

MINUTES

YOLO COUNTY PLANNING COMMISSION

September 6, 1995

1. CALL TO ORDER

Chair Pollock called the meeting to order at 8:35 a.m.

MEMBERS PRESENT: Lang, Heringer, Pollock, Lea and Gray

MEMBERS ABSENT: Walker and Webster

STAFF PRESENT: Stephen L. Jenkins, Director  
Paul Kramer, County Counsel  
David Flores, Senior Planner  
David Morrison, Associate Planner  
Linda Peirce, Contract Planner  
Mark Hamblin, Associate Planner  
Linda Caruso, Commission Secretary

2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

**Commission Action:**

The Minutes of the August 16, 1995, Planning Commission Meeting were approved with a correction to page 4, paragraph 7, should read "She also said that she had gone through a process of adopting an ordinance concerning injection wells. ~~the permit process of an application for an injection well.~~

MOTION: Heringer                      SECOND: Gray  
AYES: Gray, Heringer, Pollock, Lea and Lang  
NOES: None  
ABSENT: Walker and Webster  
ABSTAIN: None

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## PUBLIC REQUESTS

The opportunity for members of the public to address the Planning Commission on any subjects relating to the Planning Commission, but not relative to items on the present agenda was opened by the Chairman. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

Jerry Hedrick wanted to commend the Commission for their past approval of a request for a "granny" flat. The Planning Commission approved this request, without the addition of an Avigation easement, even though Staff recommended in favor of it. This item was subsequently appealed to the Board of Supervisors by the Airport Manager, Austin Wiswell. The Board of Supervisors overturned the Planning Commission decision and voted in favor of imposing the Avigation easement. The matter was then appealed to the Superior Court by the Hedricks and it was ultimately ruled illegal.

He encouraged the Commission to build a working relation with the Airport Development Advisory Committee, since on many matters they have overlapping interests and responsibilities.

He particularly wanted to thank Commissions Gray, Pollock and Webster, who visited the site, talked with his family, and took a special interest on their plight. He thanked them for protecting his rights and interests.

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## 4. CORRESPONDENCE

Commissioner Pollock acknowledged receipt of the correspondence listed on the Agenda as well as two memos from David Morrison concerning gravel mining.

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## 5. CONSENT AGENDA

Items on the Consent Agenda are believed by staff to be non-controversial and consistent with the Commission's previous instructions to staff. All items on the Consent Agenda may be adopted by a single motion. If any commissioner or member of the public questions an item, it should be removed from the Consent Agenda and be placed in the Regular Agenda.

There were no items on the Consent Agenda.

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6. REGULAR AGENDA

- 6.1 95-044 - A request for a Conditional Use Permit to construct an approximate 1,600 sq. ft. single family residence on a ten acre parcel with the Agricultural General (A-1) Zone. Property is located on the north side of CR 21, 700 feet west of Willow Oaks, two miles west of Woodland. A Categorical Exemption has been prepared. Applicant: Robert Johnson (M. Hamblin)

Mark Hamblin gave the Staff Report.

Commissioner Gray asked for the status of the Habitat Mitigation Fees.

Mark Hamblin advised the Commission that since the lot was created in 1934, it pre-dates the implementation of the Management authorization in 1993. It would not apply in this case.

The Public Hearing was opened and no one came forward.

**Commission Action:**

- (1) **CERTIFIED** the project as Categorically Exempt in accordance with Class 3, Section 15303(a) of the California Environmental Quality Act and Guidelines (CEQA);
- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (3) **APPROVED** the Conditional Use Permit subject to the conditions listed under "CONDITIONS OF APPROVAL" as presented in the staff report.

MOTION: Lea SECOND: Gray  
AYES: Lea, Gray, Pollock, Lang and Heringer  
NOES: None  
ABSTAIN: None  
ABSENT: Walker and Webster

CONDITIONS OF APPROVAL

Planning Division

- (1) Any future buildings shall be placed in a clustered configuration near the proposed residence to minimize the conversion of agricultural land.
- (2) The applicant shall pay a \$22.00 County Clerk/Recorder Administrative Fee to the Yolo County Community Development Agency to pay for the cost of filing the Notice of Exemption for the project within 5 (five) days of the Planning Commission's decision and prior to any issuance of the building permit for the residence.

- (3) In accordance with Yolo County Code §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 attack, 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 cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or 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.

#### Public Works Department

- (4) The applicant shall obtain an encroachment permit from the Yolo County Department of Public Works and Transportation for the driveway approach on to the County public right-of-way prior to the issuance of the building permit.
- (5) This Conditional Use Permit (Z.F. #95-044) shall commence within one (1) year from the date of the Planning Commission's approval of the Use Permit or said permit shall be deemed null and void without further action.

Failure to comply with the "Conditions Of Approval" as approved by the Planning Commission may result in either or both of the following:

- . **non-issuance of future building permits;**
- . **legal action.**

#### FINDINGS

*[Supporting evidence has been indented and italicized]*

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations the Planning Commission:

- a. The requested use is listed as a conditional use in the zone regulations or elsewhere in this chapter;

*Section 8-2.604 (s) of the A-1 Zone lists "One single-family dwelling or one mobile home when located on a parcel containing at least five (5) acres" as a conditional use.*

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

*The applicant wants to construct a 1,600 square foot house on the 10 acre site. The applicant proposes to give the lawfully created 10 acre parcel to his son and wife. Houses exist on other 10 acre or less parcels within the surrounding area.*

- c. The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare;

*The construction of one single family residence on the 10 acre property currently farmed and adjacent to the Willow Oak area will not degrade the integrity or character of the rural agricultural setting of the surrounding area. Properties to the north, south and west of the subject property are currently farmed and contain scattered single family residences.*

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

*Land Use Policy 17. Residential Uses/Agricultural Lands*

*Residential land uses in the agricultural areas shall be limited to dwellings only for preservation of the family farm, for farm employees and those persons who own the farm land, up to a limit established by ordinance and implemented by Conditional Use Permit. All such dwellings shall be encouraged to locate on lands unsuited for agricultural use and/or in "clustered" configurations to minimize the conversions of agricultural lands to any other uses. A maximum dwelling unit density for the total acreage in the farm or ranch shall be established by ordinance.*

*Section D. Rural Residential Development in Areas Designated Agricultural, of Single Family residences on Parcels Smaller than 20 Acres of the Woodland Area General Plan states that projects shall: comply with the Rural Residential Development criteria set forth in the plan; and, the development shall occur only on parcels legally existing before the effective date of this General Plan or on parcels created by subdivisions of four or fewer parcels when the principal purposes of such subdivision is to create parcels to be used for agricultural developments defined herein.*

*The 10 acre parcel has been a separate parcel since November 1, 1934, prior to the January 26, 1980 effective date of the Woodland Area General Plan. Therefore, the 10 acre parcel was established by a grant deed filed in the County Clerk/Recorder prior to the effective date of the county's Land Development Ordinance and the Woodland Area General Plan.*

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

*The project has public road frontage along County Road No. 21. The Department of Public Works and Transportation has indicated that an encroachment permit is required to obtain access to the county public right-of-way. No additional public service facilities are necessary. Utility service is nearby and currently serves properties surrounding the site. Environmental*

*Health Services has indicated that permitting for the septic tank and well is required.*



- 6.2 95-033 - A request for a Modification to an existing Conditional Use Permit (ZF #2259) to allow the construction of an approximate 12,500 sq. ft. multi purpose building to service the existing church on the 4.5 acre property. The building will replace the existing one on the site. Property is located on the south side of CR #32, approximately 400 ft. east of the intersection of CR 98, west of Davis in an Agricultural General (A-1) Zone. A Mitigated Negative Declaration has been prepared. Applicant: First Baptist Church, Inc. (M. Hamblin)

Mark Hamblin gave the Staff Report.

Commissioner Pollock asked if the school would be operating on a daily basis or just on Sunday.

It was answered by Staff that it would be just on Sunday with occasional other lessons through out the week such as Bible studies.

Commissioner Gray did not want to limit the church's functions in the multi-purpose room as indicated in Condition #5. He suggested it could also be used for such things as boy scout meetings.

The Public Hearing was opened at this time.

Pastor Snyder, representing the First Baptist Church, said the church is very sensitive to the needs of the County. He added that the heaviest use of the multi-purpose room would be on Sunday mornings. They do, however, have smaller groups and activities during the remainder of the week.

Neil Fleming, adjoining property owner, had concerns with noise, drainage, and traffic, the most significant concern being drainage. Standing water on one of the church's driveways is a chronic problem.

A discussion on ingress and egress took place at this time.

Rick Chole, Chairman of the Planning and Building Committee for the First Baptist Church, said the traffic issue is a significant one. He agreed with Public Works' determination that the two entry ways would make the traffic pattern too confusing. He added that the Church is very willing to work out any compromise among Public Works, the County, and the nearby property owners.

The Public Hearing was closed.

**Commission Action:**

- (1) **CERTIFIED** the Mitigative Negative Declaration prepared for the project in accordance with the California Environmental Quality Act and Guidelines (CEQA);

- (2) **ADOPTED** the "FINDINGS" for this project as presented in the staff report;
- (3) **APPROVED** the Conditional Use Permit to permit the construction of an approximate 12,500 square foot multi-purpose building subject to the conditions presented in the staff report as modified.

MOTION: Gray SECOND: Lea  
AYES: Gray, Lea, Pollock, Lang and Heringer  
NOES: None  
ABSTAIN: None  
ABSENT: Walker and Webster

### CONDITIONS OF APPROVAL

#### Planning Division

- (1) The applicant shall comply with all previous applicable conditions required on their Conditional Use Permits as presented:

#### Zone File #0043

- No lessons shall start before 8:00 A.M. or last later than 9:00 P.M.;
- If the use, at any time, becomes a nuisance to neighboring properties said permit may be revoked in accordance with Section 28.02h of Ordinance No. 488;

#### Zone File #2259

- That the lot be fence on the south and westerly side of the property;

Zone File #3173

- Approval of all agencies of jurisdiction;
  - A landscape plan be implemented to the satisfaction of the Community Development Director;
  - The minimum 6 foot fence requirement is hereby waived. However, landscaping shall be provided to the satisfaction of the Director of the Community Development Agency which will prevent automobiles being seen or lights shining onto residences. Said landscaping shall be continually maintained.
- (2) The applicant shall provide a minimum of 150 on-site parking spaces to service the church.
  - (3) The applicant shall submit a comprehensive landscape plan drafted by a landscape architect registered in the State of California in accordance to the State of California Model Water Efficient Landscape Ordinance to the Yolo County Community Development Agency, Building Division for approval prior to the issuance of a building permit. Landscaping shall emphasize maximum street and parking shade, solar efficiency, low maintenance, low irrigation, visual harmony and drought tolerance.
  - (4) In accordance with Yolo County Code §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 attack, 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 cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or 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.
  - (5) The multi-purpose room shall be limited to church, community or governmental associated functions. No full time elementary or high school shall be permitted without modification of the Use Permit.
  - (6) This Conditional Use Permit (Z.F. #95-033) shall commence within one (1) year from the date of the Planning Commission's approval of the Use Permit or said permit shall be deemed null and void without further action.



Building Division

- (7) Construction and/or placement of buildings within Flood Zone A requires compliance with the county's Flood Damage Prevention Regulations (Ordinance No. 1143) at the building permit stage. The new multi-purpose building on the subject property shall be constructed a minimum of one (1) foot above the "base flood elevation". The base flood elevation shall be established by a civil engineer or licensed land surveyor registered in the State of California prior to submitting the building permit application to the Yolo County Community Development Agency, Building Division.

Public Works Department

- (8) The applicant shall obtain an encroachment permit from the Yolo County Department of Public Works and Transportation for the driveway approach on to the County public right-of-way.

Fire Department

- (9) The applicant shall provide written verification to the City of Davis Fire Department that the existing water well on the site can supply the automatic fire sprinkler system for the new multi-purpose building prior to submitting the building permit application to the Yolo County Community Development Agency, Building Division.

Mitigation

THE FOLLOWING CONDITIONS ARE ENVIRONMENTAL MITIGATION MEASURES TO REDUCE THE CUMULATIVE AND/OR PROJECT SPECIFIC IMPACTS CULMINATING FROM THE POTENTIAL LAND USE DISCUSSED IN THE NEGATIVE DECLARATION.

AS SUCH, ANY MODIFICATION TO THESE CONDITIONS CAN ONLY BE MADE IF: (1) IT DOES NOT REDUCE THE EFFECTIVENESS OF THIS CONDITION AS AN ENVIRONMENTAL MITIGATION MEASURE, OR (2) A NEW ENVIRONMENTAL DOCUMENT IS PREPARED TO REFLECT THE CHANGED PROJECT DESCRIPTION AND/OR CONDITIONS.

- (10) The applicant will regrade the west side of the property bordering Terra Linda Place and create an on-site drainage ditch to remove standing water and allow it to drain into the drainage ditch on the south side of County Road No. 32 (Russell Blvd).

- (11) All perimeter parcels and County Road No. 32 are to be protected against surface runoff generated by the project from the subject site by methods approved by the Yolo County Department of Public Works and Transportation.

- (12) Storm water/surface water drainage infrastructure (i.e. curbs, gutter, drainage pipes, detention pond, etc.) shall be constructed for the project as required and subject to the approval of the Yolo County Department of Public Works and Transportation.

(13) Landscaping required for the project site shall consider the installation of a combination of barriers, buffers, berms to act as noise attenuators.

(14) Development of the multi purpose building shall involve clustering of structures. Structures are to be used as sound barriers.

(15) Any sources of light and glare from the subject properties shall be designed and/or constructed to not intrude onto neighboring property or the County public right-of-way.

(16) Prior to the issuance of a building permit for the multi-purpose room, the applicant shall work with the neighbors, the Department of Public Works, the Community Development Agency, to draft a circulation element subject to the approval of the Director of the Community Development Agency and the Director of the Department of Public Works.

~~(16) The applicant shall expand the existing driveway at the west side of the property to provide three lanes instead of the existing one lane and eliminate one of the two driveways on Terra Linda Place. Said driveway expansion shall be subject to the approval to by the Yolo County Department of Public Works and Transportation and installed prior to the final inspection for the multi-purpose building.~~

~~(17) The applicant shall provide a traffic stop at the facility's driveway approach on to County Road No. 32. The stop sign design and location shall be subject to the approval by the Yolo County Department of Public Works and Transportation and installed prior to the final inspection for the multi-purpose building.~~

(17) The Conditional Use Permit shall be reviewed by the Planning Commission within two (2) years from the date of initial occupancy.

(18) If historical or archaeological materials are uncovered during grading, trenching or other construction operations, earthwork within 100 feet of the discovery of the materials shall be stopped until a professional archaeologist certified by the Society of California Archaeology (SCA) and/or the Society of Professional Archaeology (SOPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation measures if necessary. The Director of the Yolo County Community Agency shall be notified immediately of the discovery of historical or archaeological materials.

Failure to comply with the "CONDITIONS OF APPROVAL" as approved by the Zoning Administrator may result in either or both of the following:

- . **the revoking of the Use Permit;**
- . **legal action;**
- . **non-issuance of future building permits.**

## FINDINGS

(Evidence to support the required findings is shown in italics)

California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Mitigated Negative Declaration (ND) for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

*On the basis of the comments received, the project design (including the proposed parking and circulation plan for the facility), and mitigation measures outlined in the Mitigated Negative Declaration, 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).*

Conditional Use Permit

In accordance with Section 8-2.2804 of Chapter 2, Title 8 the Planning Commission finds the following:

- (a) The requested use is listed as a conditional use in the zone regulations or elsewhere in this chapter;

*Buildings used for a religious purpose are allowed within the A-1 Zone subject to conditional use permit approval by the Planning Commission (Section 8-2.604. g. Chapter 2, Title 8).*

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

*The First Baptist Church is attempting to provided additional seating area and classrooms to service their church operation (worship).*

- (c) The requested use will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety, or general welfare;

*The church operation has existed at this location since 1964, subsequent building expansions (conditional use permit modifications approved) occurred in 1973, 1981, 1994 (the placement of a temporary modular classrooms) over a 31 year period.*

*Concerns regarding the new multi-purpose building have been expressed pertaining to drainage, traffic, and noise. Implementation of the mitigation measures, and project design (including the proposed parking and circulation plan for the facility), outlined in the Mitigated Negative Declaration, should reduced all foreseeable "significant effects on the environment" to a less than significant level as required by the California Environmental Quality Act and Guidelines (CEQA) and not make the building detrimental to the public health, safety, or general welfare to the surrounding area.*

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

*The Davis Area General Plan 1976 of the Yolo County General Plan designates the subject property as RS (Residential Suburban). Churches are allowed within this general plan designation subject to discretionary approval.*

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

*Comments received on the project from responsible and effected agencies during the public review process did identify potential concerns. However, through the implementation of the "Conditions of Approval" and mitigation measures established for the project, adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities will be adequately provided.*



6.3 95-041 - A request for a Williamson Act Contract Split to create a 5 acre, 160 acre and 458 acre Agricultural Preserve Contract. Property is located northwest of CR 88 and CR 29, north of Winters in an Agricultural Preserve (A-P) Zone. A Negative Declaration has been prepared. Applicant: Bruce Bailey/Griffin Equity (D. Flores)

Dave Flores gave the Staff Report.

A discussion on water rights took place.

Commissioner Gray asked if this was not a Williamson Act modification, but instead, the creation of new contracts, would all of the parcels, with the exception of the five acre parcel, be in accordance with the Blue Ribbon Ordinance. It was indicated by Staff that they would be.

Director Jenkins explained that the five acre parcel should not have been allowed to enter into a Williamson Act Contract in 1969. In addition, in 1990, when the Griffins sold the property, a successor agreement should have been formed.

The Public Hearing was opened at this time.

Bruce Bailey, representing the applicants, gave the history of the property. He had very strong objections to the implementation of Condition #7.

Lynn Kice, General Partner for Griffin First Mortgage, said she thought this request could have been handled administratively.

Paul Kramer explained the "Indemnification" Condition to the Commission and the applicants. He said the Condition could not be excluded because it is part of the County Code. He also indicated that because of the 5-acre parcel, the application could not have been handled administratively.

A five minute recess was called to give the applicants time to think over whether they wanted to continue with the proceedings.

The meeting reconvened with the applicants willing to proceed.

**Commission Action:**

1. **CERTIFIED** that the attached Negative Declaration is the appropriate level of environmental review for this project.
2. **ADOPTED** the proposed FINDINGS for this project presented in the staff report; as modified.
3. **APPROVED** a request to divide the existing 623 acre Williamson Act Land Use Contract into three, separate contracts consisting of 5 acres, 160 acres and 458 acres, subject to the conditions listed under "CONDITIONS OF APPROVAL". as modified.
4. **APPROVED** a Variance to create a five acre Williamson Act Contract, subject to the conditions listed under "CONDITIONS OF APPROVAL".

MOTION: Lea SECOND: Gray  
AYES: Lea, Gray, Pollock, Lang and Heringer  
NOES: None  
ABSTAIN: None  
ABSENT: Walker and Webster

**CONDITIONS OF APPROVAL**

**Community Development Agency:**

1. The owner, his successor's or assignees shall contact the Yolo County Counsel's Office within (30) days of the effective date of the recommended action, and submit a revised Agricultural Preserve legal description to be incorporated into the revised Land Use Contracts for the parcels for completion of the required amendment to Agreement No.69-357.
2. The property owner(s) shall execute separate successor Williamson Act contracts for each separate legal situated parcel in a form approved by the Office of the County Counsel of Yolo County and Director of the Yolo County Community Development Agency. Said Williamson Act contracts shall be recorded at property owners expense in the Office of the Yolo County Clerk/Recorder.
3. A copy of the recorded separate successor Williamson Act contracts for each separately situated parcel shall be returned to the Yolo County Community Development Agency, Planning Division within forty-five (45) days from the date of the signature of the Director of the Yolo County Community Development Agency's approval of Zone File No.95-041 and prior to the issuance of any permits on the site.
4. Prior to recordation of separate successor Williamson Act contracts, the applicant shall request of the property owners of the five acre A-P Contract to file non-renewal of their

contract and report back to the Community Development Agency as to their success. The success or failure of the applicants request will have no bearing on their ability to record the required successor Williamson Act contracts. If unsuccessful, the County shall conduct non-renewal proceedings on this five acre A-P Contract.

- ~~5. Prior to recordation of separate successor Williamson Act contracts, the applicant shall execute a "Well Irrigation Joint Use Agreement" between the County and Griffin Equity Mortgage. Said irrigation agreement shall be held for the duration of the agricultural zoning designation assigned to the subject properties or until such time that individual water sources are procured. The exclusive purpose of irrigation appurtenances and maintenance access shall be granted between APN# 50-140-04 and 50-150-05 & 07. Such agreement shall be recorded and remain in effect for as long as needed for agricultural purposes against the properties and inure to heirs and assigns of said parcels.~~
6. Prior to recordation of separate successor Williamson Act contracts, the applicant shall submit evidence of recorded deed to the Community Development Director indicating that the two legal lots (APN # 50-140-04 & 50-150-05) have been merged or evidence demonstrating that the subject Assessor's Parcel Numbers are already a single legal parcel.
7. In accordance with Yolo County Code §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 attack, 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 cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or 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.

Failure to comply with the **CONDITIONS OF APPROVAL** as approved by the Planning Commission may result in the following:

- \* **legal action;**
- \* **non-issuance of future building permits.**

## **FINDINGS**

*(A summary of the evidence to support each FINDING is shown in italics.)*

### **Negative Declaration:**

In certifying the proposed Negative Declaration (ND) for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of the Initial Study and comments received, that there is no evidence that the project will have a significant effect on the environment.

**A-P Contract:**

In accordance with Section 8-2.408. of Article 4 of Title 8 and provisions of the Blue Ribbon Ordinance No.1157, the Planning Commission finds:

- (1) That the parcels created are consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses;

*The proposed split is consistent with the minimum acreage requirement as established in the Blue Ribbon Ordinance No.1157.*

*The applicants have indicated by their Viability Report that they intend to continue farming the parcels (future vineyard, orchard and pasture). This statement and the fact that surrounding lands are currently under contract, prevents the encroachment of nonagricultural uses other than the possibility of construction of one (1) single family home within each Williamson Act contracted parcel which is currently allowed under the zoning code.*

- (2) That the parcels tend to maintain the agricultural economy;

*The applicants have stated in their Viability Report, that they intend to continue farming the parcels. This statement, and the fact that surrounding lands are currently under contract, supports the finding that the parcels tend to maintain the agricultural economy.*

- (3) That the parcels tend to assist in the preservation of prime agricultural lands;

*The proposed split will continue the preservation of agricultural lands as classified by the Soil Survey of Yolo County by continuing the agricultural production on the 618 acres in the Williamson Act.*

- (4) That the parcels preserve lands with public value as open space;

*The subject properties will continue to be utilized for open space and agricultural purposes. The applicant proposes to cancel the non-renewal of their Williamson Act Contract, and eliminate a landlocked parcel.*

- (5) That the proposed use is consistent with the General Plan;

*The applicants have stated that they propose to farm the parcels, per their Agricultural Viability Report dated August 18, 1995. The applicants have also drilled an exploration well for future farming of the parcels and rescinded their non-renewal Williamson Act Contract to demonstrate their intent to continue farming the parcels. This statement, and the fact that surrounding lands are currently under contract, supports the finding that the proposed split is consistent with the preservation of agriculture as mandated by the Yolo County General Plan.*

- (6) That the proposed contracts in question were created in conformity with and comply with all the requirements of the Subdivision Map Act of the State.

*The Community Development Agency staff and the Yolo County Public Works and Transportation Department have reviewed and find the application is in conformance with the Subdivision Map Act.*

- (7) That the two parcels are at least 80 acres in size of irrigated land or 160 for dry farmed land, or 320 acres for grazing.

*Assessor's Parcel No. 50-150-04,05,06,07 have the means for irrigation either by wells or by the means of water right allocations from the Yolo County Flood Control District. The District has indicated that water is available if applicable in-lieu fees are paid. The Williamson Act Contracts to be created will be 160 acres, 458 acres and 5 acres respectively.*

### **Variance**

In accordance with Section 65906 of the State Government Code and Section 8-3211, Article 32 of Title 8, the Yolo County Planning Commission has determined the following:

- (1) That any modification granted shall be subject to such conditions as will assure that any adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon the properties in the vicinity and zone in which the subject property is situated:

*Minimum parcel size requirements to enter into a Williamson Act Contract prior to the adoption of the Blue Ribbon Ordinance was 20 acres. There was provisions in the Yolo County Code at the time which allowed acreage with no minimum parcel size to be included into an A-P Contract if it abutted property that was already classified in the A-P Zone. When this 5 acre parcel along with the three other parcels ranging in size from 160 acres to 298 acres entered into an A-P Contract, the 5 acres was allowed because of it's abutment to an existing A-P contracted land. Staff does not believe that the granting of a Variance for the subject lot will constitute a grant of a special privilege in that other parcels throughout the County are below the minimum acreage size under the original A-P contract requirements. As stated earlier, the purpose of proceeding in this manner is to resolve a non-conforming contract split which occurred in 1990.*

- (2) That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classification; and

*Without the approval of a Williamson Act Contract split, this will deprive the current owners of the larger parcels (160 acres, 258 acres respectively from resolving the non-conforming A-P Contract which exist.*

- (3) That the granting of such variance will be in harmony with the general purpose and intent of this chapter and will be in conformity with the Master Plan.



*The granting of the Variance for the subject lot will be consistent with the requirements of the Zoning regulations and the Master Plan in that the parcels will remain in agriculture. As indicated earlier, this action will resolve a non-conforming contract which occurred in 1969.*



- 6.4 95-054 - A request for a Conditional Use Permit to establish an additional homesite within an Agricultural Preserve Zone. Property is located on CR 25, east of CR 95A in the Monument area of the County. A Negative Declaration has been prepared. Applicant: Linda Henigan (D. Flores)

Dave Flores gave the Staff Report.

A discussion by the Commission and Staff took place regarding the dedication of the additional right-of-way.

Commissioner Lea asked if someone would be displaced by the removal of the existing smaller home. It was indicated by Staff that a laborer currently lives in the house.

Director Jenkins explained that in the last few days it was found out that the Assessor's Parcel Map was incorrect and that there is in fact 60 acres on this parcel so the findings that would allow the Victorian Home to be moved to the property could be made without the removal of the 650 square foot residence.

The Public Hearing was opened at this time.

Linda Henigan, the applicant, asked for clarification of the dedication of the additional right-of-way. She also added that she would rather not have the smaller home demolished.

The Public Hearing was closed at this time.

**Commission Action:**

1. **CERTIFIED** that the attached the Categorical Exemption is the appropriate level of environmental review for this project.
2. **ADOPTED** the proposed FINDINGS for this project as presented in the staff report;
3. **APPROVED** the request to establish an additional homesite on the Parcel 1 (51.18 acres) subject to the conditions listed under "CONDITIONS OF APPROVAL" as modified.
4. **APPROVED** the existing temporary mobile home for a family member/farmworker on Parcel 1, subject to the Conditions identified under "CONDITIONS OF APPROVAL".

MOTION: Lea SECOND: Gray  
AYES: Lea, Gray, Pollock, Heringer and Lang  
NOES: None  
ABSTAIN: None  
ABSENT: Walker and Webster

### **CONDITIONS OF APPROVAL**

#### **Community Development Agency:**

1. The property owner shall file for a renewal of the temporary mobile home permit and pay any fees to the Yolo County Community Development Agency prior to expiration. This use permit will expire two (2) years from the date of the Planning Commission's approval. Failure by the applicant to renew this permit prior to the expiration date will result in revocation of the Use Permit and require the removal of the mobile home from the site.
2. Prior to any development on the parcel, the applicant shall obtain all required permits from the Yolo County Building Department and Environmental Health, for the existing mobile home and Victorian home.
3. The mobile home located on the site shall be limited to a mobile home constructed or purchased after January 1, 1974, and certified under the National Mobile Home Construction and Safety Standards Act of 1974.
4. The mobile home shall be occupied by an individual who is principally engaged in an agricultural operation on the site. The Use Permit shall be revoked by the Planning Commission upon violation of this condition.
- ~~5. Prior to issuance of Building Permits, the applicant shall dedicate additional right-of-way (total of 30 feet from centerline of road) along the frontage of both properties on County Road 25 prior to securement of building permits.~~
- ~~6. Prior to the issuance of the Final Occupancy Permit on the Victorian home, the applicant shall apply for a demolition permit and successfully remove the existing 650 square foot residence on the south side parcel (APN # 40-080-01).~~
7. The Victorian home shall be clustered with the existing residences on the family compound (APN# 40-040-20) and be situated in area to minimize the amount of soil taken out of agricultural production. Staff will review and approve the final placement of the Victorian home on the site through a site plan review.

#### **Fire Department Requirements:**

8. The roofing materials for the Victorian home and accessory structures shall be of fire restrictive materials consistent with the California Department of Forestry and Willow Oak Fire District requirements.

9. The applicant shall meet on-site water storage requirements for fire protection. Prior to issuance of the building permit, documentation of compliance from the Willow Oaks Fire District shall be provided to the Community Development Agency.
10. Landscaping shall be of non-flammable vegetation within 30 feet of buildings.
11. Addressing for the new dwelling unit along the public road frontage will be posted using 3½" reflective numbers visible to vehicular traffic prior to the final inspection for the principle dwelling unit.
12. In accordance with Yolo County Code §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 attack, 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 cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or 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.

Failure to comply with the **CONDITIONS OF APPROVAL** as approved by the Planning Commission may result in either or both of the following:

- . **the revoking of the Use Permit;**
- . **legal action;**
- . **non-issuance of future building permits.**

### **FINDINGS**

(A summary of the evidence to support each FINDING is shown in italics.)

#### **Categorical Exemption:**

In certifying the proposed Categorical Exemption for this project as the appropriate level of environmental review under the California Environmental Quality Act (CEQA), the Planning Commission finds:

*That the proposed project has been determined not to have a significant effect on the environment, and is declared to be categorically exempt from the requirement for the preparation of environmental documents.*

## Use Permit:

The Board of Zoning Adjustment may approve a use permit to allow the placement of more than one single-family dwelling on a single parcel if all of the following findings are made:

- (1) That the intended residents of such structure will either be family members engaged in farming or farm workers employed primarily on the farm;

*The intended use of the additional single family residences will be occupied by the owner of the property. Mrs. Emison runs the farming operation and makes all final decisions. The children who are living in the family compound participate in the farming operation by assisting Mrs. Emison in the everyday farming operation. (Record keeping, maintenance of the family compound, negotiating farming lease)*

- (2) That the ratio between the total number of single-family dwellings on the parcel and the total acreage of the parcel shall not exceed one dwelling for each twenty (20) acres of the parcel;

*Two permanent single family residences currently exist on the 61.26 acre parcel and one permanent residence exist on the 51 acre parcel on the south side of County Road 25. The applicant has proposed to raze the 650 square foot residence. This will keep the number of residences to a maximum of three permanent dwellings which is allowed in the code and will intensify the area by additional dwelling units in a compound while allowing for more productive farmable lands. The area in which the family compound is situated (APN# 40-040-20) consist of 61.26 gross acres according to the legal descriptions and verified by the Yolo County Public Works Department.*

- (3) That the additional dwellings are located in an area on the parcel which minimizes the conflict with the adjacent farming operations, including, but not limited to, aerial applications of restricted chemicals, noise, dust, whether the area proposed for the dwellings currently is or is not under cultivation, and the capacity of the soil on which the dwellings are proposed to be located.

*The Victorian home will be located within the existing family compound and will be situated in an area that will not be in conflict with the everyday farming operations (aerial spraying, noise, dust).*

- (4) That the additional dwellings have been clustered adjacent to one another to the extent reasonably feasible so as to minimize the amount of soil taken out of agricultural production;

*The Victorian home will be clustered adjacent to the existing family residence.*

- (5) That all requirements of the County Health Department regarding water and sewage disposal have been satisfied;

*The Yolo County Environmental Health Department has reviewed the water and sewage disposal system, and permits will be required for expansion of the existing sewage disposal system. Adequate water is available to serve the Victorian home.*

- (6) That access to all proposed building sites is from a County-maintained and dedicated roadway which meets County road standards; and

*Access to the proposed dwelling will be from Plum Hollow Drive, a private roadway recognized by the County and fire district as a viable access for emergency vehicles.*

- (7) That all requirements of all agencies with jurisdiction have been or will be met.

*Staff has represented under the "Conditions of Approval" of this staff report, requirements the applicant must meet prior to any issuance of permits.*



- 6.5 95-024 - A request for a Lot Line Adjustment and Agricultural Preserve Split to create separate 80 acre 81 acre Williamson Act Contracts. Property is located on CR 101, extending eastward to CR 102 in Woodland in Agricultural General (A-1) and Agricultural Preserve (A-P) Zones. A Negative Declaration has been prepared. Applicant: Rowena Beeghly (D. Flores)

Dave Flores gave the Staff Report.

It was indicated by Staff that this property lies within Woodland's proposed growth area.

Director Jenkins explained that the reason for the Williamson Act Contract Split is to allow for the donation of the land to Yuba College and UCD.

The Public Hearing was opened at this time.

Robert Nakken, representing the applicant, explained that the land will very likely be sold after it is given to Yuba College and UCD. Their gift will ultimately provide scholarships.

Commissioner Gray wanted to thank the Beeghlys for their gesture of support to higher education in California.

The Public Hearing was closed at this time.

**Commission Action:**

1. **CERTIFIED** that the attached Negative Declaration is the appropriate level of environmental review for this project.
2. **ADOPTED** the proposed FINDINGS for this project as presented in the staff report;
3. **APPROVED** a request to divide the existing 161 acre Williamson Act Land Use Contract into two separate contracts consisting of 80 acres and 81 acres, subject to the conditions listed under "CONDITIONS OF APPROVAL" as modified.
4. **APPROVED** a lot line adjustment/elimination to reconfigure ~~three~~ two existing legal parcels into two parcels which will conform with future ownership and farming operation boundaries.

MOTION: Heringer      SECOND: Gray  
AYES: Heringer, Gray, Pollock, Lang, and Lea  
NOES: None  
ABSTAIN: None  
ABSENT: Walker and Webster

## CONDITIONS OF APPROVAL

### **Community Development Agency:**

1. The property owner(s) shall execute separate successor Williamson Act contracts for each separately situated parcel in a form approved by the Office of the County Counsel of Yolo County and Director of the Yolo County Community Development Agency. Said Williamson Act contracts shall be recorded at property owners expense in the Office of the Yolo County Clerk/Recorder.
2. The owner, his successor's or assignees shall contact the Yolo County Counsel's Office within (30) days of the effective date of the recommended action, and submit a revised Agricultural Preserve legal description to be incorporated into the revised Land Use Contracts for the parcels for completion of the required amendment to Agreement No.72-34.
3. A copy of the recorded Lot Line Adjustment and separate successor Williamson Act contracts for each separately situated parcel shall be returned to the Yolo County Community Development Agency, Planning Division within forty-five (45) days from the date of the signature of the Director of the Yolo County Community Development Agency's approval of Zone File No.95-024 and prior to the issuance of any permits on the site.
4. In accordance with Yolo County Code §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 attack, 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 cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or 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.

Failure to comply with the CONDITIONS OF APPROVAL as approved by the Planning Director may result in the following:

- \* **legal action;**
- \* **non-issuance of future building permits.**

## FINDINGS

*(A summary of the evidence to support each FINDING is shown in italics.)*

### California Environmental Quality Act & Guidelines (CEQA)

In certifying the proposed Negative Declaration (ND) for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

That on the basis of the Initial Study and comments received, that there is no evidence that the project will have a significant effect on the environment.

**Agricultural Split:**

In accordance with Section 8-2.408. of Article 4 of Title 8 and provisions of the Blue Ribbon Ordinance No.1157, the Planning Commission finds:

- (1) That the parcels created are consistent with the zone by preserving the agricultural use from the encroachment of nonagricultural uses;

*The proposed split is consistent with the minimum acreage requirement as established in the Blue Ribbon Ordinance No.1157.*

*The applicants have indicated their intent to continue farming the parcels (currently in row crop). This statement and the fact that surrounding lands are currently under contract, prevents the encroachment of nonagricultural uses other than the possibility of construction of one (1) single family home within the Williamson Act contracted parcel which is currently allowed under the zoning code.*

- (2) That the parcels tend to maintain the agricultural economy;

*The applicants have stated that they intend to continue farming the parcel under their ownership which is currently in row crop. This statement, and the fact that surrounding lands are currently under contract, supports the finding that the parcels tend to maintain the agricultural economy.*

- (3) That the parcels tend to assist in the preservation of prime agricultural lands;

*The proposed split will continue the preservation of agricultural lands as classified by the Soil Survey of Yolo County by continuing the agricultural production on the 160 acres in the Williamson Act.*

- (4) That the parcels preserve lands with public value as open space;

*The subject properties are proposed to be utilized for open space and agricultural purposes.*

- (5) That the proposed use is consistent with the General Plan;

*The applicants will to continue farm the parcels. This statement, and the fact that surrounding lands are currently under contract, supports the finding that the proposed split is consistent with the preservation of agriculture as mandated by the Yolo County General Plan.*

- (6) That the proposed contracts in question were created in conformity with and complies with all the requirements of the Subdivision Map Act of the State.



*The Community Development Agency staff and the Yolo County Public Works and Transportation Department have reviewed and approved the application for conformance with the Subdivision Map Act.*

- (7) That the two parcels are at least 80 acres in size of irrigated land.

*Assessor's Parcel No. 42-01-38 & 39 are currently irrigated. Water is available to the property by the means of wells on the property and surface water from the Yolo County Flood Control District. The Williamson Act Contracts to be created will be 80 acres, 81 acres respectively.*

#### Lot Line Adjustment

In accordance with Yolo County Code §8-1.457, Article 4.5, Chapter 1 of Title 8 the Yolo County Planning Commission finds:

1. That the application is complete;

*The application was deemed complete by the Community Development Agency.*

2. That all record title holders who are required by the Subdivision Map Act of the State to have consented to the proposed lot line adjustment, and the Public Works Department has approved the proposal as complying with said Act;

*The owner of the parcels to be adjusted has consented by signature found on the application submitted.*

3. That the deed to be utilized in the transaction accurately describes the resulting parcels;

*The Yolo County Public Works and Transportation Department has analyzed and approved the application packet for correctness of the deed utilized.*

4. That the lot line adjustment will not result in the abandonment of any street or utility easement of record, and that, if the lot line adjustment will result in the transfer of property from one owner to another owner, the deed of the subsequent owner expressly reserves any street or utility easement of record;

*No abandonment of existing Right of Ways or easements will occur. Both property owners will have adequate access from County Road 101 and 102.*

5. That the lot line adjustment will not result in the elimination or reduction in size of the access way to any resulting parcel, or that the application is accompanied by new easements to provide access to parcels in the location and of the size as those proposed to be created.

*The parcels to be adjusted will take access off County Road 101 and County Road 102..*

6. That the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection,

and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions.

*Analysis of the application by the Community Development Agency, Yolo County Public Works and Transportation Department has indicated that the design of the resulting parcels will comply with existing requirements as to the area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other requirements of State laws and this Code and is in conformity with the purpose and intent of the General Plan and zoning provisions.*



A recess was taken at 12:20 and reconvened with the following item. Commissioner Lang did not return after the recess.

- 6.6 94-061 - Consideration of the following: Certification of the EIR, Approval of Rezonings, Approval of a Conditional Use Permit, and Approval of a Reclamation Plan for a Short-term, off-channel mining project and operation of a gravel processing plant. Mining would occur on 57 acres of two parcels totalling 191.7 acres, with Reclamation to agriculture. Processing would occur using an existing plant located immediately south of the proposed mine site. Property is located north of Cache Creek, approximately two miles northeast of Esparto. An EIR has been prepared for this project. Applicant: Teichert Aggregates (L. Peirce)

Linda Peirce, Contract Planner, gave the Staff Report. She also distributed a memo containing an addition to Condition 3.5 and a modification of Condition 20.

Randy Sater, of Teichert and Sons, gave a presentation of the project. He summarized the reasons this application is important is to allow them to continue their operation until such time as the long-term ordinance is in place and the Cache Creek Management Resource Plan is developed, it allows for continued economic activity within the County, it allows for the environmental enhancement and restoration, it allows for the increase in crop values and the Financial Assurances which total \$55,000.

The Public Hearing was opened at this time.

Lois Linford, representing the League of Women Voters, said that the League would again like to state for the record that they feel the short-term applications are out of order. They do not have the results of the technical studies; the Cache Creek Resource Management Plan, and the Long Term Ordinances to help guide the County.

Randy Sater and Linda Peirce addressed some of the concerns of the League of Women Voters.

The Public Hearing was closed at this time.

**Commission Action:**

The Planning Commission recommends that the Board of Supervisors take the following actions:

1. **Certify the Final EIR** for the Reiff Site Short Term Mining and Reclamation Project as adequate and that it has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines.
2. **Adopt the Findings of Fact** in support of certification of the EIR and approval of the project as presented in the Findings section below and Attachment 1 (CEQA Findings of Significant Effect, Findings for Approval, and Statement of Overriding Considerations).
3. **Adopt the Final Mitigation Monitoring Plan** (see Attachment 4, Mitigation Monitoring Plan) implementing and monitoring all mitigation measures as modified and adopted.
4. **Approve the Conditional Use Permit** for short-term, off-channel aggregate mining subject to the Conditions of Approval presented as Attachment 8.
5. **Approve the Reclamation Plan** for the Reiff Site presented as Attachment 5.
6. **Adopt Ordinance 95-\_\_\_** (see Attachment 6, Ordinance 95-\_\_\_, Rezoning) amending the existing zone designations to allow the extraction of aggregate reserves from the Reiff Site follows:
  - Add the Special Sand and Gravel Combining Zone (SG) overlay to the Reiff Site (57 acres).
7. **Accept the Financial Assurances** as adequate, as presented in Attachment 7, to ensure that the County can complete reclamation of the site should the operator default.

MOTION: Heringer      SECOND: Gray  
AYES: Heringer, Gray, Pollock and Lea  
NOES: None  
ABSTAIN: None  
ABSENT: Walker, Lang and Webster

**CONDITIONS OF APPROVAL  
FOR THE REIFF SITE SHORT-TERM, OFF-CHANNEL  
MINING PERMIT APPLICATION**

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The following conditions of approval include final mitigation measures adopted by the Board of Supervisors from the certified EIR. Modification to mitigation measures can only occur if: 1) the effectiveness of the measure in reducing the applicable environmental impact is not effected; or, 2) subsequent environmental analysis is performed to examine to new proposed measure and associated environmental impact.

## MISCELLANEOUS CONDITIONS

1. The applicants shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorneys fees, and court cost awards) against the County or its agents, officers, or employees to attack, 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 is required to promptly notify the applicants of any claim, action, or proceeding, and must cooperate fully in the defense. If the County fails to promptly notify the applicants of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicants shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicants post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

2. The applicant shall be limited to processing only that material within the identified 57 acre mining area, within the existing limits of 750,000 tons annually.
3. The Conditional Use Permit is approved for a period of three years, starting from the day mining commences. The applicant shall certify to the County the date of mining commencement within three days after it occurs. Pursuant to the requirements of Resolution 94-82, the permit is non-renewable. The Conditional Use Permit shall commence within one year from the date of the Board of Supervisors' approval of the Use Permit or said permit shall be deemed null and void without further action.
- 3.5 The project to which these conditions are applicable is as described in the project EIR and summarized in the Yolo County Planning Commission staff report dated September 6, 1995. Any substantive changes in the project description shall require amendment or modification of the Conditional Use Permit.
4. The Conditional Use Permit shall be reviewed annually by the Yolo County Planning Commission (in conjunction with the annual Monitoring Report requirements of the applicant) to ascertain compliance with all conditions of the permit and operating standards of applicable regulations, and to determine whether there have been significant changes in environmental conditions, land use, mining technology, or whether there is other good cause which would warrant the modification of conditions.

The staff will present an annual Monitoring Report to the Commission at an advertised public hearing. The Planning Commission may modify any permit when necessary to

assure compliance with the intent of applicable regulations, and any additional conditions applied.

5. The operation shall be subject to any future standards adopted as a part of the Off-Channel Mining Ordinance and/or Cache Creek Resource Management Plan.
6. The applicant shall be responsible for all costs associated with implementing and monitoring these conditions.
7. The applicant shall immediately notify the Community Development Director of any incidents such as fire, explosions, spills, land or slope failures, or other conditions which could pose hazard to life or property. Upon request of any County agency, the applicant shall provide a written report of any incident, within seven calendar days, which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent a recurrence of the incident. This condition does not supersede nor replace any requirement of any other governmental entity for reporting incidents.
8. The permit area shall be maintained in a neat and orderly manner so as not to create any hazardous condition or unsightly conditions which are visible from the surrounding area. Equipment and materials may be stored on the site which are appurtenant to the operation.
9. Lighting shall be shielded, site directed, and kept to a minimum to maintain the normal night-time light levels in the area.
10. The applicant shall submit performance bonds in the amount of \$55,552 for reclamation of the Reiff Site, naming the County of Yolo and the California Department of Conservation as beneficiaries, prior to the commencement of mining.
11. All aggregate material excavated from the mine area approved in this Use Permit shall be processed at the Reiff (Esparto) portable plant facility, located immediately south of the subject site. The Reiff plant shall continue to be operated in accordance with the conditions of Use Permit ZF #G-10. This Use Permit (ZF #94-061) shall not extend or limit the life of or otherwise affect Use Permit ZF #G-10. The applicant shall have the right to process materials extracted under Use Permit ZF #94-061 during the life of said permit.

## **EIR MITIGATION MEASURES**

(An asterisk (\*) indicates that the applicant has submitted additional information that meets the requirement of the mitigation measure or the measure has been satisfactorily completed.)

- 12.\* Prior to the approval of the proposed project, the applicant shall submit to and receive approval from the Yolo County Community Development Agency a detailed maintenance plan for proposed slopes. The plan shall be prepared by a certified professional and demonstrate the following: 1) probability of proposed slopes and drainage ditches to withstand a 25-year flood event until agricultural productivity reaches or surpasses pre-mining levels; 2) routine maintenance practices which includes inspection of slope and

drainage ditch separate from annual SMARA-required inspections; 3) remedial measures if deficiencies that could contribute to surficial slope instability or hinderance of drainage on slope surfaces are discovered. (Mitigation Measure 4.3-4)

- 13.\* Within one year of commencement of mining, the applicant shall complete the retention basin and collection sump, and methods for preventing spill over during storm events that exceed the 25-year level. The applicant shall acquire purge pumps when necessary to remove water from the retention basin when water levels in the basin are nearing overflow levels, or implement an alternative method acceptable to Yolo County Public Works that will meet similar performance standards. The applicant shall ensure that the proposed drainage structures are constructed. The applicant will require of the leasing farmer that an adequate irrigation distribution system is in place on the reclaimed lands. The drainage/tailwater basin and retention basin will be inspected as a part of routine maintenance practices for debris, vegetation, soil accumulations, and damage. The applicant shall remove material and complete necessary repairs to ensure drainages are operating properly and the retention basin continues to meet the aforementioned requirements until agricultural productivity on the Reiff Site is fully achieved according to the approved reclamation plan. (Mitigation Measure 4.4-2)
- 14.\* Prior to approval of the proposed project, the applicant shall submit to, and obtain approval from, the Yolo County Community Development Agency and the Yolo County Department of Public Health, Environmental Health Services Division, a written plan outlining the steps that would be taken to respond to accidental spills of hazardous materials and remediation of affected surface water and soils on the Reiff Site. The plan shall ensure that remediation is completed with approval and oversight by appropriate agencies. The plan shall provide instructions for the contact and reporting of hazardous material releases to the County Environmental Health Services Division, as required by law. (Mitigation Measure 4.4-6)
- 15.\* Regarding tailwater impacts, the applicant will require that the tenant farmer do the following: 1) meet federal, state, and local standards for the storage, handling and application of agricultural chemicals ; 2) recycle tailwater pursuant to applicable federal, state, local standards for such activities; 3) protect the existing domestic groundwater well to ensure that the well remains intact and that the potential for accidental contamination of the well is minimized; and 4) ensure that the response to an accidental spill of hazardous materials and remediation of affected groundwater complies with applicable federal, state, and local regulations. (Mitigation Measure 4.4-7)
16. Monitoring of crop yields is sufficient to identify the potential significance of cold air drainage on the productivity of the reclaimed fields. Crop performance, the primary criteria used to evaluate post-reclamation productivity, is guaranteed by a surety bond. If a measurable or observable impact on yields is found to exist, then the applicant shall undertake engineering (e.g., wind machines) or other solutions (e.g., hedgerows, screening) to mitigate cold air injury. (Mitigation Measure 4.5-7)
17. Prior to commencement of mining, the applicant shall provide financial assurances, consistent with requirements of SMARA, to Yolo County sufficient to assure that reclamation is completed and achieves agricultural productivity at current, or higher levels than currently exists. (Mitigation Measure 4.5-8 (a))

- 18.\* Prior to project approval, the financial assurances plan submitted by the project applicant (Mitigation Measure 4.5-8(a)) shall be independently reviewed and approved to the satisfaction of the Yolo County Community Development Agency to assure that, in the event of applicant failure, sufficient funds exist to reclaim the Reiff Site incorporating all approved mitigation measures and project conditions of approval. (Mitigation Measure 4.5-8 (b))
19. If, after reclamation has commenced, soils on the project site settle to an elevation below the five foot level above the thalweg, topsoil will be imported from another site, if necessary, and spread and graded over the project site to re-establish the grade and elevation specified in the reclamation plan and project documents. (Mitigation Measure 4.5-9)
20. ~~A CDFG Code Section 2081 authorization shall be executed, or posting of a reclamation bond or letter of credit, naming CDFG as a beneficiary, or a letter from CDFG indicating that the applicant is proceeding in good faith, prior to the approval of the project. As an alternative, payment of mitigation fees to the Yolo County fish and wildlife mitigation account shall be made prior to the commencement of mining. The mitigation shall be based on the temporary loss of agricultural land to mining. (Mitigation Measure 4.6-4)~~
20. A CDFG Section 2081 authorization, or the posting of a reclamation bond or letter of credit naming CDFG as the beneficiary, or other alternative mechanism acceptable to CDFG, shall be executed prior to the approval of the project, or as an alternative, payment of mitigation fees to the Yolo County fish and wildlife mitigation account shall be made prior to commencement of mining. It is recommended that mitigation be based on the temporary loss of agricultural land to mining. (Mitigation Measure 4.6-4)
21. The following measures shall be implemented to reduce fugitive dust generation:
- a) All stockpiled soils shall be enclosed, covered, or watered at least twice daily, as necessary to reduce dust emissions.
  - b) All disturbed soil and all unpaved dirt roads shall be watered with adequate frequency to keep soil moist at all times.
  - c) All inactive portions of the site shall either be seeded or watered until vegetation is grown or be stabilized using methods such as YSAQMD-approved chemical soil binders, jute netting, or other YSAQMD-approved methods.
  - d) No mining or reclamation activities shall occur during periods in which wind speeds exceed 20 mph averaged over one hour.
  - e) Vehicle speed shall not exceed 15 mph on unpaved roads. (Mitigation Measure 4.7-1)
22. In order to be consistent with County policies, the County Administrative Officer will require further mitigation measures after consultation with the Air Quality Management District, if there are such feasible and practical measures available. Such measures may include, but are not limited to, the following:

- a) Mining and reclamation equipment shall be kept properly tuned and maintained throughout the duration of activity.
  - b) Diesel-powered, low-sulfur fuel, or other low-emission equipment shall be used in lieu of gasoline-powered engines whenever possible.
  - c) To reduce emissions during idling, mining and reclamation equipment shall be shut off when not in use. (Mitigation Measure 4.7-2)
23. The applicant shall develop a program of reasonable offsets to reduce NO<sub>x</sub> and PM<sub>10</sub> emissions to the satisfaction of the YSAQMD. Such measures may include, but are not limited to, the following:
- a) The equipment associated with the processing plant shall be properly maintained and kept in good operating condition at all times.
  - b) Water sprays for dust suppression shall provide for the spraying of all storage piles to abate fugitive dust.
  - c) Water dust suppression shall be sufficient so that there are no visible dust emissions off property or nuisance to any persons. (Mitigation Measure 4.7-4)
- 24.\* Prior to approval of the proposed project, the applicant shall coordinate with the Yolo County Public Works Department to determine the level of structural pavement improvements required. The Public Works Director has determined that the required improvements to Road 19 are:
- Minor widening and reconstruction of failed pavement between the private paved access road to I-505 with a new structural section. The structural section shall consist of 18 to 24 inches of aggregate base and 4 inches of asphalt surfacing. After the roadway is repaired, the entire roadway shall be resurfaced with a chip seal. The approximate area for reconstruction is 16,400 square feet. The approximate length for chip seal application is 1.5 miles.
- The cost of work to be performed shall be borne by the applicant. All improvements shall be completed within one year after mining commences. (Mitigation Measure 4.8-4)
25. Mining and reclamation activities conducted between 6 p.m. and 6 a.m. shall be set back 100 feet from the property boundary. (Mitigation Measure 4.9-1)
26. To mitigate potentially significant impacts related to the possibility of unobserved prehistoric or historic resources occurring on the project site, the following mitigation measures will be implemented:
- a) If human skeletal remains are encountered during construction, all work within 20 meters (66 feet) of the discovery will be stopped immediately and the County Coroner notified. If the remains are Native American, the Native American Heritage Commission should be consulted, and the Most Likely Native American Descendant



identified and given the opportunity to confer with the property owner about the disposition of the remains.

- b) If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone are discovered during ground-disturbance activities, all work shall be stopped within 20 meters (66 feet) of the discovery, an archaeologist shall be contacted for an evaluation, and the Yolo County Planning Director shall be notified at once.
- c) Any cultural resources found on the proposed project site will be recorded or described in a professional report and submitted to Yolo County and the Northwest Information Center. (Mitigation Measure 4.10-1)

**CEQA FINDINGS OF SIGNIFICANT EFFECT, FINDINGS FOR APPROVAL, AND  
STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE REIFF SITE SHORT-TERM, OFF-CHANNEL  
MINING PERMIT APPLICATION**

**SECTION 1.0 INTRODUCTION**

The Yolo County Board of Supervisors hereby makes the following Findings of Fact and Statement of Overriding Considerations regarding its decision to approve the Reiff Site Short-term, Off-Channel Mining Permit Application.

**SECTION 2.0 PROJECT LOCATION**

The project site is located north of Cache Creek, south of County Road 19, west of Road 89, and east of Road 87.

**SECTION 3.0 PROJECT DESCRIPTION**

Teichert Aggregates, the project applicant, is requesting approval of a Conditional Use Permit and zone change to conduct short-term, off-channel mining and reclamation activities on the 57-acre Reiff Site.

**3.1 Mining**

The proposed project would allow for mining of a total of 2.25 million tons of aggregate from the Reiff Sites over a three year period in compliance with Board Resolution 94-82. No change is proposed to Teichert's existing allocation of 750,000 tons per year. The site would be mined in two phases to an average depth of 26 feet (to the theoretical thalweg). Excavated materials produced by the project would be transported across Road 19A to the existing Esparto Plant.

**3.2 Reclamation**

In addition to mining, the project includes a reclamation plan. Through reclamation, the mine site would be restored to agricultural uses, upon completion of mining activities. After initial mining activities take place, reclamation would occur sequentially and concurrently with mining. No more than 50 acres at one time would be disturbed. Reclamation would proceed in compliance with the County's Reclamation Ordinance, provisions of the California State Surface Mining and Reclamation Act (SMARA), and with the State Mining and Geology Board's Article 9 Reclamation standards.

### 3.3 Net Gain

In order to meet the requirement of Resolution 94-82 that a "net gain" to the County be realized from any operations under an Interim Permit, the applicant will restore and enhance approximately 25 acres of previously mined land in the Cache Creek floodplain.

### 3.4 Project Components

The elements of the application submitted to Yolo County are as follows:

- Zone Change to add the Special Sand and Gravel Combining Zone (SG) overlay onto the Reiff Site. The Reiff Site is currently zoned A-1 and is, therefore, eligible for an SG overlay designation.
- Conditional Use Permit for short-term, off-channel aggregate mining. The conditional use permit request includes a modification of the existing use permit to extend the operations of the Esparto Plan for 3 years concurrent with short-term, off-channel mining.
- Reclamation Plan approval by Yolo County and filed with the State Department of Conservation Division of Mines and Geology.
- Financial Assurances approved by the County and payable to Yolo County and/or the State Department of Conservation to ensure that either the County or State can complete reclamation should the operator default.

## SECTION 4.0 PROJECT HISTORY

In 1986, Yolo County issued the Reiff family a permit to excavate 750,000 tons per year of aggregate reserves in the Cache Creek channel south of the project site, to construct and use an access road, and to establish and process aggregate reserves at the Esparto Plant. The 1986 permit also allowed for mining of in-channel lands on the adjoining (Mast parcel) parcel to the east. Teichert Aggregates acquired the Reiff Site in September 1988.

In June 1994, the Board of Supervisors adopted Resolution 94-82 which established criteria for the submission of individual, short-term, off-channel mining applications during the preparation of the Cache Creek Resources Management Plan (CCRMP) and Off Channel Mining Ordinance. The Board recognized that certain mining companies may run out of permitted aggregate during the preparation of the CCRMP, and could be compelled to cease business operations. To avoid compelling any mining company to cease business activities, the Board, through the Resolution, allowed companies to submit applications for short-term, off channel applications for mining activities not in excess of the company's current allocation, and for a period no longer than 3 years from the start of mining.

A Cache Creek Aggregate Resource Inventory was conducted by CH2MHill in July 1994 to estimate reserves. The inventory concluded that the existing Reiff in-channel mining site had a remaining operational lifespan of 0.6 to 1.6 years. Teichert Aggregates submitted its Short-term application for the Reiff Site in July 1994, within the 6-month window specified in the Resolution.

## **SECTION 5.0 THE FINAL EIR**

The Final EIR for the project includes the following items:

- 1) the Reiff Site EIR (SCH #94113041) prepared for the County of Yolo (two volumes -- Draft and Response to Comments) referred to herein as the "EIR";
- 2) actions taken by the Board of Supervisors, as identified herein, to refine, amplify, or further clarify the project description, impacts, and/or mitigation measures; and
- 3) the Final Mitigation Monitoring Plan.

## **SECTION 6.0 THE RECORD**

For the purposes of CEQA and the findings hereinafter set forth, the administrative record for the project consists of those items listed in Section 21167.6(e) of the Public Resources Code (Chapter 1230, Statutes of 1994).

## **SECTION 7.0 FINDINGS**

### **7.1 Requirements**

Section 15091 of the State CEQA Guidelines and relevant updated sections of the Public Resources Code, state that a public agency may not approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3) Specific economic, legal, social, technological, or other considerations (including considerations for the provision of employment opportunities for highly trained workers), make the mitigation measures or alternatives identified in the EIR infeasible.

Section 15092 of the State CEQA Guidelines states that a public agency may not decide to approve or carry out a project for which an EIR was prepared unless either:

- 1) The project as approved will not have a significant effect on the environment; or
- 2) The agency has:
  - A) Eliminated or substantially lessened all significant effects on the environment where feasible; and
  - B) Determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns.

These findings are required to be supported by substantial evidence in the record.

## 7.2 Less-Than-Significant Impacts

The Initial Study identified impacts in the following areas as less-than-significant. This was substantiated or reconfirmed in the EIR analysis.

- Light and Glare
- Population
- Housing
- Energy Consumption
- Health and Risk of Upset
- Public Services and Utilities
- Aesthetics
- Recreation

Additionally, the EIR identified the following specific impacts as less-than-significant:

**Impact 4.2-1:** Change in Existing Land Use

**Impact 4.2-2:** Land Use Compatibility

**Impact 4.2-3:** Compliance With Yolo County General Plan and Zoning Ordinance

**Impact 4.3-1:** Modification of Unique Geological or Physical Features

**Impact 4.3-2:** Exposure to Geologic Hazards

**Impact 4.3-3:** Permanent Change in Topography or Surface Relief

**Impact 4.3-6:** Compliance With the California Surface Mining and Reclamation Act and State Mining and Geology Board State Reclamation Regulations

**Impact 4.3-7:** Consistency With the Yolo County General Plan

**Impact 4.3-9:** Compliance With Yolo County Resolution No. 94-82, Interim Criteria for Short-Term Off-Channel Mining Applications

**Impact 4.3-10:** Consistency With the Goals, Objectives, and Policies for the Cache Creek Resources Management Plan

**Impact 4.4-1:** Alteration of Surface Water Flows in the Vicinity of the Site

**Impact 4.4-3:** Exposure of the Reiff Site and Esparto Plant to the 100-Year Flood

**Impact 4.4-4:** Interference With Groundwater Recharge

**Impact 4.4-10:** Compliance With the Yolo County Surface Mining Reclamation Ordinance

**Impact 4.4-11:** Compliance with Yolo County Resolution No. 94-82, Interim Criteria For Short-Term Off-Channel Mining Applications

- Impact 4.4-12:** Consistency With the Goals, Objectives, and Policies for the Cache Creek Resources Management Plan
- Impact 4.5-2:** Conversion of Prime Agricultural Soils to Non-Agricultural Uses
- Impact 4.5-3:** Loss of Crop Values
- Impact 4.5-4:** Soil Stockpiling and Management
- Impact 4.5-5:** Shallow Soils and Elevated Salt Concentrations
- Impact 4.5-6:** Elevated Boron Concentrations
- Impact 4.5-10:** Compliance With the California Surface Mining and Reclamation Act, and State Mining and Geology Board Reclamation Regulations
- Impact 4.5-11:** Consistency With the Yolo County General Plan
- Impact 4.5-12:** Compliance With the Yolo County Surface Mining Reclamation Ordinance
- Impact 4.5-13:** Compliance With Resolution No. 94-82, Interim Criteria for Short-Term Off-Channel Mining Applications
- Impact 4.5-14:** Consistency With the Goals, Objectives, and Policies for the Cache Creek Resources Management Plan
- Impact 4.6-1:** Loss of Agricultural Land (Biological Resources)
- Impact 4.6-2:** Disturbance to Cache Creek Natural Resources
- Impact 4.6-3:** Excessive Dust on Native Trees
- Impact 4.6-5:** Potential Disturbance to Nesting Swainson's Hawks
- Impact 4.6-6:** Loss of Habitat For Other Special-Status Species
- Impact 4.6-8:** Compliance with Yolo County Resolution 94-82
- Impact 4.6-9:** Compliance with Yolo County Surface Mining Reclamation Ordinance
- Impact 4.6-11:** Consistency with Goals, Objectives, and Policies for the Cache Creek Resources Management Plan
- Impact 4.7-3:** Local Mobile Source Emissions
- Impact 4.8-1:** Effects on Local Roadway Controls
- Impact 4.8-2:** Roadway Level of Service
- Impact 4.8-3:** Traffic Safety
- Impact 4.8-5:** Conflict With Pedestrian Facilities
- Impact 4.8-6:** Conflict With Bikeway Facilities
- Impact 4.9-2:** Conformity With Community Noise Standards
- Impact 4.9-3:** Esparto Plant Operations Conformity With Yolo County Reclamation Ordinance Standards
- Impact 4.9-4:** Esparto Plant Operations Conformity With Community Noise Standards
- Impact 4.9-5:** Traffic Noise
- Cumulative**
- Impact 5.2-1** Cumulative Conversion of Existing Land Uses
- Impact 5.2-2** Compliance With Yolo County General Plan and Zoning Ordinance (Cumulative Land Use)
- Impact 5.2-3** Cumulative Modification of Unique Geology, Seismicity, Alteration of Topography
- Impact 5.2-6** Cumulative Alteration of Offsite Surface Water Flows
- Impact 5.2-8** Cumulative Exposure of the Project Sites to 100-Year Flood
- Impact 5.2-9** Cumulative Interference with Groundwater Recharge
- Impact 5.2-15** Cumulative Loss of Crop Values
- Impact 5.2-18** Habitat Loss and Loss of Common Species
- Impact 5.2-20** Cumulative Consistency with Relevant Regulations, Plans and Policies

- Impact 5.2-23** Cumulative Local Mobile Source Emissions
- Impact 5.2-25** Cumulative Traffic Volume
- Impact 5.2-26** Traffic Safety
- Impact 5.2-28** Conformity with Yolo County Reclamation Ordinance Standards (Noise)
- Impact 5.2-29** Cumulative Conformity with Community Noise Standards

The Board of Supervisors is not required to adopt mitigation measures for impacts that are less-than-significant. The Board of Supervisors hereby determines that the conclusions of the Initial Study and EIR regarding impacts that are identified as less-than-significant are appropriate and correct.

### **7.3 Impacts Mitigated to a Less-Than-Significant Level With Mitigation**

The EIR identifies the following impacts as significant or potentially significant in the absence of mitigation measures, and identifies mitigation measures that would reduce impacts to less-than-significant levels, or avoid impacts. Included are cumulative impacts that are significant and mitigated.

- Impact 4.3-4:** Surficial Slope Stability (Condition #12)
- Impact 4.3-5:** Slope Failure
- Impact 4.3-8:** Compliance With the Yolo County Surface Mining Reclamation Ordinance
- Impact 4.4-2:** Alteration of Onsite Surface Water Drainage and Localized Flooding (Condition #13)
- Impact 4.4-6:** Degradation of Surface Water Quality (Condition #14)
- Impact 4.4-7:** Degradation of Groundwater Quality (Condition #15)
- Impact 4.4-8:** Compliance With the California Surface Mining and Reclamation Act and State Mining and Geology Board Reclamation Regulations
- Impact 4.4-9:** Compliance With the Yolo County General Plan
- Impact 4.5-7:** Cold Air Drainage (Condition #16)
- Impact 4.5-8:** Potential Failure of the Reclamation Plan (Condition #17 and 18)
- Impact 4.5-9:** Settling of Reclaimed Agricultural Soils (Condition #19)
- Impact 4.6-4:** Loss of Swainson's Hawk Foraging Habitat (Condition #20)
- Impact 4.6-7:** Compliance with California State Mining and Geology Board Reclamation Regulations
- Impact 4.6-10:** Consistency with Yolo County General Plan
- Impact 4.6-12:** Consistency with Management Authorization for Urban Development
- Impact 4.8-4:** Pavement Conditions (Condition #24)
- Impact 4.9-1:** Conformity With Yolo County Reclamation Ordinance Standards (Condition #25)
- Impact 4.10-1:** Potential for Disturbance of Cultural Resources (Condition #26)
- Cumulative**
- Impact 5.2-4** Slope Stability, Slope Failure
- Impact 5.2-5** Consistency with Applicable State and Local Regulations and Plans
- Impact 5.2-7** Alteration of Onsite Surface Water Drainage and Irrigation
- Impact 5.2-11** Degradation of Surface Water Quality
- Impact 5.2-12** Degradation of Groundwater Quality
- Impact 5.2-13** Consistency with Applicable State and Local Regulations and Plans
- Impact 5.2-16** Constraints to Reclamation/Impairment of Agricultural Production
- Impact 5.2-17** Consistency with Applicable State and Local Regulations and Plans

- Impact 5.2-19** Special Status Species
- Impact 5.2-27** Pavement Conditions
- Impact 5.2-31** Cultural Resources

**7.4 Significant and Unavoidable Impacts**

The EIR identifies the following impacts that can not be mitigated to an acceptable level, and therefore remain significant and unavoidable.

- Impact 4.4-5:** Flooding Associated with Groundwater
- Impact 4.5-1:** Loss of Agricultural Land (acreage)
- Impact 4.7-1:** Fugitive Dust Emissions (Condition #21)
- Impact 4.7-2:** Regional Mobile Source Emissions (Condition #22)
- Impact 4.7-4** Plant Emissions (Condition #23)
- Impact 5.2-10** Cumulative Flooding Associated with Groundwater
- Impact 5.2-14:** Cumulative Loss of Agricultural Land (acreage)
- Impact 5.2-21:** Cumulative Fugitive Dust
- Impact 5.2-22:** Cumulative Regional Mobile Source Emissions
- Impact 5.2-24:** Cumulative Plant Emissions

Feasible mitigation measures that would partially mitigate these impacts have been identified and discussed in the EIR, and are summarized in the attached Impacts and Mitigations Summary. For Impacts 4.4-5 (flooding associated with groundwater), and 4.5-1 (project-related conversion of prime agricultural land) no feasible mitigation measures were identified.

The Board of Supervisors finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce these impacts to a less-than-significant level. To the extent that these adverse impacts will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, social, and other considerations identified in the Statement of Overriding Considerations support approval of the project despite unavoidable impacts. The Statement of Overriding Considerations is provided below.



## SECTION 8.0 PROJECT ALTERNATIVES

In order to evaluate the possible environmental impacts resulting from a range of reasonable alternatives which could feasibly attain the basic objectives of the project, six CEQA project alternatives were examined in the EIR:

- Wet-Pit Mining
- Alternative Mining Sites Outside the Cache Creek Mining Area
- Reduction in Mining Area
- Reduction in Mining Depth
- No Project
- Alternative Site

*Wet Pit Mining* -- This alternative was rejected because, while it would reduce the overall mining area and impact on agricultural land, it would result in potentially greater impacts to groundwater resulting from mining below the theoretical thalweg.

*Alternative Mining Sites Outside the Cache Creek Area* -- This alternative was rejected as infeasible in the DEIR for two reasons. Transportation-related impacts associated with trucking the finished aggregate products from Teichert facilities along the American River to consumption areas formerly served by the Cache Creek mining area would be greater than those associated with the proposed project. This alternative would be inconsistent with Resolution 94-82 objectives in that it could result in the cessation of mining in the Cache Creek area.

*Reduction in Mining Area* -- This alternative was rejected as infeasible in the DEIR because it was intended to reduce significant and unavoidable air quality impacts associated with the proposed project by reducing fugitive dust generation. To reduce fugitive dust impacts below AQMD thresholds, mining and reclamation would have to be reduced by approximately 90% (51 of 57 acres).

*Reduction in Mining Depth* -- This alternative was rejected as infeasible in the Draft EIR because the potential for groundwater flooding associated with the proposed project would be relatively low, the restrictions to mining would be comparatively high, and the environmental benefits (other than avoidance of a potential impact) of this alternative as compared to the proposed project are marginal.

The following two alternatives were explored in depth in the EIR. The Board of Supervisors hereby rejects these alternatives as infeasible for the reasons set forth herein.

*No Project Alternative* -- This alternative assumes that short-term, off-channel, dry pit mining would not occur and the project site would remain as agricultural land. Further, this alternative assumes that the processing of aggregate at the Esparto Plant would cease once existing in-channel reserves are depleted in fall of 1995. Onsite mining would not occur, so significant and potentially significant impacts to geology, hydrology, agriculture, biological resources, air quality, pavement conditions, and cultural resources would be avoided. Significant and unavoidable project impacts related to the risk of groundwater flooding, loss of agricultural land due to slopes and drainage facilities, and air quality impacts would be avoided under the No Project Alternative.

A disadvantage of the No Project alternative is that it would avoid a potential beneficial impact to agriculture through a net increase in prime farmland that could be realized through implementation of the proposed project. The 25 acres of creek restoration and enhancement associated with the project would not be realized. The No Project Alternative, identified herein as the environmentally superior alternative, would not meet an important project objective, as provided in Resolution 94-82, because it would result in the cessation of the applicant's mining operations in the vicinity of the Esparto Plant, and closure of the plant.

*Alternative Site* -- Under this alternative, the "Coors Site" owned by the applicant on the north bank of Cache Creek, west of Road 94B was examined. This alternative would result in similar impacts to geology and soils, hydrology, groundwater and water quality, agriculture, transportation and circulation, and cultural resources. Environmental advantages associated with this alternative include less noise and dust impacts to sensitive receptors during mining and reclamation and reduction in potential visual impacts. Disadvantages include potentially greater impacts to biological resources and greater air quality impacts associated with increased truck and scraper travel.

## **SECTION 9.0 MITIGATION MONITORING**

The Board of Supervisors finds that all studies recommended by the EIR have been completed or will be required as conditions of approval to be completed prior to operation of the proposed project. These studies will be required to meet identified performance standards. Pursuant to CEQA requirements a Mitigation Monitoring Plan is being adopted by the Board as a part of the approval action. Implementation of that program will ensure that all required mitigation measures are implemented.

## **SECTION 10.0 PROJECT BENEFITS**

The Board of Supervisors finds that the proposed project will create the following benefits for the County of Yolo and County residents:

- A net gain of 29 acres of prime farmland with completion of reclamation of Class IV soils to Class II capability.
- A post-reclamation gain in annual crop value of \$2,316.
- Restoration of 25 acres of previously mined land in the Cache Creek floodplain.
- Authorization of additional permitted material to be mined by Teichert Aggregates to avoid running out of product prior to the completion of the Off-Channel Mining Ordinance and the Cache Creek Resource Management Plan.
- Continued employment for 5 current employees of the Esparto facility.

- Economic benefits to Yolo County including \$77,038 in property tax and \$10,231 in sales tax revenues paid by Teichert in 1994. During the same period Teichert made purchases in the amount of \$8,453,319 from Yolo County vendors.

**SECTION 11.0 STATEMENT OF OVERRIDING CONSIDERATIONS**

The Board of Supervisors has carefully balanced the benefits of approval and implementation of the project, against the unavoidable adverse impacts identified in the EIR. Notwithstanding the disclosure of impacts identified in the EIR as significant and potentially significant, and which have not been eliminated or mitigated to a less-than-significant level, the Board of Supervisors, acting pursuant to Section 15093 of the State CEQA Guidelines, hereby determines that the benefits of the project outweigh the significant unmitigated adverse environmental impacts.

The EIR identifies the following impacts that can not be mitigated to an acceptable level, and therefore remain significant and unavoidable.

<b>Impact 4.4.5:</b>	Flooding Associated with Groundwater
<b>Impact 4.5-1:</b>	Loss of Agricultural Land (acreage)
<b>Impact 4.7-1</b>	Fugitive Dust Emissions
<b>Impact 4.7-2:</b>	Regional Mobile Source Emissions
<b>Impact 4.7-4</b>	Plant Emissions
<b>Impact 5.2-10</b>	Cumulative Flooding Associated with Groundwater
<b>Impact 5.2-14:</b>	Cumulative Loss of Agricultural Land (acreage)
<b>Impact 5.2-21:</b>	Cumulative Fugitive Dust
<b>Impact 5.2-22:</b>	Cumulative Regional Mobile Source Emissions
<b>Impact 5.2-24:</b>	Cumulative Plant Emissions

Feasible mitigation measures that would partially mitigate these impacts have been identified and discussed in the EIR, and are summarized in the attached Impacts and Mitigations Summary. For Impacts 4.5-1 and 5.2-14 (project and cumulative-related conversion of prime agricultural land) no feasible mitigation measures were identified.

The Board of Supervisors finds that there are no additional feasible mitigation measures or alternatives that the Board could adopt at this time which would reduce these impacts to a less-than-significant level. To the extent that these adverse impacts will not be eliminated or lessened to an acceptable (less-than-significant) level, the Board of Supervisors finds that specific economic, social, and other considerations identified herein support approval of the project despite unavoidable impacts.

The Board finds that it is imperative to balance competing goals in approving the project. Not every significant environmental impact has been fully mitigated because of the need to meet competing concerns. Accordingly, in some instances the Board has chosen to accept certain significant environmental impacts because to eliminate them would unduly compromise some other important economic, social or other goals. The Board finds and determines that the EIR and other supporting environmental and planning documentation, provide for a positive balance of the competing goals and that the economic, social, and other benefits to be obtained by the project outweigh the significant environmental impacts of the project.

The Board specifically finds that to the extent the identified significant adverse impacts have not been mitigated to less-than-significant levels, the benefits identified in Section 10 of these findings support approval of the proposed project and entitlements. The Board believes that the above-described benefits which will be derived from approval of the project, when weighed against the existing condition and the future condition, override the significant and unavoidable environmental impacts of the project.

## **SECTION 12.0            SUMMARY**

The EIR was prepared pursuant to Section 15163 of the CEQA Guidelines. The Board has determined that the EIR fully addresses the impacts and mitigations of the proposed mining and reclamation. Public noticing and involvement in the process included a workshop and several public hearings. Substantial evidence in the record demonstrates various benefits and considerations including economic, social, technical, which the County would derive and/or face from the implementation of the project. The Board of Supervisors has balanced these project benefits and considerations against the significant and unavoidable environmental impacts identified in the EIR and has concluded that those impacts are outweighed by the project benefits.

In conclusion, the Board of Supervisors finds that any remaining (residual) effects on the environment attributable to the project, which are found to be unavoidable in the preceding Findings of Fact, are acceptable due to the overriding concerns set forth herein. The Board concludes that the project, with mitigations set forth as conditions plus additional relevant conditions recommended by staff, should be adopted.



6.7        A discussion of a letter to the City of Davis regarding use of the site adjoining the City's waste management facility for a soccer league ballfield.

Director Jenkins indicated that since the Davis Waste Removal Company currently has a Use Permit, they would have to obtain approval from the County for a modification of the permit. Commissioner Gray said that the business owner volunteered to gift, on a long term lease, a portion of land that used to be a drive-in to the Youth Soccer Organization for the purpose of creating additional fields. Volunteer labor would be utilized to develop these fields.

Director Jenkins said that no application has been received as of this time.

The Commission indicated that their preference was that once the application was submitted, that the fees could be waived and it could be handled expeditiously.

### **Commission Action:**

The Commission instructed Director Jenkins to formulate a letter that the Commission would welcome a Modification to the existing Use Permit from Davis Waste Removal to allow soccer on

their facility and that the application would be expedited and the costs would be kept as low as possible.

MOTION: Gray SECOND: Lang  
AYES: Gray, Lang, Lea, Pollock and Heringer  
NOES: None  
ABSTAIN: None  
ABSENT: Walker and Webster



7. DIRECTOR'S REPORT

A report by the Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission. An update of the Community Development Agency activity for the month. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

Director Jenkins brought the Commission up to date on the following items.

1. The approval by the Board of Supervisors on the Teichert-Woodland and Solano Concrete applications.
2. A law suit filed against the County by the Greengate Corporation regarding the "no build" restriction.
3. A law suit filed against the County by Walter Edson, of Knights Landing, regarding drainage.
4. A law suit filed by the State Resources Agency against the County and the Rumsey Rancheria Tribe for violating the California Environmental Quality Act, voiding the Williamson Act, and depriving the State of money.
5. A reminder that the Joint Meeting of the Board of Supervisors and the Planning Commission on October 3 and October 17 for the Cache Creek Technical Studies.
6. An update on the Esparto General Plan Infrastructure Study.



8. COMMISSION REPORTS

Reports by Commission members on information they have received and meetings they have attended which would be of interest to the Commission or the public. No discussion by other Commission members will occur except for clarifying questions. The Commission

or an individual Commissioner can request that an item be placed on a future agenda for discussion.

Commissioner Pollock met with Teichert Industries on September 1, 1995.



9. ADJOURNMENT

The meeting was adjourned at 2:00 p.m. and the next meeting of the Yolo County Planning Commission is scheduled for October 4, 1995 at 8:30 a.m. Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the Board of Supervisors by filing with the Clerk of that Board within fifteen days a written notice of appeal specifying the grounds. The Board of Supervisors may sustain, modify, reject or overrule this decision. There will be an appeal fee payable to the Community Development Agency and the Clerk of the Board of Supervisors.

Respectfully submitted by,

Stephen L. Jenkins, Director  
Yolo County Community Development Agency

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