. II-1. Prior to the issuance of a grading permit or building permit, whichever occurs first, the Developer shall create a permanent agricultural conservation easement for 0.50-acres. The calculation of agricultural land acreage is approximate and the precise amount of feasible agricultural land existing on the project site may be slightly more or less than 0.50-acres. The precise amount of agricultural land to be mitigated shall be determined by the County Agricultural Commissioner following a site inspection to evaluate soil condition and other

factors relevant to the existing potential for agricultural use of portions of the site. One acre of agricultural land shall be required for each acre of feasible agricultural land to be converted to commercial use. Mitigation shall be satisfied by either: (1) granting in perpetuity, a farmland conservation easement, a farmland deed restriction, or other farmland conservation mechanism to, or for the benefit of, the County and/or other qualifying entity; or (2) upon adoption of an Agricultural Conservation Easement program by the County, payment of in an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism consistent with the provisions of Section 8-2.2416.

Lands eligible as agricultural mitigation shall: (1) have soil quality similar to or better than the land which is converted to a non-agricultural land or use; (2) have adequate water supply for the purposes of irrigation; (3) be located within Yolo County within a two-mile radius of the project site; and (4) not overlap with any other agricultural conservation easement, but may overlap partially with existing habitat easement areas. If no comparable land is available within a two-mile radius, lands outside the two two-mile radius area may be obtained for the purpose of the agricultural mitigation provided the land is of equal or better conservation easement market value to the land inside the two-mile radius area.

48. III-1. Prior to construction, the applicant/operator shall apply for and obtain air quality Authorities to Construct for all applicable pollutant emitting equipment. In addition, the facility shall apply best management practices in accordance with YSAQMD Rule 3-4, Section 300 to all applicable air pollutant-emitting equipment operating at the stationary source.
49. III-3. The applicant shall prepare an Odor Management Plan that specifies standard operating procedures for livestock handling and manure collection, treatment, storage, and land application. The applicant shall submit the plan for review and approval by the Yolo County Environmental Health Division and the Planning and Public Works Department. At a minimum, the plan shall include procedures and practices to ensure that the following are implemented:

Manure Collection Areas

- Clean out manure generated at the barns, corrals, and arenas at a frequency that would reduce or eliminate odors;
- Keep horses and any other animals dry and clean as possible at all times; and
- Scrape manure from barns, corrals, and arenas at an appropriate frequency rate.

Manure Treatment and Application

- Reduce moisture content of separated solids to a level that would minimize the potential for release of odorous compounds during land application;
- Minimal agitated stockpiled manure during preparation for unloading, hauling, and spreading;
- Apply manure when weather conditions will generate minimal odor travel distance potential and intensity (e.g. apply manure in early mornings, during cooler temperatures, and on days with minimal or no wind); and
- Immediately clean up manure spills.

50. IV-1. **Swainson's hawk.** If construction occurs during the breeding season (March-September 15), the project applicant shall conduct pre-construction surveys no more than 14 days and no less than 7 days prior to initiating construction. A qualified biologist shall conduct the surveys and the surveys shall be submitted to Yolo County Planning & Public Works Department for review. The survey area shall include all potential nesting sites

located within ½ mile of the project site. If no active nests are found during the surveys, no further mitigation shall be required except with regard to foraging habitat, as discussed below.

If an active nest used by a Swainson's hawk, Cooper's hawk or White Tailed Kite is found sufficiently close (as determined by the qualified biologist) to the construction area to be affected by construction activities, a qualified biologist shall notify the Department of Fish and Game and a ½ mile construction-free buffer zone shall be established around the nest. Intensive new disturbances (e.g., heavy equipment activities associated with construction) that may cause nest abandonment or forced fledging shall not be initiated within this buffer zone between March and September unless it is determined by a qualified biologist in coordination with CDFG that the young have fledged and are feeding on their own or the nest is no longer in active use.

51. IV-2. Swainson's Hawk. Prior to issuance of a grading permit, the developer shall mitigate for the loss of Swainson's hawk habitat through participation in the Yolo County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The applicant shall either: 1) pay a Swainson's hawk mitigation fee for the area disturbed by development, which is currently estimated at 0.50-acres, or 2) implement another project specific mitigation plan which is deemed appropriate to the California Department of Fish and Game. The fee is currently set at \$8,660 per acre and is subject to change. As of January 9, 2006 projects that exceed 40 acres in area are no longer eligible to pay the fee, but are required to dedicate suitable conservation easements as determined by the Yolo HCP/NCCP Joint Powers Agency and the California Department of Fish and Game. In the event that the final HCP/NCCP is adopted before development occurs, the developer shall participate in the Final HCP/NCCP to mitigate for the loss of Swainson's hawk habitat.
52. V-1. The following mitigation measures shall be included in the construction documents to be used by the project contractor to the satisfaction of the Planning and Public Works Department:
 - (a.) The applicant/developer shall inform all construction personnel involved with excavation of the potential for exposing subsurface cultural resources and the anticipated procedures that will be followed upon the discovery or suspected discovery of archaeological materials, including Native American remains and their treatment. It is recommended that this be done in a formal meeting as well as in a "toolbox" meeting at the job site.
 - (b.) All project construction personnel shall be informed that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by the conditions of the project and by applicable laws and regulations.
 - (c.) If potential historical or unique archaeological resources are discovered during construction, all construction work shall be suspended in the immediate vicinity (within approximately 25 feet) to avoid altering the cultural materials and their context pending site investigation by a qualified archaeological or cultural resources consultant retained by the project applicant. Construction work shall not begin again until the archaeological or cultural resources consultant has been allowed to examine the cultural materials, assess their significance, and offer proposals for any additional exploratory measures deemed necessary for the

further evaluation of, and/or mitigation of adverse impacts to, any potential historical resources or unique archaeological resources that have been exposed.

- (d.) *If the discovery is determined to be a historical or unique archaeological resource, and if avoidance of the resource is not possible, the archaeological or cultural resources consultant shall prepare a treatment plan acceptable to the County. The treatment plan shall be designed to result in the extraction of sufficient volumes of non-redundant archaeological data to address important regional research considerations. The work shall be performed by the archaeological or cultural resources consultant, and shall result in a detailed technical report that shall be filed with the California Historical Resources Information System, Northwest Information Center. Construction in the vicinity of the find shall not recommence until treatment has been completed.*
 - (e.) *If human remains are discovered, they shall be handled in accordance with state law including immediate notification of the Yolo County Medical Examiner/Coroner*
53. *VII-1. Prior to the commencement of operation, the applicant/operator shall submit for review and approved by the YCEH - Hazardous Materials Division a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption.*
 54. *VII-2. Prior to the commencement of operation, the applicant/operator shall be required to apply for one or more of the following, if applicable: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, contact the YCEH - Hazardous Materials Division*
 55. *VIII-1. Prior to the issuance of a grading permit, the applicant shall obtain a National Discharge Elimination System permit (NPDES), which pertains to operational discharges. Compliance with the Permit requires the project applicant to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP would incorporate Best Management Practices (BMPs) in order to prevent, or reduce to the greatest extent feasible, adverse impacts to water quality from erosion and sedimentation: the SWPPP shall be provided for the review and approval of the Yolo County Planning and Public Works Department.*
 56. *VIII-2. All concrete waste and wash out shall be directed to a self-contained system which shall adequately contain and properly dispose or recycle the settling waste to the satisfaction of the Yolo County Planning and Public Works Department.*
 57. *VIII-3. Prior to land disturbance or the issuance of a grading permit, the applicant shall submit for the review and approval of the Planning and Public Works Department, verification that the construction of the proposed additional 15,840 square foot covered riding arena is above the base flood elevation and that any grading will comply with the County's Flood Management Ordinance.*
 58. *III-4. Grass or other vegetative cover will be established on the construction site after land disturbance. At a minimum, vegetative application will be completed by September 1 to allow plants to establish. No disturbed surfaces will be left without vegetation or the appropriate erosion control measures in place between October 1 and April 30.*

ATTACHMENT F

Findings

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FINDINGS REGARDING THE CREEKSIDE STABLES PROJECT

A. Introduction

The applicant for the Creekside Stables (Marlene Botter) project (the "Project") has applied to the County of Yolo for a Use Permit to expand an existing commercial horse boarding facility (formerly the Cottonwood Stables). The proposal is to add a 15,840 square foot covered riding arena, board up to 75 horses, and the installation of an advertising sign on an existing structure on a 79.54-acre site in the unincorporated area of Yolo County. The Project includes requests for the following land use entitlement:

- **Conditional Use Permit for a commercial horse stable.**

B. Findings Regarding Compliance with the California Environmental Quality Act (CEQA) and Guidelines

The County has complied with the California Environmental Quality Act (CEQA) by preparing an Initial Study/Mitigated Negative Declaration (MND) for the Project, in accordance with Section 21080 of the Public Resources Code. The MND was submitted to the State Clearinghouse for a 30-day public review period on November 7, 2008. The Planning Commission hereby accepts and adopts the determinations described in the MND based on an assessment of all viewpoints concerning the environmental impacts identified and analyzed in the MND, including all testimony and written comments received up to the date of adoption of these Findings. Public hearings were held before the Planning Commission on December 10, 2009.

After considering all of the written materials and testimony received during the public review process and public hearings on the Project in light of the whole record and with a preference in favor of protecting the environment, the Planning Commission finds that the record did not contain substantial evidence to support a fair argument that the Project had the potential to cause a significant effect on the environment. The Planning Commission reaches this conclusion based upon the reasoned analysis contained in the initial study prepared for the Project, along with the analysis prepared to support the conclusions reached therein. The initial study showed that there were no significant environmental effects associated with the Project that had not been mitigated to a level of less than significant.

C. Conditional Use Permit

CONDITIONAL USE PERMIT

In approving the Conditional Use Permit for the Project, the Planning Commission considers the factors set forth in 28 (Use Permits), as well as the applicable provisions of Articles 24 (General Provisions), and 25 (Off-Street Parking and Loading) of Chapter 8 (Zoning) of Title 8 (Land Development and Zoning) of the Yolo County Code. In granting the Conditional (Minor) Use Permit for the Project, the Planning Commission finds, with due regard to the nature and condition of all adjacent structures and uses, the zone within which the structures and uses are located, and the General Plan, that the general conditions specified in Section 8-2.2804 are fulfilled, as described in detail below.

- a) The requested land use is listed as a conditional use in the zoning regulations.

The proposed commercial stable and boarding facility is listed as principal permitted uses in the Agricultural Preserve Zone (A-P). The proposed use is a conditional use, as listed in the A-P Zone "commercial stable."

- b) The requested use is essential or desirable to the public comfort and convenience.

The commercial stable and boarding facility will contribute to the expansion of the local and regional economy. The use will generate 5 jobs and substantial direct and indirect fiscal benefits to Yolo County.

- c) The requested land use will not impair the integrity or character of a neighborhood or be detrimental to public health, safety or general welfare.

The applicant will have to comply with the Conditions of Approval of the Conditional Use Permit, which require adequate landscaping, shielding of exterior lighting, fire protection and Odor Management Plan to prevent impacts to the aesthetics, agricultural resources, air quality, protect the health and safety of the public, and biological resources from the proposed commercial stable and boarding facility.

- d) The requested use will be in conformity with the General Plan.

The proposed project will provide for commercial use in the County to provide employment, services, and tax base while minimizing hazards and nuisances and while conserving resources and agricultural lands. In all respects the Project, including the conditional use permit, is consistent with the General Plan.

- e) Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be provided.

All necessary infrastructure and utilities exist at the site or will be required of the proposed project. An existing domestic water well and septic system will serve the project site. County Road 100A is the main access point to the site with an existing paved driveway. .

- f) Sufficient off-street parking and loading facilities will be provided.

Sufficient off-street parking and loading spaces are provided on-site to meet the needs of, delivery vehicles, clients, and employees associated with the operation. The existing parking and loading areas provide for safe and orderly loading, unloading, parking and storage. Lighting of the parking and loading areas will be provided in accordance with Section 8-2.2514 of the Zoning Code.

ATTACHMENT G

Correspondence

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ATTACHMENT H

APPLICATION HISTORY

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APPLICATION HISTORY

The applicant filed a Minor Use Permit application in June 2008 to expand an existing nonconforming commercial stable and boarding facility (formerly the Cottonwood Stables), by adding a 15,840 square-foot covered riding arena, the boarding of up to 75 horses, and the installation of an advertisement sign. The expansion of the existing nonconforming commercial stable and boarding facility would be allowed pursuant to Yolo County Code § 8-2.2603 (b)(d) "Nonconforming buildings and uses," and in compliance with § 8-2.2804 "Planning Commission or Zoning Administrator" that would allow the approval of the expansion of the existing nonconforming use through a Minor Use Permit application process.

The applicant requested a U occupancy, or classification, which would limit use of the building to the storage of agricultural products, livestock, and equipment. Under a U occupancy, only the owner and applicant would have access to the building, with infrequent access by employees. No public access would be allowed. This was in conflict with the applicant's Use Permit application, which clearly indicated that the building was intended to be a public riding arena, to be accessed by customers of the stable for the purposes of riding and/or exercising their horses.

The project was scheduled to be heard at the December 18, 2008, Planning Commission meeting and staff had made an initial recommendation that the project be approved by the Planning Commission. However, prior to the Planning Commission meeting, a complaint was received by the Building Division. The complaint indicated that there was a building under construction at the proposed project site. As indicated above, staff verified that it was the proposed covered riding arena under construction, and building permits were still under review. The applicant had started the construction of the covered riding arena prior to approval of the Use Permit and issuance of a building permit.

EVENTS LEADING TO THIS APPEAL

- June 4, 2008: The applicant requested a Use Permit to expand an existing commercial stable and boarding facility to provide services to customers by adding a 15,840 square-foot covered riding arena, the boarding of up to 75 horses, and the installation of an advertisement sign on an existing hay barn.
- October 16, 2008: The applicant submitted a Building Permit application and on October 29, 2008, the applicant submitted for an additional Building Permit (Foundation Only) application for the new covered riding arena.
- November 26, 2008: The Yolo County Planning and Public Works Department conducted the monthly Development Review Committee (DRC). This project was discussed at the DRC with the applicant present. The applicant agreed to appropriate mitigation measures for visual, air quality, biological and water quality impacts, as part of the proposed Conditions of Approval for the project. In addition, the applicant was required to obtain approval from the Woodland/Springle Lake Fire Department (the local fire protection district) prior to the issuance of any building permits. All new or future construction must comply with the existing California Fire Code requirements, and all applicable statutes, codes, ordinance, or standards of the local Fire Department.

- December 13, 2008: A complaint was received by the Planning and Public Works Department (PPW). The complaint indicated that there was a building under construction on the project site. The PPW staff verified that the covered riding arena was under construction and building permits were currently under review.
- December 15, 2008: The Woodland/Springlake Fire Department personnel, applicant's representatives, and county staff met to discuss the occupancy use classification and the fire protection requirements for the covered riding arena. The fire department indicated that the applicant could provide an alternative method of fire protection for review and approval by the fire department.
- December 17, 2008: Yolo County Building Inspectors, Mr. Griesbach and Mr. Frenger, arrived at the project site to confirm the violation and issue a Stop Work notice for the unpermitted structure. Prior to placing the Stop Work Order/Notice to Comply notification, Mr. Griesbach and Mr. Frenger were approached by the property manager and told that they did not have authorization to enter the property, and that the Sheriffs Department would be called, if they continued with the stop work notification. The property managers requested that Mr. Griesbach and Mr. Frenger leave the project site, which they promptly did.
- December 18, 2008: The Planning Commission continued Agenda Item No. 7.4 (Creekside Stables Proposed Use Permit), to allow the applicant sufficient time to correct the violation and resolve the type of fire protection method to be used at the project site with the Woodland/Springlake Fire Department (the local fire protection district).
- December 19, 2008: Building Inspectors went to the site and posted the Stop Work Order/Notice to Comply. After placing the notice, the Inspector was again approached by the property manager and told that the Sheriffs Department would be called if the Inspector did not leave. After a short conversation with the property manager, the Inspector left.
- January 20, 2009: Staff received an e-mail from the applicant's representative requesting that the item be continued to a future Planning Commission to allow applicant's representative time to pursue resolution of the fire suppression issues with the Woodland/Springlake Fire Department. Staff was also informed that neither the property owner nor applicant would be able to attend the Planning Commission meeting on January 29, 2009.
- January 29, 2009: Staff provided a presentation to the Planning Commission. Based on staff recommendations regarding the health and safety of the public in the use of the proposed covered riding arena, including inadequate fire protection measures, the ongoing violation at the site, and the applicant and property owner's unwillingness to comply with the local fire protection district and county requirements, the Planning Commission denied the project on a vote of 6-0-1 (6 in favor, 0 opposed, and 1 abstention).
- February 12, 2009: The applicant appealed the Planning Commission's denial of the proposed Use Permit to expand an existing nonconforming commercial stable and boarding facility to the Board of Supervisors.
- November 10, 2009: The Board of Supervisors remanded the project back to the Planning Commission to allow the Commissioners to review and take the appropriate final actions regarding the proposed project.



CITY OF WOODLAND FIRE DEPARTMENT
532 COURT STREET
WOODLAND CA 95695

PLAN REVIEW GENERAL COMMENTS

TO: Donald Rust, County of Yolo Planning

FROM: Russ Cole, Fire Marshal

DATE: November 25, 2008

Re: Fire Department Comments
Creekside Stables, 231541 County Road 100

After reviewing this project and the regulations pertaining to both commercial buildings and the classification of Agricultural exempt Buildings under the County adopted building code the following conditions will apply to this project.

- 1. The structure shall be the 2007 California Fire Code requirements for a “membrane structure” Chapter 24, 2007 California Fire Code. A Fire Code Permit is required. Additional exits will be required.**
- 2. A 20 foot wide all weather fire department access road will be required to within 150 feet to all portions of the exterior of the structure.**
- 3. A fire department turn around shall be provided and approved by the fire department.**
- 4. Water for fire protection shall be provided meeting the requirements of at least 500 gallons per minute with a duration of 2 hours. A private water storage tank may be provided if a water system meeting the above requirements can not be met.**
- 5. This building shall not be used for any use other than a building designated as an Agricultural building defined in the building code and not accessible or used by the public.**
- 6. Address numbers shall be plainly visible from the street and lighted. Numbers shall be a minimum of 6 inches in height.**
- 7. A fire department plan review fee shall be required and payable prior to the approval on any plans.**
- 8. A clearly defined project description shall be provided. The description shall include the exact use of the building, number of persons accessing the building and for what purpose. Additional requirements may apply as the description and plan check are completed.**
- 9. This project has not been reviewed as a commercial application.**



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775 FAX (530) 666-8728
www.yolocounty.org

December 17, 2008

Daniel Dowling
23151 County Rd 100A
Woodland CA 95695

SITE: 23151 County Rd 100A
APN: 041-110-15
REF #:1115

NOTICE OF VIOLATION

You are hereby notified that this department has observed your property at the above location and determined it is in violation of the Yolo County Ordinance Code and California Building Code for the following reason/s:

Violation Description and County Ordinance Code and/ or California Building Code Section

1. A Building was constructed prior to obtaining necessary approvals and permits from the Yolo County Building Inspection, Planning, and Public Works Department; Environmental Health Department, and the City of Woodland Fire Department. Yolo County Code Section 7-1.02 adoption of the California Building Code (CBC) 202.5, 202.6, 205, 309.6., 105.1

You must clear the above violation (s) by taking the following corrective actions. You must complete number (1) and (2) or (3) for corrective actions **within 14 days of this notice.**

Corrective Actions

1. Cease and desist all construction work.
2. Obtain necessary approvals and permits from the Yolo County Building, Planning and Public Works Division, the City of Woodland Fire Department, and Environmental Health Department. **Or,**

NOTICE TO COMPLY

December 17th 2008

3. Submit a completed permit application to obtain a demolition permit from the Yolo County Building Inspection Division. Once the demolition permit is issued, commenced to demolish the structure, and schedule an inspection to verify the building has been removed.

An investigation has begun and compliance is required to correct the above violations. An investigation fee shall be charged equal to the amount of the all permit fees. The fees are additive to the building permit fees.

This notice is the equivalent of a Courtesy Notice under Yolo County Code section 1-5.04(a). It is being provided as a public service to advise you of the above violation(s). You have **Fourteen (14) days** from receipt of this notice to take all of the corrective actions noted above. If you fail to comply with this notice, this office will take one or more of the following action/s.

1. **Record this notice on property records**
2. **Administrative Penalty Procedures – Daily fines for each noted violation**
3. **Refer to County Counsel for legal action**

If you have any questions please feel free to contact me at (530) 666-8775, 7:00 and 4:30pm Monday thru Friday. Please keep in mind that our office will be closed starting December 22, 2008 through January 2, 2009. I will return in the office on January 7, 2009.

Sincerely,

Brian Frenger
Building Inspector II
Yolo County Building Inspection
530-666-8802



County of Yolo

PLANNING AND PUBLIC WORKS DEPARTMENT

John Bencomo
DIRECTOR

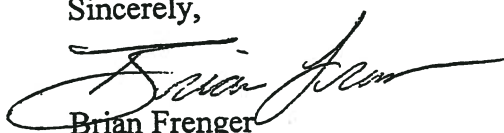
292 West Beamer Street
Woodland, CA 95695-2598
(530) 666-8775 FAX (530) 666-8728
www.yolocounty.org

January 20, 2009

To: Don Rust

On Wednesday December 17th 2008 at approximately 1:00 p.m Craig Griesbach and I went to the Dowling property to issue a stop work for the un-permitted structure on County rd.27. Prior to placing the stop work/ notice to comply we were approached by the property manager, at this time we were told by the property manager that we did not have authorization to enter the property, and the sheriffs department would be called if we continued with the stop work. With respect to the property managers request we left the property. On Friday December 19th at approximately 3:30 p.m I received a phone call from Sergio Caldera to officially issue the stop work/ notice to comply. I arrived on site and issued the stop work via placement on the structure in concern. After placing the stop work notice I was approached by the contractor doing the work, I proceeded to inform him that work was preceded prior to permits and approvals. When the conversation ended with the contractor I was approached by the same property manager I talked to previously. The property manager restated that he would call the police for entering the property. After a short conversation with the property manager I left the Dowling property and headed back to the Building Department.

Sincerely,


Brian Frenger
Building Inspector II



The McMullen Company, Inc.

February 24, 2009

City Woodland Fire Department
Attn: Russ Cole, Fire Marshal
532 Court Street
Woodland, CA 95695

Re: Request for Alternate Means of Protection
*Revised Provisions in Lieu of On-Site Water Supply for
Creekside Stables
23151 County Road 100A
Woodland, CA 95776

The owner of the Creekside Horse Ranch, Mr. Dan Dowling, would like to offer the following fire protection measures and equipment in-lieu of a 30,000 gallon stationary water supply system on site for the protection of the new membrane riding structure.

- 1) The structure will remain open on each end of structure, which will exceed the minimum width required for exiting purposes as required in the building and fire code. Exiting from within the structure is less than 150 feet from any point and is less than that required by the California Building and Fire Codes.
- 2) Minimum 4A40BC fire extinguishers within 75 feet of travel through out the structure.
- 3) Minimum 100 feet of clear defensible space around the structure; in accordant with Public Resource Code 4290 for wildland urban interface areas.
- 4) Limit all materials in the structure or near the structure to non-combustible materials, including but not limited to riding jumps, horse directional devices such as rails, signs, etc., no hay bails in or near the structure; no combustible equipment or machinery in or near the structure.
- 5) Limit the number of horses to 10 and number of people to 10 in the structure at any one time.
- 6) Provide a stationary tank of *25,000 gallons centrally located on the site.

Creekside Stables
February 24, 2009
Page 2 of 2

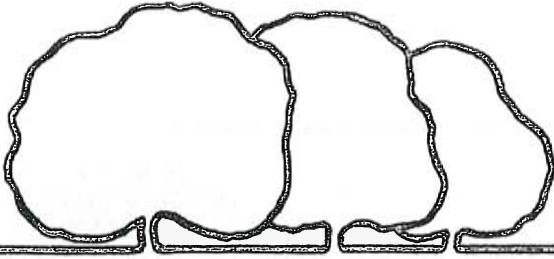
7) Gravel access road capable of carrying a fire vehicle with a total gross vehicle weight of 72,000 lbs. with an turnaround that meets NFPA minimum turnaround radius.

Please advise us as to acceptability of this *revised proposal at your earliest convenience.

Respectfully,



Byron "BJ" Foster
CA Deputy State Fire Marshal (Ret)
Director of Operations
The McMullen Company, Inc.
1260 Lake Boulevard, Suite 224
Davis, CA 95616-5668
Ph (530) 757-1291 Fax (530) 757-1293
Email: bjfoster@themcmullencompany.com



City of Woodland

Fire Department

532 Court Street
Woodland CA 95695

Chief / Administration
Operations / Prevention
530-661-5860 Office
530-661-5869 Fax

February 26, 2009

The McMullen Company, Inc.
1260 Lake Boulevard, Suite 226
Davis, CA 95616-5668

Attn: Byron "BJ" Foster

Re: Request for Alternate Means of Protection
Creekside Stables
23151 County Road 100A
Woodland, CA 95776

The Fire Department has reviewed your request for an Alternate Means of Protection and has found your request to be acceptable.

This approval is based on the letter of request dated February 24, 2009.

The information contained within the request will be placed as Fire Department Conditions of Approval within the Conditional Use Permit.

Plans shall be submitted for the location of the water tank along with all fittings and appliances. Please check with the Building Department for requirements of water tanks.

The Fire Department access road shall be certified by a Registered Engineer stating that it meets the loading requirements of a 72,000 lb. vehicle.

All other Fire Department Comments dated November 25, 2008 shall apply. As a new project description is provided and submitted the comments dated November 25, 2008 may be modified to reflect this Alternate Means of Protection along with the scope of the project being of a commercial operation.

If you have any questions please feel free to contact me at (530) 661-5855.

Russ Cole, Fire Marshal

CALFEE | KONWINSKI

A PROFESSIONAL CORPORATION

611 NORTH STREET
WOODLAND, CALIFORNIA 95695-3237
TELEPHONE (530) 666-2185
FACSIMILE (530) 666-3123
kcalfee@calfeelaw.com

KENT N. CALFEE
DAVID W. CALFEE III
CHRISTOPHER J. KONWINSKI
SARAH B. ORR

August 7, 2009

Phil Pogledich, Esq.
Yolo County Counsel
625 Court Street
Woodland, CA 95695

Dear Phil:

Enclosed please find a dimensional plot plan and the letter from Wallace Kuhl. I recommend that the conditions of approval be changed to eliminate the further discretionary approval of the fire marshal and expressly require the following:

1. Installation of a fire protection water supply of twenty-five thousand gallons in the location shown on the enclosed plot plan; and
2. Construction of road improvements as recommended by the letter dated August 6, 2009, from Wallace Kuhl.

Thank you for your patience in assisting us in resolving this matter.

Very truly yours,

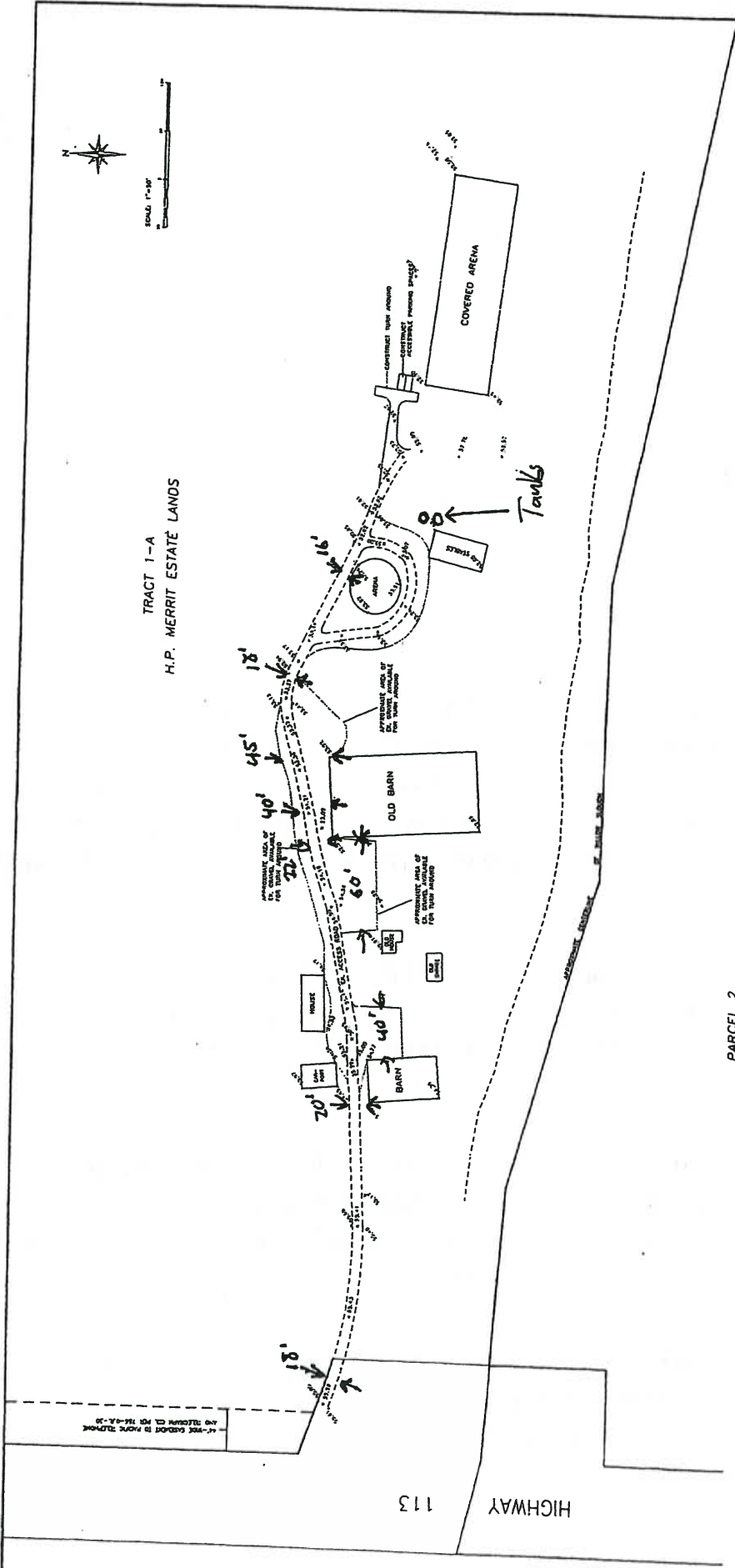
CALFEE | KONWINSKI
A Professional Corporation

Kent N. Calfee

sfp

enc.

cc: Mr. Dan Dowling
✓ Mr. Don Rust



TRACT 1-A
H.P. MERRIT ESTATE LANDS

PARCEL 2
P.M. NO. 4537

Dimensions reflect Fire Truck Travel Areas

NO.	DATE	REVISIONS	BY	CHKD.	DATE

NIK ENGINEERING AND ARCHITECTURE, INC.
 282 WEST WOODLAND AVENUE
 WOODLAND, CALIFORNIA 95694
 (916) 864-1111
 CIVIL 12-12-1988

YUBA COUNTY
 DEPARTMENT
 OF
 PUBLIC WORKS
 282 WEST WOODLAND AVENUE
 WOODLAND, CALIFORNIA
 DIRECTOR OF PUBLIC WORKS
 DRAWING NO. _____ SHEET 1 OF 1
 IMPROVEMENT PLANS
 EXISTING GRAVEL ROAD
 FOR
 DAN DOWLING

August 6, 2009

Calfee Konwinski, PC
Attention: Kent Calfee
611 North Street
Woodland, CA 95695

CORPORATE OFFICE
3251 Beacon Boulevard, Suite 300
West Sacramento, CA 95691
916.372.1434 phone
916.372.2565 fax

STOCKTON OFFICE
3422 West Hammer Lane, Suite H
Stockton, CA 95219
209.234.7722 phone
209.234.7727 fax

RENO OFFICE
9670 North Virginia Street
Reno, NV 89506
775.626.0300 phone
775.626.0309 fax

**CREEKSIDE STABLES
EMERGENCY VEHICLE ACCESS**

23151 County Road 100A
Yolo County, California
WKA No. 8551.01

As requested, our firm has conducted a visual evaluation of the existing west to east access road at the Creekside Stables property located at 23151 County Road 100A, south of Road 27 and east of Highway 113 in Yolo County, California. Our purpose has been to provide this opinion regarding the suitability of this road for year-round access for emergency fire protection vehicles, from the paved County road to the proposed fire protection water tanks near the easterly horse stable.

Fire protection for the property falls under the authority of the Springlake Fire Protection District. Springlake FPD contracts with the City of Woodland for services, including use of their equipment. It is our understanding that the City of Woodland uses fire protection vehicles with total weights on the order of 20 tons.

The Creekside stables property has been utilized for livestock and agricultural purposes since the early 1940's. The major existing improvements are barns, residential structures, stables and horse arenas. Year-round access to these improvements is provided by a gravel surfaced road, originating at the paved County road along the easterly frontage of Highway 113.

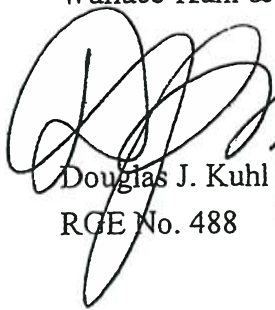
Our reconnaissance of the access road for the Creekside Stables indicates the road-section consists of a very dense conglomerate of predominately commercial aggregate base, with a minor fraction of local soils. It is evident that over the past decades the amount of commercial


aggregate on the access road has been increased periodically. It is also obvious that the access road has been used over the decades for year-round heavy transport truck and agricultural equipment traffic, typical of rural livestock and farm operations. Loaded transport trucks often weigh in excess of 20 tons total weight. The current condition of the access road is very good. There are a few small potholes in the westerly portion of the road. However, there are no indications the potholes have compromised the vehicle support characteristics of the travel lane. East of the large wood barn and extending to the proposed location of the water tanks, the access road narrows and exhibits somewhat less gravel thickness. Furthermore, portions of the road in this area have somewhat poor drainage. These observations, combined with our knowledge and experience, have formed the basis for the following opinions and recommendations.

It is our opinion that the access road at the Creekside Stables, from the end of pavement at County Road 100A to where it narrows east of the large wood barn, is suitable in its present condition for year-round support of emergency fire protection vehicles with total weight in excess of 20 tons. Furthermore, it is our opinion that the remainder of the access road extending to the proposed location of the fire protection water tanks will also be suitable for year-round support of such fire protection equipment, provided an additional four (4) inches of compacted Class 2 Aggregate Base is placed on this portion of the roadway. We recommend the aggregate base be compacted to at least 95 percent of ASTM D1557 maximum dry density. Final grading should allow for proper drainage and avoid ponding of water adjacent to the roadway.

Thank you for this opportunity to be of service. If you have any questions, please contact me.

Wallace-Kuhl & Associates, Inc.


Douglas J. Kuhl
RGE No. 488



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LAW OFFICES
ESTABLISHED 1896

GREGORY A. FOREST

2150 RIVER PLAZA DRIVE
SUITE 450
SACRAMENTO, CA
95833-4136
TEL (916) 925-6620
FAX (916) 925-1127

December 2, 2009

Via E-Mail and U.S. Mail

Yolo County Planning Commission
c/o Don Rust, Principal Planner
Planning and Public Works Department
292 West Beamer Street
Woodland CA 95696

Re: Creekside Stables Zone File No. 2008-030

Dear Members of the Commission:

Our firm represents the Growers Air Service, Inc., a California corporation and the owner of property in Yolo County identified as APN 042-080-020. We are writing to inform you of our client's concerns regarding the proposed use permit for Creekside Stables, which is currently scheduled for hearing by the Planning Commission on December 10.

Our client operates a private airport at 41167 County Road 27 in Yolo County. It is the only agricultural spraying operation in the county, and provides an important service to many farmers in Yolo County and surrounding areas. Creekside Stables is located approximately one mile from the airport, as shown on the enclosed aerial photo. Unfortunately, this stable is within a principal flight path used by our client's aerial sprayers. Aircraft noise is audible on the Creekside Stables property and may conflict with the proposed arena.

According to the Yolo County Code ("YCC"), the Planning Commission must find, when granting a use permit, that the use will not be detrimental to surrounding properties or the "general welfare" of the County. YCC § 8-2.2804(c). This is particularly important for uses in the Agricultural Preserve, which must not cause a detriment to other agricultural operations, or otherwise conflict with the compatibility requirements of the Williamson Act. *Id.* at § 8-2.408. Protecting the viability of agriculture is also a central objective of the Yolo County General Plan, to which every conditional use permit must comply. *Id.* at § 8-2.2804(d).

The Planning Commission may attach any conditions to a use permit that are reasonably necessary to meet the findings required by the Zoning Code, or to comply with the General Plan. *Id.* at § 8-2.2804. Such conditions must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard* (1994) 512 U.S. 374. Courts have recognized the utility of avigation easements to address land use conflicts related to aircraft noise. *Berkeley Keep Jets over the Bay Com. v. Board of Port Comrs.* (2001) 91 Cal. App. 4th 1344, 1374. The County's police power

gives the Planning Commission ample authority to condition the instant permit, both to address the direct land use conflict between the stable and the airport, and to address indirect impacts to the continued agricultural viability of Yolo County.

Our client is very concerned that the expansion of the Creekside Stables to include a riding arena could threaten continued operations at the airport, as aircraft noise has the potential to disturb horses and riding events. To ensure that similar complaints do not adversely affect the airport, our client obtained an avigation easement over much of the surrounding property in 2002. However, that easement was granted only after litigation by our client following the approval of Use Permit ZF 2000-062, which authorized the operation of a stable by Marlene Botter on adjacent property owned by Daniel Dowling. While our client is prepared to commence litigation in this case to protect its rights, we would greatly prefer to have this issue resolved by the Planning Commission.

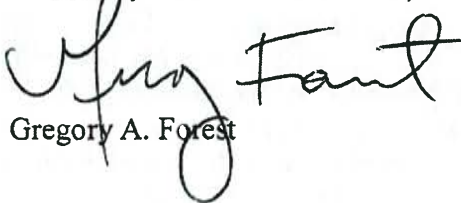
To that end, I have enclosed an avigation easement with this letter, which our office prepared in consultation with Mr. Dowling's representative Kent Calfee. To ensure that operations of the airport will be protected, the Planning Commission should require recordation of this avigation easement as a condition of Use Permit ZF 2008-030 for Creekside Stables. I have also included correspondence between me and Mr. Calfee, from March and December of 2009, indicating our communications with respect to the specific easement language.

We greatly appreciate your attention to our concern. If you have any questions or concerns please contact me at your convenience.

Very truly yours,

HEFNER, STARK & MAROIS, LLP

By



Gregory A. Forest

GAF

Enclosures

CC: Philip Pogledich, Deputy County Counsel (*via email*)

Kent Calfee, Esq. (*via email*)

Ralph Holsclaw

Recording Requested by:

Daniel K. Dowling

When Recorded Mail to:

Calfee & Young PC
611 North Street
Woodland, CA 95695

AVIGATION EASEMENT

For valuable consideration, receipt of which is hereby acknowledged, DANIEL K. DOWLING ("Grantor") does hereby grant to RALPH HOLSCLOW ("Grantee") an avigation easement over the real property described in **Exhibit A** and depicted on **Exhibit B** (the "Servient Tenement"). The Avigation Easement shall be appurtenant to the real property described in **Exhibit C** (the "Dominant Tenement") and shall be for the benefit of Grantee, Growers Air Service, Inc., a California corporation, and the owners and operators of all aircraft flying to or from the airstrip located on the Dominant Tenement (collectively "Indemnitees").

This easement expressly authorizes aircraft to fly over the Servient Tenement in compliance with all applicable laws and regulations. Grantor does hereby waive any and all claims, of every kind or nature, relating to or resulting from the lawful operation of any aircraft above or in the vicinity of the Servient Tenement. Grantor further agrees that all persons owning, boarding or using horses on the Servient Tenement during the term of this easement shall be required to execute a liability waiver and general release of liability for the benefit of Indemnitees. Grantor agrees to indemnify and hold the Indemnitees harmless from any claim relating to or resulting from the lawful operation of aircraft flying over or near the Servient Tenement asserted by anyone owning, boarding or using horses on the Servient Tenement who has not executed a liability waiver and general release of liability for the benefit of Indemnitees.

This easement shall terminate, automatically and without notice, in the event that for six (6) consecutive months the Dominant Tenement is not used as an airport.

GRANTOR:

By: DANIEL K. DOWLING

GRANTEE:

By: RALPH HOLSCLOW

EXHIBIT A
Servient Tenement

The land referred to is situated in the unincorporated area of the County of Yolo, State of California, and is described as follows:

Beginning at the corner common to section Twenty (20), Twenty-One (21), Twenty-Eight (28) and Twenty-Nine (29) in Township 9 North, Range 2 East, M.D.B. & M., said point being marked by a lead plug set in the concrete pavement and on the centerline of the California State highway and extending thence South 89° degrees, 21' East along the fence line a distance of 1135.00 feet to a point; thence South 89 degrees, 30' East along a fence line a distance of 1699.47 feet to the point of intersection with the Westerly line of the Southern Pacific Company's right of way for railroad purposes; thence South 14 degrees, 01' East down and along said Westerly line of said right of way a distance of 1884.75 feet to the point of intersection with the centerline of the centerline of channel of said Willow Slough to a point on the line common to sections Twenty-Eight (28) and Twenty-Nine (29), first mentioned township and range, said point being marked by a lead plug set in the floor of the reinforced concrete bridge spanning Willow Slough and along the line of the California State Highway; thence North 0 degrees, 53' East up and along the line common to said sections Twenty-Eight (28) and Twenty-Nine (29), a distance of 785.20 feet to the point of beginning.

The hereinabove described tract is designated as Tract 1-A on the "Map of H.P. Merritt Estate Lands" as the same appears of record in the office of the Recorder of Yolo County, in Maps and Surveys 4, at Page 92.

EXCEPTING THEREFROM that portion thereof conveyed to the State of California, by deed dated October 26, 1964 and recorded January 15, 1965 in Book 786, Page 26, Official Records.

FURTHER EXCEPTING THEREFROM that portion conveyed to the State of California by Deed dated July 26, 1972, recorded October 24, 1972 in Book 1038, Page 122, Official Records.

EXCEPTING THEREFROM AND RESERVING unto grantor, for a period of ten years from the date of recording and so long thereafter as there is commercial production, an undivided 50% interest in all oil, mineral, gas and other hydrocarbon substances below a depth of 500 feet under the mean ground level of said real property, together with the right to explore for, remove and dispose of said oil, mineral, gas and other hydrocarbon substances, but without the right to enter upon or use the surface of the property or any other portion thereof above a depth of 500 feet from the surface of the property.

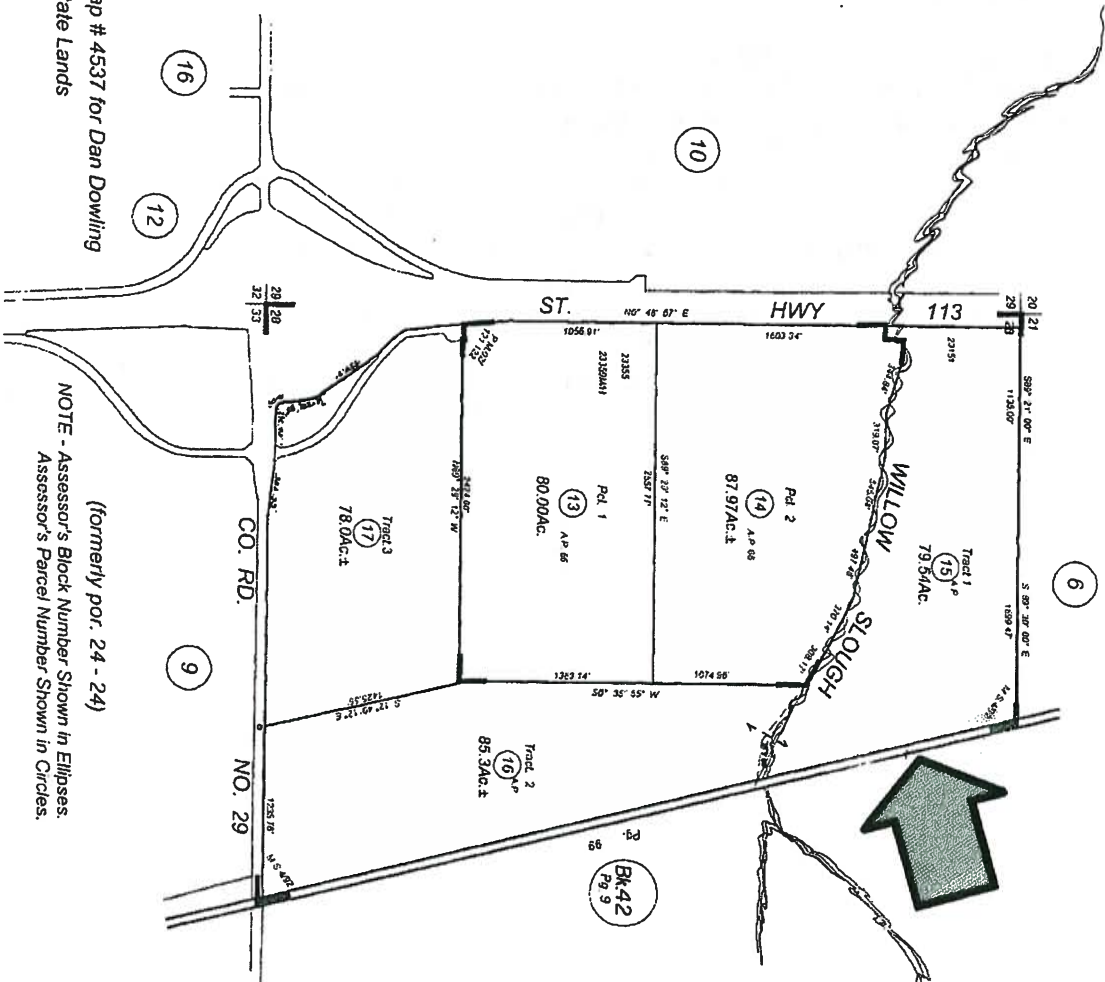
APN: 041-110-15

EXHIBIT B

Servient Tenement

POR. OF SEC. 28, T. 9N., R. 2E., M.D.B. & M.

41 - 11



P.M. Bk. 02, Pg. 121, 122 - Parcel Map # 4537 for Dan Dowling
M. & S. Bk. 4, Pg. 92 - H.P. Merrill Estate Lands

(formerly por. 24 - 24)
NOTE - Assessor's Block Number Shown in Ellipses.
Assessor's Parcel Number Shown in Circles.

W.O. 30011820	1/20/00
W.O. 30011818	1/20/00
W.O. 30011816	1/12/02
W.O. 30011814	08/99
W.O. 30011812	06/19/99
W.O. 30011810	06/23/97
W.O. 30011808	10/27/81
W.O. 30011806	01/25/80
W.O. 30011804	02/27/78
W.O. 30011802	01/19/75
W.O. 30011800	02/28/73
W.O. 30011798	01/18/71
W.O. 30011796	01/04/71

Assessor's Map Bk. 41, Pg. 11
County of Yolo, Calif.

05/07

EXHIBIT C

Dominant Tenement

The land referred to herein is described as follows:

All that real property lying in the County of Yolo, State of California, described as follows:

A portion of Section 22, Township 9 North, Range 2 East, according to the Official Plat thereof, described as follows:

Beginning at the Northwest corner of said Section 22, as same appears of record on that certain map filed in Maps and Surveys Book 9, page 7 Official Yolo County Records, thence from said Point of Beginning along the North line of said Section 22 as same appears on said map South $88^{\circ} 51' 45''$ East 1361.60 feet to the center line of Willow Slough; thence leaving said North line along the center line of Willow Sough the following six courses: (1) South $14^{\circ} 28' 59''$ West 372.10 feet; (2) South $37^{\circ} 45' 46''$ West 368.54 feet; (3) South $04^{\circ} 53' 58''$ West 1013.35 feet; (4) South $19^{\circ} 21' 54''$ West 539.30 feet; (5) South $23^{\circ} 43' 30''$ West 332.72 feet; and (6) South $18^{\circ} 23' 46''$ West 149.74 feet to a point on the South line of the Northwest quarter of said Section 22; thence along the said South line North $88^{\circ} 52' 38''$ West 640.35 feet to the Southwest corner of the said Northwest Quarter; thence along the West line of said Northwest Quarter North $0^{\circ} 57' 40''$ East 2631.61 feet to the point beginning.

Greg Forest

From: Greg Forest
Sent: Tuesday, December 01, 2009 9:48 AM
To: Kent Calfee
Subject: FW: Holsclaw Avigation Easement
Attachments: avigation easement redline.doc

Kent:

I sent this to you back in March and I don't think I heard back. As I recall, this was in response to some comments that you had. I am going to ask that the Planning Commission require this to be recorded as a condition of the Creekside permit on December 10. I think it would be in our mutual interests to agree on this language before the hearing.

Thanks,

Greg Forest
Hefner, Stark & Marois, LLP
2150 River Plaza Drive, Suite 450
Sacramento, CA 95833
Phone: (916) 567-7328
Fax: (916) 925-1127

From: Greg Forest
Sent: Wednesday, March 18, 2009 3:57 PM
To: KCalfee@calfeelaw.com
Subject: Holsclaw Avigation Easement

Kent:

Please take a look at the attached revised avigation easement and let me know if this will work for you.

If you have any questions, please call me.

Greg Forest
Hefner, Stark & Marois, LLP
2150 River Plaza Drive, Suite 450
Sacramento, CA 95833
Phone: (916) 567-7328
Mobile: (916) 541-2121
Fax: (916) 925-1127

Recording Requested by:

Daniel K. Dowling

When Recorded Mail to:

Calfee & Young PC
611 North Street
Woodland, CA 95695

AVIGATION EASEMENT

For valuable consideration, receipt of which is hereby acknowledged, DANIEL K. DOWLING ("Grantor") does hereby grant to RALPH HOLSCLOW ("Grantee") an avigation easement over the real property described in **Exhibit A** and depicted on **Exhibit B** (the "Servient Tenement"). The Avigation Easement shall be appurtenant to the real property described in **Exhibit C** (the "Dominant Tenement") and shall be for the benefit of Grantee, Growers Air Service, Inc., a California corporation, and the owners and operators of all aircraft flying to or from the airstrip located on the Dominant Tenement (collectively "Indemnitees").

This easement expressly authorizes aircraft to fly over the Servient Tenement in compliance with all applicable laws and regulations. Grantor does hereby waive any and all claims, of every kind or nature, relating to or resulting from the lawful operation of any aircraft above or in the vicinity of the Servient Tenement. Grantor further agrees that all persons owning, boarding or using horses on the Servient Tenement during the term of this easement shall be required to execute a liability waiver and general release of liability for the benefit of Indemnitees. Grantor ~~shall agree to indemnify~~ and hold the Indemnitees harmless from any ~~and all claims of every kind or nature~~ claim relating to or resulting from the lawful operation of aircraft flying over or near the Servient Tenement asserted by anyone owning, boarding or using horses on the Servient Tenement who has not executed a liability waiver and general release of liability for the benefit of Indemnitees.

This easement shall terminate, automatically and without notice, in the event that for six (6) consecutive months the Dominant Tenement is not used as an airport.

GRANTOR:

By: DANIEL K. DOWLING

GRANTEE:

By: RALPH HOLSCLOW

Google maps



Donald Rust

From: Greg Forest [gforest@hsmlaw.com]
Sent: Thursday, December 03, 2009 8:20 AM
To: Kent Calfee; Donald Rust
Cc: Philip Pogledich; Marlene Botter; flynpilot@yahoo.com
Subject: RE: Creekside Stables ZF 2008-030

Thanks, Kent. Acceptance of our proposed condition would ameliorate our client's concerns.

Greg

From: Kent Calfee [mailto:KCalfee@calfeelaw.com]
Sent: Wednesday, December 02, 2009 5:55 PM
To: Greg Forest; Donald Rust
Cc: Philip Pogledich; Marlene Botter; flynpilot@yahoo.com
Subject: RE: Creekside Stables ZF 2008-030

Greg

I apologize for my delay in getting back to you. I have recently confirmed that my client is willing to grant the proposed easement. I will defer to the judgment of Don and Phil as to the most appropriate way to do so.
Kent

From: Greg Forest [mailto:gforest@hsmlaw.com]
Sent: Wednesday, December 02, 2009 4:59 PM
To: Donald Rust
Cc: Kent Calfee; Philip Pogledich
Subject: Creekside Stables ZF 2008-030

Don:

Please include the attached letter and enclosures with the Planning Commission packet for December 10.

Thank you,

Greg Forest
Hefner, Stark & Marois, LLP
2150 River Plaza Drive, Suite 450
Sacramento, CA 95833
Phone: (916) 567-7328
Fax: (916) 925-1127

Information from ESET NOD32 Antivirus, version of virus signature database 4658
(20091203)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

12/3/2009