

MINUTES

YOLO COUNTY PLANNING COMMISSION

July 10, 1996

1. CALL TO ORDER

Chairman Gray called the meeting to order at 8:40 a.m.

MEMBERS PRESENT: Webster, Heringer, Rodegerdts,  
Walker, and Gray

MEMBERS ABSENT: Lea and Lang

STAFF PRESENT: Stephen L. Jenkins, Director  
Mark Hamblin, Associate Planner  
Heidi Tschudin, Contract Planner  
David Morrison, Resource Management  
Coordinator  
Jim Curtis, Special Counsel  
representing County Counsel's Office  
Linda Caruso, Planning Commission  
Secretary

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MINUTES YOLO COUNTY PLANNING COMMISSION JULY 10,  
1996

2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

**Commission Action:**

The Minutes of the June 26, 1996 Planning Commission Meeting were approved with no corrections.

MOTION: Walker SECOND: Webster

AYES: Gray, Heringer, Rodegerdts, Webster and Walker

NOES: None

ABSENT: Lea and Lang

ABSTAIN: None

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3. 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.

No one from the public came forward.

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4. CORRESPONDENCE

Chairman Gray acknowledged receipt of the correspondence distributed at the beginning of the meeting including Minute Order No. 96-262 from the Board of Supervisors directing the Clerk of the Board of Supervisors to schedule a joint session with the Yolo County Planning Commission and Economic Development Task Force for August 6, 1996 at 2:00 p.m. to discuss the draft Agricultural/Tourism Targeted Industry Analysis Report. The regular Planning Commission Hearing will be held at 8:30 a.m. on the same day.

Chairman Gray also acknowledged receipt of a press release submitted by Director Jenkins regarding his resignation. He stated, on behalf of the Commission, "Thank you, Steve, for all of your hard work, outstanding representation of Yolo County and the diverse interest that we have in this County."



#### 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.

The following item was moved from the Consent Agenda to the Regular Agenda.



6. REGULAR AGENDA

- 5.1 96-025 - Consideration of a Lot Line Adjustment and Elimination to remove three underlying parcels and the reconfiguration of Lot 26 resulting in two parcels (Parcel 1-455 acre, Parcel 2-20 acre) within the A-P zone. Also, a request for an Agricultural Preserve Contract division to reflect the new configuration of the parcels created by the Lot Line Adjustment. Subject property is located on the east side of State Highway 113 between Cache Creek and County Road 17 near Woodland. A Negative Declaration has been prepared. APN# 027-260-02,03,08. Applicant: James Ward/Richard Hoppin (M. Hamblin)

Mark Hamblin gave the Staff Report.

Commissioner Webster asked why this item was brought before the Planning Commission.

Director Jenkins answered the reason this was brought before the Commission was because the smaller, 20 acre parcel, is less than 80 acre minimum for an irrigated parcel, and therefore must be approved by the Commission.

**Commission Action:**

- (1) **CERTIFIED** that the proposed Negative Declaration was prepared 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 Lot Line Adjustment to reconfigure Lot 26, and the Lot Line Elimination of Lots 21, 22, and 23 as shown in **Exhibit "B"** - Lot Line Adjustment Map subject to the "CONDITIONS OF APPROVAL" presented in the staff report;
- (4) **APPROVED** the Agricultural Preserve contract division of Williamson Act Contract 71-187/AP-5 to describe the reconfigured parcels shown in **Exhibit "B"** subject to the "CONDITIONS OF APPROVAL" presented in the staff report.

MOTION: Walker SECOND: Rodegerdts

AYES: Walker, Rodegerdts, Gray, Heringer

NOES: Webster

ABSTAIN: None

ABSENT: Lea and Lang

CONDITIONS OF APPROVAL

**Community Development Agency :**

(1) The property owner(s) shall record the Certificate of Compliance prepared for this Lot Line Adjustment at the property owners expense in the Office of the Yolo County Clerk/Recorder within one (1) year from the date of the Yolo County Planning Commission's approval or said Lot Line Adjustment shall be deemed null and void without any further action.

(2) The applicant shall merge Lots 21, 22, and 23 of the T.F. Laugenour Estate Lands into one (1) parcel by filing a grant deed for the subject property prior to the recording of the Certificate of Compliance prepared for this Lot Line Adjustment. The following statement shall be incorporated on the grant deed:

Statement of Merger of Real Properties

*It is the intention of the Grantor to merge any and all separate parcels included in the above legal description into one (1) parcel for all purposes, including the state Subdivision Map Act and the applicable provisions of the County of Yolo's ordinances.*

(3) Within sixty (60) days of the approval of the recommended action, the applicant shall submit, for review and approval to the Community Development Agency, the revised agricultural preserve legal descriptions to be incorporated into the revised Land Use Contracts for the subject properties.

(4) After approval of the legal descriptions by the Community Development Agency, the applicant shall transmit the above information to the Yolo County Counsel's Office and shall execute two (2) new contracts as reflected in this report.

**County Counsel:**

(5) 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 cooperates 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.

#### FINDINGS

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

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

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

*The written and verbal information received on this project and presented during the Public*



*Hearing concludes that the project does not present "significant effect on the environment" as defined by CEQA.*

Lot Line Adjustment

In accordance with Yolo County Code §8-1.452 [Ordinance 939, effective November 18, 1982] 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 consent to a reversion to acreage have consented to the proposed Lot Line Adjustment, and the Public Works Department has approved the proposal as complying with said Act;

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

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

*The legal descriptions submitted with the application appear to accurately describe the proposed parcels to be created by the project.*

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 easements are affected by the adjustment.*

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; and

*The Lot Line Adjustment/elimination will not result in the elimination or reduction in size of an access way to any resulting parcel. Parcel 1 and 2 will have public road frontage on State Highway 113 to the west. Also, Parcel 1 has public road frontage to the north along County Road 17.*

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.

*After review of the application, State and County regulations, the responses to the Request For Comments and Negative Declaration, etc. by the Community Development Agency, it was determined 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.*

Agricultural Preserve Contract Division

In accordance with Section 8-2.408. of Article 4 of Title 8 and provisions of the Blue Ribbon Ordinance No.1157, the Yolo County 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 Lot Line Adjustment and Elimination are consistent with the minimum acreage requirement as established in the Blue Ribbon Ordinance No.1157.*

*Parcel 2, the 20 acre homesite is planted in artichokes and persimmons. Parcel 1 consists of 455 acres contains no residences and historically has been planted in row crop. Parcel 1 will have two agricultural wells on it.*

*The applicant has said that he will place an agricultural conservation easement on Parcel 1 in order to limit future residential development on the parcel and preserve the agricultural use of the property.*

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

Parcel 1 is planted in artichokes and persimmons and will have an agricultural well in addition to the domestic well service the house on the proposed parcel. Parcel 2 has been historically planted in row crops. It will have two agricultural wells serving it and Cache Creek. The applicant has said that he will place an agricultural conservation easement on Parcel 2 limiting future residential development on the parcel. The applicant through use of the Lot Line Adjustment and Elimination is attempting to remove Lots 21, 22, and 23 created by the T.F. Laugenour Estate Lands subdivision map and establish a 20 acre homesite around and the existing single family residence and accessory buildings.

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

*The soil types for the property are Sycamore silt loam, drained (Class I, Storie Index 90), Yolo silt loam (Class I, Storie 100), Reiff very fine sandy loam (Class I, Storie 100), Maria silt loam (Class I, Storie 90), Soboba gravelly sandy loam (Class 4, Storie 25), Loamy alluvial land (Class 4, Storie 59), Tyndall very fine sandy loam, drained (Class 1, Storie 81) as shown on the Soil Survey of Yolo County, California prepared by the United States Department of Agriculture Soil Conservation Service, issued June 1972.*

*Currently the 4 underlying parcels have the potential for a residence being constructed on each of them subject to approval of Use*

*Permits on those parcels less than 20 acres by the County on the 470 acre subject property. The applicant wishes to eliminate the potential of scattered residences across the agricultural property and is proposing to eliminate Lots 21, 22, and 23, and configure Lot 26 to parcel out his existing home, accessory building, and an area planted in artichokes and persimmons. The applicant has also said that he is willing to place an agricultural conservation easement covering Parcel 1 (455 acre ).*

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

*Agricultural land is considered a principal component of open space. The applicant wishes to preserve open space through the elimination of Lots 21, 22, and 23. These lots have the potential of having houses constructed on them, thereby scattering residences across agricultural land. The applicant has said that he will place an agricultural conservation easement on Parcel 2 limiting future residential development on the parcel. The applicant wishes to reconfigure Lot 26 to parcel out his existing home, accessory building, and an area planted in artichokes and persimmons.*

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

*It is the policy of Yolo County to vigorously conserve and preserve the agricultural lands in Yolo County. Yolo County shall protect and conserve agricultural land use especially in areas presently farmed or having prime agricultural soils and outside of existing planned urban communities and outside of city limits.*

*The project will eliminate 3 of the 4 existing legal underlying parcels created by the T.F. Laugenour Estate Lands subdivision map on a 470 acre property.*

*Currently the 4 underlying parcels have the potential for a residence being constructed each of them subject to approval of Use Permits on those parcels less than 20 acres by the County.*

*The applicant wishes to eliminate the potential of scattered residences across agricultural land and is proposing an agricultural conservation easement on a 455 acre portion of the property.*

- (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 Yolo County Community Development Agency staff has reviewed the application for conformance with the Subdivision Map Act. The applicant is adjusting and eliminating lot line for Lot 21 (29.81 ac.), Lot 22 (127.51 ac.), and Lot 23 (126.80 ac.) of the T.F. Laugenour Estate Lands created in 1918, and reconfiguring Lot 26 (24.13 ac.) to create 2 parcels (Parcel 1 - 455 ac., Parcel 2 - 20 ac).*

- (7) That the parcels are at least 80 gross acres where the soils are capable of cultivation and are irrigated, 160 gross acres where the soils are capable of cultivation but are not irrigated and 320 gross acres where the soils are not capable of cultivation (including rangeland and lands which are not income producing).

*Parcel 1 consist of 455 acres and Parcel 2 consists of 20 acres as provided for in the Blue Ribbon Ordinance. Parcel 1 has prime soils and has 2 agricultural wells to service the site and Cache Creek. Parcel 1 is planted in row crops. Parcel 2 also has prime soils and has one agricultural well. Parcel 2 contains a house, mobile home, and accessory buildings and is planted in artichokes and persimmons. The applicant is attempting to*



*reconfigure Lot 26 by a Lot Line Adjustment  
to create a 20 acre homesite parcel.*



- 6 . 1 96-028 - Consideration of a Conditional Use Permit to establish an agricultural chemical fertilizer storage/distribution facility on a 4.5 acre property within the A-1 Zone. Subject property is located on the west side of County Road 93B, north of County Road 99W near Zamora. A Mitigated Negative Declaration has been prepared. APN# 055-110-10. Applicant: Wilbur-Ellis Company/Eddy Allan (M. Hamblin)

Mark Hamblin gave the Staff Report and background of the Wilbur-Ellis Company.

Eddy Allan, District Manager of the Wilbur-Ellis Company, gave the company's criteria for selecting this parcel as the future site for their storage and distribution facility. He added that Charlie Rominger of the Farm Bureau, among others have verbally endorsed the proposed site of the project.

Mark Hamblin added that a FAX was just received from Ray Perkins, the AG Commissioner, stating that he agrees, the site in question is appropriate for this type of operation.

Rich Jenness, the engineer for the project, explained the septic systems, sewage, drainage, water tanks, etc.

Commissioner Walker wanted assurance that whatever would be necessary, as part of the Conditions of

Approval, to make the intersection of County Road 93B and County Road 99W, would be followed.

Eddy Allan answered that the Wilbur-Ellis Company does not really have a choice, even though the problems of the intersection already existed. He also questioned Condition of Approval #4 since the property does not extend beyond the 2500' minimum for requiring the landscape requirement. The Public Hearing was opened at this time.

Dave Long, resident of Zamora, said the speed limit should be reduced along 93B and Road 13 due to the increase in traffic this project would cause.

Commissioner Gray commented that the problems with the intersection were pre-existing.

Alex Long, owner of the Zamora Mini Mart, would like the business that the Wilbur-Ellis would provide but he was also concerned with traffic.

Commissioner Rodegerdts asked what can be done to reduce the speed limit in that area.

John Joyce, Director of Public Works, explained the criteria needed for changing the speed limit, however, posting a sign with a lower limit does not necessarily reduce the speed.

Jane Siefertman, resident of Zamora, had concerns with the number of entrances and with drainage, but was

glad to hear about the intended use of foamless fire suppressant.

Janet Levers, of the Cache Creek Coalition, was also concerned the number of entrances and wanted to know if stop signs would be located at the gate. She also stated there were a couple of families still living at the labor camp.

Frank Sieferman, resident of Zamora, said that serious thought should be given to the increased traffic and drainage. He suggested that a survey be done to take water drainage in a northern direction.

Commissioner Heringer asked Mr. Sieferman if the problem with the drainage is Wilbur-Ellis' problem or the County's problem.

Tom Tolson, of the Zamora Fire District, showed an areal photo of the intersection. He added that the foam system and water tank that Wilbur-Ellis will be providing is adequate.

The Public Hearing was closed at this time.

Commissioner Rodegerdts stated that his concerns were traffic increase and the configuration of the intersection, and drainage. He added that a solution should be found before the fact, not after.

Commissioner Webster was concerned with the parcel being on class 1 soil. She also stated that there

was not enough information in the Staff Report regarding the drainage issue.

Commissioner Heringer said the County needs to step in and provide a solution for pre-existing drainage problems.

Commissioner Walker said he is sympathetic toward the Wilbur-Ellis Company, and it is clear that the issue of traffic will be addressed. He also stated that he does not entertain any conviction or concern, that they won't take care of the drainage issue the best that they can under the circumstances.

Commissioner Gray said the site location is good and the applicant has demonstrated a desire to work with the County and Community to try to address some of the problems.

**Commission Action:**

- (1) **CERTIFIED** the Mitigated 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 subject to the "Conditions of Approval" presented in the staff report as modified.

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

CONDITIONS OF APPROVAL

**Yolo County Community Development Agency,  
Planning Division**

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the Planning Commission's approved site plan (**Exhibit "B"** - Site Plan) and operated in a manner consistent with the project's Condition's of Approval.
2. The Wilbur-Ellis Company shall provide a minimum of 10 on-site parking spaces for their facility. Said parking spaces shall have a minimum size of 8' width X 18' length with 7' of vertical clearance.
3. Prior to the issuance of a building permit by the Yolo County Community Development Agency for the liquid chemical/fertilizer containment area (tank farm) Wilbur-Ellis

shall submit the appropriate structural plans for the tank farm to the California Regional Water Quality Control Board and the Yolo/Solano Air Quality Management District for approval. A copy of the approved structural plans shall be submitted to the Yolo County Community Development Agency, Building Division.

4. The Wilbur-Ellis Company shall submit a comprehensive landscape plan drafted by a landscape architect registered in the State of California, if required by State or Local Ordinance, 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.
5. The Conditional Use Permit (Z.F. #96-028) shall commence within one (1) year from the date of the recordation of the Final Map or the Conditional Use Permit shall be deemed null and void without any further action.

Yolo County Community Development Agency,  
Building Division

6. The Wilbur-Ellis Company shall obtain building permit(s) from the Yolo County Community Development Agency, Building Division for the construction of the chemical/fertilizer distribution facility.
7. The Yolo County Community Development Agency, Building Division requires a technical report to identify and develop methods of protection from the hazards presented by the hazardous material as permitted under Section 307.1.6 Requirement for report. 1994 Uniform Building Code. The report shall be prepared by a qualified person, firm or corporation approved by the building official and shall be provided without charge to the enforcing agency.

Yolo County Department of Public Works and  
Transportation

\* NOTE: Staff shall report back to the Commission within 60-days of the approval of this Use Permit to review progress in satisfying the requirements of the following Conditions of Approval 8 - 11. The Commission retains the right to modify the Conditions at that time as necessary to adequately resolve any remaining project-related drainage and transportation issues.

8. The Wilbur-Ellis Company shall prepare a drainage plan for the 4.5 acre subject property. The drainage plan shall be submitted prior to the issuance of a building permit on the site. The drainage plan shall be prepared by a registered Civil

Engineer in the State of California and submitted to the Yolo County Department of Public Works and Transportation for approval. All off-site and on-site drainage from the subject property shall be conveyed to the east side of County Road 93B into the existing drainage ditch. The outlet of the storm drain system shall have energy dissipators and flows are to be directed in the direction of the ditch flow. The off-site and on-site drainage design shall include a hydrology and hydraulic study report prepared by a registered Civil Engineer and submitted to the Yolo County Department of Public Works and Transportation for approval.

9. A site plan shall be submitted to the Yolo County Department of Public Works and Transportation for approval showing on-site parking and circulation prior to the issuance of a certificate of occupancy for the facility. The site plan shall show parking spaces in the visitor/customer parking area (southern parking area), and arrows showing the flow of traffic onto County Road 93B. Traffic shall be restricted from using the proposed northern exit gate from the site.

10. The Wilbur-Ellis Company shall work with the Yolo County Department of Public and



Transportation to improve the visibility and design along the county public right-of-way of County Road 99W and its intersection with County Road 93B. Improvements shall be subject to the approval of the Yolo County Department of Public and Transportation and occur prior to an issuance of a certificate of occupancy for the facility.

11. The Wilbur-Ellis Company shall provide design plans for the intersection of County Road 93B and County Road 99W to the Yolo County Department of Public Works and Transportation for approval prior to the issuance of a certificate of occupancy for the facility. The intersection shall be design to accommodate "trucks". The intersection of County Road 93B and County Road 99W shall be align so that the streets are in a near perpendicular manner. The applicant shall provide to the Yolo County Department of Public Works and Transportation current traffic counts and a future traffic projection of the intersection after the project has been completed and in operation in order to develop the basis of the intersection's design.

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12. The Wilbur-Ellis Company shall obtain an encroachment permit from the Yolo County

Department of Public Works and Transportation for any work conducted in the County public-right-of-way along County Road 93B and 99W (i.e. driveway apron, installation of coverts, curb and gutter, etc.). All drive way connections to County Road 93B shall have a minimum road section of 3" asphalt concrete type "B" over 8" Class 2 aggregate base minimum within the county public right-of-way area. Any work conducted in the County public right-of-way is subject to the approval of Yolo County Department of Public Works and Transportation.

#### **Yolo County Office of Emergency Services**

14. The Wilbur-Ellis Company shall file a Risk Management and Prevention Program (RMPP) with the Yolo County Office of Emergency Services for the proposed facility prior to the start of operations for the new facility. The RMPP shall be in accordance to Section 25534.2. of the State Health & Safety Code and subject to the approval of the Yolo County Office of Emergency Services .

#### **County Counsel**

15. In accordance with Yolo County Code Section 8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to 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 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.

**Zamora Fire Protection District**

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1996**

16. A 12,000 gallon water storage tank shall be installed and maintained on-site for use by the Zamora Fire Protection District. The 12,000 gallon tank shall be subject to the design approval of the Zamora Fire Protection District and installed prior to the issuance of a certificate of occupancy for the facility.

#### MITIGATIONS

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.

#### Affect To Ground Water Quality

17. The entire chemical storage area shall be so constructed as to allow no seepage into the ground (concrete flooring, etc.).

18. No off-site discharge of wash down or wastewater shall be allowed.
19. The water well shall be constructed under permit from the Yolo County Environmental Health Services, and located an adequate distance from the chemical storage and loading/unloading area.
20. Sewer system shall also be constructed under a permit from the Yolo County Environmental Health Services. Only human waste is to be discharged into the septic system. No wash down from the chemical loading/unloading area is allowed to enter the septic system.

Air Quality

21. Tarpaulins or other effective covers should be used for haul trucks during the construction period.
22. Construction areas and the County right-of-way are to be wet swept during construction of the facility.
23. Grading shall not occur when winds speeds exceed 20 miles per hour over a one hour period.

24. If air quality standards for the Sacramento Basin are exceeded in May through October during the construction period, the construction schedule is to be arranged to minimized the number of vehicles and equipment operating at the same time.
25. Construction equipment, and equipment used by the distribution facility shall be properly maintained in accordance to air quality/pollution management standards.
26. Operational practices for construction and equipment used by the distribution facility are to minimize vehicle idling.
27. Materials subject to being windblown at any time during construction of the facility or that exceed the "normal operation" or "standard of care" (i.e. fertilizer or chemical drift) for a facility of this type are to be covered, anchored, watered, protected, etc. so as to prevent the spreading of the material.

A Risk Of Accidental Explosion Or Release Of Hazardous Substances

28. Prior to issuance of a building permit by the Yolo County Community Development Agency, Building Division, any water

detention area or underground tank storage to be constructed to service the facility, shall be designed by a civil engineer registered in the State of California and shall have permit approval of the California Regional Water Quality Control Board.

#### Light Or Glare

29. Any sources of light and glare from the subject property shall be designed and/or constructed (i.e shielded, directed, etc.) to not intrude onto neighboring properties, the County public right-of-way, or into the airspace.

#### Archeological, Historical, or Paleontological Resources

30. If archeological, historical, or paleontological materials are uncovered during grading, trenching, other construction operations, or 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 paleontological materials.

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

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

#### 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, and mitigation measures outlined in the Mitigated Negative Declaration (MND), all foreseeable "significant effects on the environment" should be reduced to a less than significant level as required by the California Environmental Quality Act and Guidelines (CEQA) thereby allowing the MND to be certified.*

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 zoning regulations or elsewhere in this chapter;

*"Agricultural chemical, sales, and storage" is a conditional use within the A-1 Zone subject to the approval of the Planning Commission (Section 8-2.604. a. Chapter 2, Title 8).*

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

*It is desirable for a farm related facility of this type to be located in an area accessible to agriculture, near railroad (Southern Pacific Railroad) and highway access (U.S. Interstate 5), outside of a flood plain and not locate on soils that are of a very high quality for agriculture production.*

*The closing and clean-up of the Woodland facility is desirable. The existing facility was in existence prior to implementation of many Federal and State laws, engineering designs, and technology pertaining*

*to storage, containment, and transportation chemical products which are to be included at new facility (i.e. use of double hull fiberglass storage tanks as oppose to metal storage tanks).*

(C) The requested use will not impair the integrity or character of the neighborhood and be detrimental to the public health, safety, or general welfare;

*The 4.5 acre subject property is surrounded by large agricultural acreage that is in production: to the north and east - row crop, and to the south - light industrial operations. Scattered single family farm residences exist throughout the area. The Town of Zamora is approximately 1/4 mile. U.S. Interstate 5 is 400 feet from the site and the Southern Pacific Railroad tracks border it.*

*The construction of the facility will involve the building of 2 areas where chemical fertilizer storage will occur: liquid product at the tank farm and dry product in the warehouses. The storage and handling of chemicals and fertilizers at the site have been conditioned in response to comments by the Yolo County Environmental Health Services to address potential ground water contamination.*

*The design of the containment area for the liquid product is subject to the approval by the California Regional Water Quality Control Board and the Yolo/Solano Air Quality Management District. The design criteria have been set forth by the Regional Water Quality Control Board for maintaining the integrity to ground water and the Yolo/Solano Air Quality Management District for air quality control concerns.*

*Wilbur-Ellis is proposing a tank farm consisting of 12 upright tanks (10,000 to 20,000 gallon capacity liquid fertilizer) enclosed in a concrete containment area. The walls of the containment area are of such height as to hold the leakage of the largest tank in the site. The specification of the concrete slab, walls and tanks are engineered for earthquake, stress or any other natural assurance.*

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

*The subject property is located within the AG (agricultural) designation of the Yolo County General Plan.*

*Yolo County General Plan Land Use Policy 16 states: "Land uses permitted in the agricultural area shall be limited to those directly related to the production of agricultural crops on the land" . . .*

*The Wilbur-Ellis Company is a wholesale distributor of farm and garden products, including chemicals, fertilizers, and lawn seeds.*

In accordance with Land Use Policy 18. Agricultural Area Uses of the Yolo County General Plan the Planning Commission finds the following:

Yolo County shall consider the placement of certain agricultural related land uses in agricultural areas, by means of Conditional Use Permits, which uses may be incompatible with urban sites by reasons of hazard or nuisance to concentrations of people. Findings for approval shall include, but are not limited to:

- The use is directly related to agricultural land use (cultivation of agricultural plants or the raising of animals.

*The Wilbur-Ellis Company is a wholesale distributor of farm and garden products, including chemicals, fertilizers, and lawn seeds.*

- The use will not diminish or prevent agricultural use on site or on adjoining agricultural lands.

*An agricultural labor camp consisting of 2 single family dwellings and 3 bunk houses or dormitory buildings exists on 2.5 acres of the 4.5 acre site. The camp is no longer used to provide farm worker housing. The single family dwellings are occupied. The bunk houses have been boarded up to prevent entry. A recreational vehicle (travel trailer) also exists on the site. A walnut orchard exists on the remaining 2 acres of the site. The labor camp is to be demolished (approximately 10,000 sq. ft. of existing building area) and the walnut orchard removed to allow for the construction of the facility.*

- The use has some hazard or nuisance aspect which precludes it from being placed in an urban area.

*The Wilbur-Ellis Company is a distributor of farm and garden products, including chemicals, fertilizers, and lawn seeds. The construction of the facility will consist of the building of 2 areas where chemical fertilizer storage will occur: liquid product at the tank farm and dry product in the warehouses. The proposed distribution facility will have two 48' X 80' (3,840 sq. ft.) warehouses; and a 72' X 75' (5,400 sq. ft.) concrete liquid containment area involving 12 tanks 20-30 feet in height and a capacity*

*of 10,000-20,000 gallons per tank; and a 20,000 gallon storage tank for anhydrous ammonia. The facility will blend fertilizer products in the production of aqua ammonia and liquid mixes.*

- The use can be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products."

*Currently the 4.5 acre site consists of an agricultural labor camp on 2.5 acres on the 4.5 acre site. The camp is no longer in use. A walnut orchard exists on the remaining 2 acres of the site. The labor camp is to be demolished (approximately 10,000 sq. ft. of existing building area) and the walnut orchard removed to allow for the construction of the facility.*

*The 4.5 acre subject property is surrounded by large agricultural acreages that are in production: To the north and east - row crop, and to the south of the site - light industrial operations. Scattered single family farm residences exist throughout the area. The Town of Zamora is approximately 1/4 mile away from the site. U.S. Interstate 5 is 400 feet from the site and the Southern Pacific Railroad tracks borders the subject property.*

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

*Comments received on the project from responsible agencies during the public review process identify potential concerns and mitigation for issues regarding adequate utilities, access roads, drainage, and/or other necessary facilities. The implementation of the requirements established for the project by the agencies should adequately address this concern.*

A ten minute recess was taken at 10:20 a.m. and reconvened with the following item.



- 6 . 2 96-020 - Consideration of the following actions: Certification of the Off-Channel Mining Plan Final EIR (SCH #95113034); an Amendment to the General Plan to include the Off-Channel Mining Plan; an Amendment to the County Code to add Chapter 4, Title 10, entitled the Off-Channel Surface Mining Ordinance; an Amendment to the County Code to modify Chapter 5, Title 10, entitled the Surface Mining Reclamation Ordinance; an Amendment to the County Code to modify Chapter 2, Title 8, entitled the Zoning Code; and an Amendment to the County Code to add Chapter X, entitled the Development Agreement Ordinance. The plan area extends 14.5 miles, approximately from the Capay Dam to the Town of Yolo, covering 23,174 acres. The plan area generally consists of A-1 (Agricultural General); A-P (Agricultural Preserve); A-1/SG (sand and Gravel); and A-P/SG Zones. An EIR has been prepared. Applicant: Yolo County (H Tschudin/D Morrison)

Heidi Tschudin gave the Staff Report. She stated the reason for the Off-Channel Mining Plan is that it represents a scientifically based management solution that strikes a careful balance between many interests that are perceived as competing. She also submitted for the record, a corrected Table of Contents and proposed changes to the Mining and Reclamation Ordinances that are to be included in the Second Draft of the Off-Channel Mining Plan.

Commissioner Rodegerdts again reminded the Commission and the Public that he would be abstaining from any gravel issues.

The Public Hearing was opened at this time, with representatives of the applicants invited to speak.

John Taylor, on behalf of the Yolo County Aggregate Producers, said "Today is not about whether to mine or not to mine in Yolo County, but about the terms and conditions under which mining will occur in Yolo County".

Joe Scalminini, of Ludorf and Scalminini, addressed groundwater quality and the effects of mining.

Lee Shull, Director of Toxicology of the Foster Wheeler Environmental Corporation, gave the following conclusions: 1) There is no definitive evidence that mercury will pose a future hazard in the proposed wet pits. 2) All existing evidence suggests that there will be no increased incremental risk to human health resulting from mercury in the proposed wet pits. 3) Substantial scientific information is available for assessing environmental hazards associated with mercury. 4) Data gaps in the project areas can be addressed, should the need arise. 5) Any post-construction hazards associated with mercury can be addressed and mitigated.

Malcolm Carpenter, a Planning Consultant speaking on behalf of Syar Industries, said "The Off-Channel Mining Plan should be a break from the past". He spoke about allocations and the setbacks of mining activities near community boundaries being reduced when a landscaped buffer or other site specific characteristics reduce the potential esthetic impacts.

Other members of the public were invited to speak at this time.

Robert Spiers, of the Capay Valley, spoke about "perspectives" and asked how deep pit mining will effect future generations.

Kevin Wolf, of Davis, said that the word "lake" should not be used when describing the open water pits. He asked how close to the asphalt plants were to the monitoring wells when the studies took place. He also spoke about water flows, an insurance fund, monitoring, algae and silt buildup, net gain to the County, and mercury levels.

Jan Lowry, owner of Segerra Farms, farms a reclaimed pit of Solano Concrete and said there is no difference in farmability and productivity of the land.

Janet Levers, of the Cache Creek Basin Resource Coalition, spoke about the failure of the Yolo-Solano Air Pollution Control District officials not commenting of this document. She also had concerns with the new drinking water wells being another burden to the tax payers, the Confidentiality of Records, the Development Agreement Ordinance not being available for review when the Draft EIR was released, the adequacy of the General Plan Amendment process, and net gain to the County.

Heidi Tschudin stated that the Development Agreement Ordinance was contemplated in the original envisioning of what the OCMP required and it is



listed as a required action on page 27 of the Draft EIR.

Jim Curtis, further elaborated that the Development Agreement Ordinance provides an enabling process by which subsequent applications can be submitted to the jurisdiction.

Tina Thomas, of the Law Offices of Raney, Thomas, and Moose, said the Development Agreement Ordinance has no environmental impacts because there are no specifics. It is used as an assessment by the applicants and the County.

The Commission recessed for lunch at 1:15 and reconvened at 1:45.

Linda Falasco, the President of the Central Valley Rock, Sand and Gravel Association, said the Off-Channel Mining Plan and the Cache Creek Resource Management Plan are the most aggressive regulatory approach to mining that she has had the occasion to review.

Lois Linford, representing the League of Women Voters of Woodland, said this process is moving much too quickly. She said there are threats to groundwater, agricultural land, increased danger to public safety of citizens traveling roads that gravel trucks will be using, air quality impacts, biological resources, and more. Shallow mining would avoid almost all these impacts.

Sally Oliver, a farmer next to Cache Creek, asked clarifying questions regarding the Development Agreement and spoke of the effects of mining on future generations.

Grace Olsen, of W. Sacramento, said she assumed that the Initiative Measure regulating Commercial Mining would initiate a new look at the schedule that the granting of Mining Permits is taking.

Mitzi Spiers, of Brooks, stated her concern for the amount of gravel being sold outside of the County not being assessed by the County, recharge pits, the Development Agreement, maintenance of the Creek, and uses of the wet pits after reclamation.

John Reuter, of the research faculty at U.C Davis, offered his help on scientific issues of aquatic ecology.

Daryl Slotten, disagreed with a point brought up by Dr. Shull regarding no methylation occurring because the levels of mercury in the sediment are too low .

The Public Hearing was closed at this time.

Heidi Tschudin addressed issues brought up during the Public Hearing.

Kevin O'Day, of BaseLine Environmental Consulting, addressed whether or not water quality monitoring results would be affected by temperature.

Commissioner Webster asked for clarification of each of the recommended actions on which the Commission would be voting.

**Commission Action:**

Commissioner Heringer made the following motion:

**TO CERTIFY** the Off Channel Mining Plan Final EIR (SCH #95113034) based on Findings of Fact to be prepared documenting compliance with CEQA, independent review and consideration of the information in the EIR prior to taking action on the project, and adoption of the Mitigation Monitoring Plan implementing all mitigation measures with the exception of Measure 4.3-3a, Performance Standard 4.5-1 modifications.

Commissioner Walker stated that he was concerned with the management responsibility of the County. Gravel mining will continue, however Alternative #4 (Shallow Mining) is the best choice.

Commissioner Gray said the whole process is remarkable. He added that this is an opportunity for all of us to come together to try to address problems that we all know are present. The gravel industry is part of Yolo County.

MOTION: Heringer           SECOND: Gray  
AYES:     Gray and Heringer  
NOES:     Webster and Walker  
ABSTAIN:     Rodegerdts

ABSENT: Lea and Lang

The Motion did not pass and a five minute recess was requested by Jim Curtis.

Jim Curtis said "I need to help you with the process at this point in time. My understanding is that the custom and practice in Yolo County for years was to have the Commission make the determination of the adequacy of the Final EIR. In the not too distant past, apparently that process was amended in some fashion, but no substitute process was implemented in its place. You have some ambiguity as to who is the certifying body of your environmental documents. My understanding is that your practice, since this time, has been to go ahead and have a two step process for certification. I think Heidi alluded to that, that this would be a recommendation of certification to the Board. My point is that, for you to be able to act on the project, which is the General Plan Amendment, the Zoning Ordinance changes, including the Adoption of the Off-Channel Mining Ordinance, the Adoption of the Development Agreement Ordinance, the Amendments to the Zoning District Ordinances, you have to have a certified Final EIR in front of you. It's a prerequisite of CEQA. And Tina, the other special counsel here is nodding her head in agreement. We talked about it at the break. Your vote, at this point in time, being two-two of the adequacy of the Environmental Document really puts us into sort of a procedural dilemma as to whether or not you can even proceed, unless there is a motion for reconsideration as to the adequacy of the

Environmental Document itself. That does not go to the merits of the program documents, it merely goes to the question, is there enough information diligently compiled, and not having any legal obligation to resolve the conflicting testimony, if you will, of experts, it's merely there to alert you to what are environmental issues and potential consequences. It doesn't have to resolve every question."

Commissioner Gray commented "And Jim, in that regard, the Environmental Document itself, has that we're looking at the adequacy of it, has the full range of alternatives within it, from the no project alternative to the least impactive alternative, those alternatives 1a-6, and Heidi, variations of those as well."

Jim Curtis continued to say, "The courts would define that as a reasonable range of alternatives, and I don't want to be really transgressing on the territory that Tina was retained to give you advice about, but I am calling your attention to procedurally, we have this difficulty right now, that unless the Environmental Document is accepted as being adequate, I think we really have a point where you would have to stop your deliberations and no further action would be taken unless and until the Environmental Document then is addressed by the Board of Supervisors. Having said that, if there is any sense of reflection upon the Environmental Document separately and it's not my point to be twisting any arms here, please believe me, you could then go on

and deliberate changes or recommendations for acceptance or disapproval or modifications in the program documents.” For example, I heard Harry mention that he’s not sure deep pit mining is appropriate. An option can certainly be shallow pit mining. If in fact, a majority of the Commission wants to recommend that on to the Board of Supervisors. So, I hope procedurally, that’s the structure of where you might be at this moment.”

Commissioner Webster said “Jim, but what if we understood when we took the vote that procedurally we couldn’t do anything else if we voted no on the EIR? What if we understood that at the outset?”

Jim Curtis answered “That clearly is your option and again I’m not trying to sway you, I just want to make sure that you fully understand what the vote means at this point.

Commissioner Walker said “I have no problem with asking for reconsideration of it. I have no intent of stopping the process. I think we must go ahead, as long as asking for reconsideration, my asking for reconsideration, still permits me to express my active preference for (indecipherable)”

Jim Curtis “The issue of the adequacy of the EIR is separate and apart, is merely a procedural prerequisite to being able then to discuss the policy questions that are so dynamically in front of you with regards to what to do with mining.”

**Commission Action:**

Commissioner Walker asked for reconsideration of the adequacy of the EIR.

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

The Motion passed and then the Motion was made to certify the EIR

**Commission Action:**

**CERTIFIED** the Off Channel Mining Plan Final EIR (SCH #95113034) based on Findings of Fact to be prepared documenting compliance with CEQA, independent review and consideration of the information in the EIR prior to taking action on the project, and adoption of the Mitigation Monitoring Plan implementing all mitigation measures with the exception of Measure 4.3-3a, Performance Standard 4.5-1 modifications.

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

**Commission Action:**

Commissioner Walker made the following motion to disapprove the OCMP and the Ordinance Amendments:

**TO DENY** the amendment to the General Plan to include the Off-Channel Mining Plan which provides the policy framework to address off-channel mining.

**TO DENY** the amendment to the County Code to add Chapter 4 entitled Off Channel Surface Mining Ordinance which provides the regulatory framework for off-channel mining.

**TO DENY** the Amendment to the County Code to modify Chapter 5 entitled Surface Mining Reclamation Ordinance which provide the regulatory framework for the reclamation of mined lands.

**TO DENY** the Amendment to the County Code to modify Chapter 2, Title 8 entitled Zoning Code to allow surface mining in the Agriculture Preserve (A-P Zone within the final OCMP boundary consistent with State Law, to allow for private reservoirs associated with mining in A-1 and A-P zones and to establish a new combining zone for areas not planned for mining until after 2046, called the Sand and Gravel Reserve (SGR) Overlay Zone.

**TO DENY** the Amendment to the County Code to add Chapter X entitled Development Agreement Ordinance to allow for the execution of contractual agreements to ensure funding, mitigations, and other actions

MOTION: Walker SECOND: Webster

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 10, 1996**



AYES: Walker and Webster  
NOES: Gray and Heringer  
ABSTAIN: Rodegerdts  
ABSENT: Lea and Lang

The motion did not pass.

Jim Curtis said "In the event that there is a tie vote in any motion pending before the Planning Commission, the Chairman shall call for any further motions of any member on the subject. In the event that no further motions are made or that such further motions also result in a tie vote, the Chairman shall call for a motion to declare the Commission deadlocked. If the declaration of deadlocked is passed by a majority of the quorum or if the vote on that motion is also tied, the Chairman shall also declare a deadlock. If the declaration of deadlock shall be considered a denial of the matter and should be appealable to the Board of Supervisors to the same extent and the same manner if the Board or the Commission had requested it."

Jim Curtis continued to say "Your local appeal process provides for a 15 day appeal period if there in fact is this deadlock provision. The alternative is to have the matter go in front of the Board with a negative recommendation and that can be carried by three votes and that would not require an appeal, as I read it."

Heidi Tschudin stated "I don't think this item needs to be appealed. It goes forward to the Board anyway."

Jim Curtis said "That's not how I read it and that's part of my concern here."

Commissioner Gray said "I think if we step back from this for a moment, what we've really realized is that we have a found ourselves without a majority in favor of the Plan and without a majority in favor of opposing the Plan. We truly are at a deadlocked position with regard to this Plan right now. And that, the recommendation of the Plan was going to the Board of Supervisors anyway, so the technicality of the appeal or the appeal process, I appreciate your valuable counsel Jim, but its going there anyway for a hearing and I think that the public would be served if we just acknowledge that we're deadlocked and would encourage my colleagues to support the motion that we are deadlocked."

**Commission Action:**

The motion was made that the Commission was deadlocked.

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

Director Jenkins stated for the record "On page 15 of the Staff Report, in the next to the last paragraph, there is a sentence,"the draft ordinance has been reviewed by the Community Development Director, County Counsel, and Planning staff, and is recommended for approval". I just want to indicate for the record, when this goes forward to the Board, that I do not support the enabling ordinance, even though it is required that we enact one by State Law when requested by the applicants. I don't feel that the Development Agreement in this case serves the County, so I would like to have any reference to my recommendation stricken."

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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.

There were no reports by the Director.

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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.

There were no reports by the Commissioners.



9. ADJOURNMENT

The meeting was adjourned at 4:30 p.m. The next regular meeting of the Yolo County Planning Commission is scheduled for July 16, 1996 at 6:30 p.m. at the Alice Marsh Social Hall in Esparto, CA. 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