

MINUTES

YOLO COUNTY PLANNING COMMISSION

July 24, 1996

1. CALL TO ORDER

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

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

MEMBERS ABSENT: Lea

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



MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996

2. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

Commission Action:

The Minutes of the July 10, 1996 Planning Commission Meeting were approved with a correction to page 22 replacing the word "eluded" with "alluded".

Commissioner Webster also brought attention to page 18, "D", under the Findings, "The use will not diminish or prevent agricultural use on site or on adjoining agricultural lands and on page 19, "The use can be developed in the area without significant reduction of cultivation, growth, and harvesting of the indigenous agricultural products." She stated she did not agree with either of those Findings and if she had been aware of them, she was not sure she would have supported the measure.

MOTION: Walker SECOND: Heringer

AYES: Gray, Heringer, Rodegerdts, Webster and
Walker

NOES: None

ABSENT: Lea

ABSTAIN: Lang

◆ ◆ ◆

3. PUBLIC REQUESTS

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996

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.



4. CORRESPONDENCE

Chairman Gray also acknowledged receipt of a letter of resignation submitted by Commissioner Nancy Lea. He stated "I must say that I am shocked and disappointed that Nancy has had to take this action.

It goes without saying, that she has served Yolo County very, very well. She has been a pleasure as a colleague and someone to serve with and I'm disappointed that she finds it necessary to resign, but I think we have to appreciate her recognition, that it causes undue risk for the County and the resources of the County if she continues to serve."



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.

- 5.1 96-041 - Modification of an existing Use Permit ZF #1937, for the replacement of an existing asphalt batch plant with updated equipment. The new equipment will consist of two prefabricated 250 ton asphalt concrete storage silos, an enclosed conveyor system and truck scales. Property is located at 35030 County Road 20 in Woodland in an Agricultural General and Sand and Gravel Zone. This project is Categorically Exempt. Applicant: Teichert Aggregates (J. Bencomo)

Commission Action:

- (1) **CERTIFIED** that the proposed Categorical Exemption attached as Exhibit "D" was prepared for the project is 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 Modification to the Conditional Use Permit subject to the "Conditions Of Approval" presented in the staff report.

MOTION: Walker SECOND: Heringer
AYES: Walker, Heringer, Webster, Lang, Rodegerdts,
and Gray

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

NOES: None
ABSTAIN: None
ABSENT: Lea

CONDITIONS OF APPROVAL

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 "C-1 & C-2" - Site Plan/Elevation) and operated in a manner consistent with the project's Condition's of Approval.
2. That within 60 days of the effective date of approval for this minor modification (replacement/upgrade of equipment), the applicant shall submit verification to the satisfaction of this Agency that an appropriate site Reclamation Plan has been established in accordance with the applicable SMARA regulations.
3. 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 or as viewed from the County public right-of-way.
4. That the applicant shall maintain full compliance with all required permits from the Yolo-Solano Air Quality Management District (i.e., Authority to Construct & Operate).

Building Division:

5. The applicant shall obtain all required permit(s) from the Yolo County Community Development Agency, Building Division for the installation and/or construction of the proposed equipment/facilities.

County Counsel:

6. 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.

Failure to comply with the "CONDITIONS OF APPROVAL" including 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 Categorical Exemption for this project as the appropriate level of environmental review under CEQA, the Planning Commission finds:

On the basis of the comments received in the preliminary review, the project design and Conditions of Approval, all foreseeable "effects on the environment" are anticipated to result in no impacts of significance as required by the California Environmental Quality Act and Guidelines.

Minor Modifications to Existing Use Permits - Section 8-2.3206(b)

That the Planning Commission and Zoning Administrator find:

That the proposed minor modifications substantially conform with the plans or standards approved by the Commission or Zoning Administrator and that the appearance and function of the total development and

the surrounding development will not be significantly adversely affected as a result of such modification.



6 . REGULAR AGENDA

6 . 1 96-034 - Consideration of a Modification of a Conditional Use Permit to allow the establishment of Mud Settling Ponds and Clarifier on approximately 12 acres of an 86 acre parcel of land located within the Agricultural General (A-1) Zone. The subject property is located at 40600 County Road 18C, southeast of the existing sugar processing site and east of County Road 100B. A Negative Declaration has been prepared for this item. Applicant: Spreckels Sugar (D. Flores).

David Flores gave the Staff Report.

A discussion concerning Condition #3 and the involvement of the California Fish and Game Department took place.

The Public Hearing was opened at this time.

Mark Thomas, representing Spreckels Sugar, explained the reason for installing a wastewater clarifier and showed slides of the plant in Hamilton City.

Commissioner Webster asked how flies would be controlled.

Mr. Thomas answered said there are no problems with flies at any of the other facilities that warrants having to control them.

Commissioner Lang asked what would be done with the mud from the ponds and it was answered it would be used at the composting operation.

Commissioner Walker stated his concern for flies and odors.

Jim Curtis, representing the County Counsel's Office, said the Yolo County Environmental Health Department would need to be determine when a problem exists and correction of the problems should be to their satisfaction.

Commissioner Heringer asked for clarification regarding the mud settling ponds being considered as wildlife habitat by the Department of Fish and Game.

Commissioner Lang spoke about the Mosquito Abatement District not responding to the "Request for Comments" circulated by Staff for this project.

Commissioner Rodegerdts also had concerns regarding Condition #3. He stated that if Spreckels would want to make a slight change to the mud settling ponds, the Department of Fish and Game could stop them.

The Public Hearing was opened at this time.

Margaret Trainham, a nearby property owner, said her property has been devaluated due to odors originating from the compost facility.

Robert Sterns, a nearby property owner, said his concern is that he will have odors coming from North as well as the East.

Melvina Ogilvie, a nearby property owner, said she has never had any problems with Spreckels Sugar, but since Imperial Holly Corporation bought the company, all she seems to do is attend meetings in an effort to receive help with the problem of odor.

Karen Sterns, a real estate broker representing the property owners, was concerned with the devaluation of her property due to the odors.

The Public Hearing was closed at this time.

Director Jenkins addressed the Fish and Game issue.

Commissioner Rodegerdts stated that Spreckels Sugar is important to the County. We should encourage it to remain.

The general consensus of the Commission was the concern with odors and flies.

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** the Modification to the Conditional Use Permit for the Mud Settling Ponds and Waste Water Clarifier System, subject to the conditions listed under "CONDITIONS OF APPROVAL." as amended.

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

CONDITIONS OF APPROVAL

Community Development Agency:

1. Use Permit shall be subject to review by the Yolo County Community Development staff and the Yolo County Environmental Health Department in one year from the issuance of the Use Permit commencement date for the operation of the ponds (or such other times as the Community Development Director determines that potential odors, vector or nuisance conditions may warrant) and their findings shall be reported to the Yolo County Planning Commission for any modifications to the project or Conditions of Approval necessary to protect the public health or welfare, or to prevent nuisance conditions.

2. The applicant will install oleander bushes or trees along the southern boundary of the property which faces County Road 18C, and shall be evenly spaced to provide a visual screen. A landscaping plan shall be submitted to the Community Development Agency for review and approval.

~~3. No de-watering of the existing wastewater ponds shall occur with the installation of the mud settling ponds. The existing ponds have been recognized as a vital Wildlife Habitat to the area. Any change to the current maintenance of the wastewater pond operation must be approved and verified in writing from the California Department of Fish and Game.~~

3. Prior to the operation of the ponds, the applicant shall provide evidence that the design has been reviewed by the Sacramento-Yolo Mosquito Abatement District.

Yolo County Public Works Department:

4. The settling pond site shall be designed and constructed to contain drainage waters originating on-site from encroachment onto County right of ways.

Yolo County Environmental Health Department:

5. The pond facility shall not be permitted to create any public nuisance such as odor and flies. If such problems should occur from the stated nuisances, correction of the problems shall be to the satisfaction of the Yolo County Environmental Health Department. The Yolo County Community Development Agency shall be notified of such action.

6. The Applicant, their Successor's or Assignees, shall obtain a Waste Discharge Permit from the Regional Water Quality Control Board(RWQCB) who is responsible for issuing the Waste Discharge Permit for new ponds and for monitoring the ponds to ensure water quality.
7. Prior to commencement of operation, all necessary permits shall be secured from the Environmental Health Department.
8. Without prior approval of the Yolo County Environmental Health Department, no material (hazardous or toxic material) other than mud and waste water shall be permitted in the ponds.

County Counsel:

9. 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 Yolo County 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.)

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.

Use Permit :

In accordance with Section 8-2.2804, Article 28 of Title 8, the Planning Commission finds that:

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

The subject property is located in the A-1 Zone. The request is for a mud settling pond system which requires a Conditional Use Permit under the Agricultural General (A-1) Zoning regulations. The proposed use will be restricted to approximately 12 acres of the 86 acre parcel. The remaining area (74 acres) will continue in its current use and therefore the operation will not impact the existing agricultural uses of the adjacent properties.

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

The proposed mud pond system has been conditioned to avoid creating a public nuisance problem such as to odor problems etc. Since the subject property is located in an unincorporated area and is surrounded by agricultural/pasture uses that are similar to the proposed use, the potential for the proposed pond facility to become a public nuisance is significantly reduced.

- 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 proposed mud pond system on the subject property will be consistent with the agricultural zone in which the property is located because it will significantly reduce the need for underground water for the adjacent sugar processing facility.

With the Conditions of Approval in place, the proposed mud pond system on the 12 acres should not impair the integrity or character of the rural agricultural area. The Yolo County Environmental Health Department has recommended approval of this proposal.

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

The proposed use will be consistent with the General Plan policies regarding agriculture related land uses because it allows the reuse of water for an agricultural operation. Also, it will not preclude the agricultural use of the subject site and adjacent properties.

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

Utilities are provided by Pacific Gas and Electric Co.; Access to the property is from County Road 18C; Adequate drainage will be addressed through proper grading of the property in accordance with Yolo County Public Works standards; Adequate health/safety/sanitation standards will be insured by the Fire, Building, and the Environmental Health Department.



Items 6.2-6.7 were considered at one time.

Commissioner Rodegerdts abstained from Items 6.2-6.7 due to possible conflict of interest.

Director Jenkins gave the Staff Reports. He informed the Commission of a Resolution adopted by the Board of Supervisors on July 16, 1996 which provides policy direction and a mechanism for continued coordination of wireless telecommunication issues between the County, the Cities, and the Yolo Wireless Group. The Resolution also authorizes staff to initiate the process of considering amendments to the County Zoning Regulation which clarify procedural requirements and expedite the decision-making process for wireless telecommunications facilities. The Ordinance will be presented to the Planning Commission in the near future.

The Public Hearing was opened at this time.

Gene Smith, of Pacific Bell Mobile Services, said the industry has done everything in their power to comply with the concerns of Staff and the Board. He also said the Condition of Approval from the Department of Fish and Game requiring the illumination of the cell tower poles goes against the rational of the site remaining unobtrusive.

Commissioner Gray also agreed the Condition could possibly be detrimental to wildlife.

Mr. Smith corrected the size of the monopole for Item 6.5 to be 75' instead of 86'.

Doug Murphy, of AT & T Wireless Services, explained the need for the new cell sites. The existing site in Woodland does not accommodate the number of users of cell phones now in operation. He also corrected the size of the leasehold to be 50' x 35' and the size of the shelter is 12' x 28' for Item 6.7. He added that they do not intend to install an emergency generator and fuel supply at this time.

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24 ,
1996**

Cheryl Pence, an attorney and planner representing Sprint Spectrum, asked for clarification regarding whether or not future "collocations" would have to go through the Public Hearing process.

Commissioner Gray answered that the proposed draft zoning ordinance pertaining to the cell towers should address those issues.

6.2 95-086 - Consideration of a Conditional Use Permit to allow the installation of a 74' monopole. Property is located on the west side of County Road 89, north of County Road 6 in Dunnigan in the A-1 Zone. SA-125-PI/SBE 279-57-14-1 Owner/Applicant: Pacific Bell (M. Hamblin)

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 Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report as modified.

MOTION: Walker SECOND: Webster

AYES: Walker, Webster, Gray, Heringer, and Lang

NOES: None

ABSTAIN: Rodegerdts

ABSENT: Lea

CONDITIONS OF APPROVAL

Community Development Agency

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "B"** - Site Plan and **Exhibit "C"** - Elevation Plan, or by minor modification or expansion which is in keeping with the purpose and intent of this Conditional Use Permit and administer through a site plan review approved by the Community Development Agency. The development shall operate in a manner consistent with the project's approval. Upon the termination of the use approved by this Conditional Use Permit the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.

2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet the demands of other communication service providers, provided that any additional proposed uses on this site will not serve as a detriment to the safe and effective operation of the Pacific Bell Mobile Service delivery system and that the property owner is in agreement.

3. The applicant shall obtain building permits for any construction on the site from the Yolo County Community Development Agency, Building Division.

4. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.
5. The monopole and any accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Community Development Agency.
6. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
7. This Conditional Use Permit (Z.F. No. 95-086) shall commence within one (1) year from the date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

County Counsel

8. 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.

~~California Department of Fish & Game~~

~~9. Prior to the issuance of the building permit the applicant shall submit a copy of the building/site plan to the Planning Division for approval showing the lighting requested by the California Department of Fish & Game. The site shall be illuminated at night and during foggy weather to help birds avoid collision with the structure.~~

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

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

- . the revoking of the Use Permit;
- . non-issuance of a future building permit.

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 (acting as the Board of Zoning Adjustment) finds:

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

The proposed wireless communication facility is allowed within the A-1 Zone with the approval of a Conditional Use Permit, pursuant to Section 8-2.2405 of Article 24 of the Yolo County Zoning Regulations.

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

The cellular telephone communications is widely used as an efficient communication device for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996

- 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;

As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of area surrounding the site and will not be detrimental to the public health safety or general welfare.

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

The proposed project is determined to be in conformance with the applicable provisions of the General Plan.

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

The applicants will be providing all necessary infrastructure and utilities for the proposed project. The site is currently used as a switch facility and equipment storage facility for Pacific Bell .

◆ ◆ ◆

6.3 95-088 - Consideration of a Conditional Use Permit to allow the installation of a 75' monopole. Property is located on the north side of County Road 17, east side of I-505, 5 miles north of Madison in the A-1 Zone. SA-123-05/ APN:49-010-10. Owner/Applicant: David Hayes/Pacific Bell (M. Hamblin)

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 Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report.

MOTION: Walker SECOND: Webster

AYES: Walker, Webster, Gray, Heringer, and Lang

NOES: None

ABSTAIN: Rodegerdts

ABSENT: Lea

CONDITIONS OF APPROVAL

Community Development Agency

- 1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - Exhibit "B" - Site Plan and Exhibit "C" -

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24, 1996

Elevation Plan, or by minor modification or expansion which is in keeping with the purpose and intent of this Conditional Use Permit and administer through a site plan review approved by the Community Development Agency. The development shall operate in a manner consistent with the project's approval. Upon the termination of the use approved by this Conditional Use Permit, the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.

2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet the demands of other communication service providers, provided that any additional proposed uses on this site will not serve as a detriment to the safe and effective operation of the Pacific Bell Mobile Service delivery system and that the property owner is in agreement.
3. The applicant shall obtain building permits for any construction on the site from the Yolo County Community Development Agency, Building Division.
4. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.

5. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
6. The monopole and any accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Community Development Agency.
7. This Conditional Use Permit (Z.F. No. 95-088) shall commence within one (1) year from the date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

County Counsel

8. 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.

~~California Department of Fish & Game~~

~~9. Prior to the issuance of the building permit the applicant shall submit a copy of the building/site plan to the Planning Division for approval showing the lighting requested by the California Department of Fish & Game. The site shall be illuminated at night and during foggy weather to help birds avoid collision with the structure.~~

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

- . the revoking of the Use Permit;
- . non-issuance of a future building permit.

FINDINGS

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996

[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 (acting as the Board of Zoning Adjustment) finds:

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

The proposed wireless communication facility is allowed within the A-1 Zone with the approval of a Conditional Use Permit, pursuant to Section 8-2.2405 of Article 24 of the Yolo County Zoning Regulations.

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

The cellular telephone communications is widely used as an efficient communication device for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.

- c. The requested use will not impair the integrity or character of the neighborhood nor be

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

detrimental to the public health, safety or general welfare;

As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of area surrounding the site and will not be detrimental to the public health safety or general welfare.

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

The proposed project is determined to be in conformance with the applicable provisions of the General Plan.

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

The applicants will be providing all necessary infrastructure and utilities for the proposed project.



- 6.4 95-091 - Consideration of a Conditional Use Permit to allow the installation of an 80' monopole. Property is located on the south side of County Road 29A, west side of I-505, 4 miles north of the Winters in the A-P Zone. SA-122-

21/APN:50-190-17 Owner/Applicant: Pacific
Bell/John & Shirlee Griffin (M. Hamblin)

Commission Action:

- (1) **CERTIFIED** that the proposed Mitigated 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 Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report as modified.

MOTION: Walker SECOND: Webster

AYES: Walker, Webster, Gray, Heringer, and Lang

NOES: None

ABSTAIN: Rodegerdts

ABSENT: Lea

CONDITIONS OF APPROVAL

Community Development Agency

1. The development of the site, including the construction and/or placement of structures,

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

shall be as shown on the approved site plan - **Exhibit "B"** - Site Plan) and **Exhibit "C"** - Elevation Plan, or by minor modification or expansion which is in keeping with the purpose and intent of this Conditional Use Permit and administer through a site plan review approved by the Community Development Agency. The development shall operate in a manner consistent with the project's approval. Upon the termination of the use approved by this Conditional Use Permit the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.

2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet the demands of other communication service providers, provided that any additional proposed uses on this site will not serve as a detriment to the safe and effective operation of the Pacific Bell Mobile Service delivery system and that the property owner is in agreement.
3. The applicant shall obtain building permits for any construction on the site from the Yolo County Community Development Agency, Building Division.
4. The applicant shall keep their designated leasehold area (site) free from flammable brush,

grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.

5. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
6. This Conditional Use Permit (Z.F. No. 95-091) shall commence within one (1) year from the date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

County Counsel

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.

~~California Department of Fish & Game~~

~~8. Prior to the issuance of the building permit the applicant shall submit a copy of the building/site plan to the Planning Division for approval showing the lighting requested by the California Department of Fish & Game. The site shall be illuminated at night and during foggy weather to help birds avoid collision with the structure.~~

Mitigation

(The following mitigation condition was presented in the Mitigated Negative Declaration prepared for the project under Item No. 18. Aesthetics.)

9. The monopole and any accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Community Development Agency.

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

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

- . the revoking of the Use Permit;
- . non-issuance of a future building permit.

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 (acting as the Board of Zoning Adjustment) finds:

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

The proposed wireless communication facility is allowed within the A-P Zone with the approval of a Conditional Use Permit, pursuant to Section 8-2.2405 of Article 24 of the Yolo County Zoning Regulations.

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

The cellular telephone communications is widely used as an efficient communication device for business and personal use and is recognized by

the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.

- 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;

As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of area surrounding the site and will not be detrimental to the public health safety or general welfare.

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

The proposed project is determined to be in conformance with the applicable provisions of the General Plan.

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

The applicants will be providing all necessary infrastructure and utilities for the proposed project.



6.5 95-092 - Consideration of a Conditional Use Permit to allow the installation of a 75' monopole. Property is located on the southwest corner of the intersection of County Road 15 and County Road 96, east side of I-5, two miles north of Yolo in the A-P Zone. SA-124-03/APN:55-230-17 Owner/Applicant: Pacific Bell/Elwyn Richter (M. Hamblin)

Commission Action:

- (1) **CERTIFIED** that the proposed Mitigated 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 Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report as modified.

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

CONDITIONS OF APPROVAL

Community Development Agency

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "B"** - Site Plan) and **Exhibit "C"** - Elevation Plan, or by minor modification or expansion which is in keeping with the purpose and intent of this Conditional Use Permit and administer through a site plan review approved by the Community Development Agency. The development shall operate in a manner consistent with the project's approval. Upon the termination of the use approved by this Conditional Use Permit the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.

2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet the demands of other communication service providers, provided that any additional proposed uses on this site will not serve as a detriment to the safe and effective operation of the Pacific Bell Mobile Service delivery system and that the property owner is in agreement.

3. The applicant shall obtain building permits for any construction on the site from the Yolo County Community Development Agency, Building Division.
4. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.
5. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
6. This Conditional Use Permit (Z.F. No. 95-091) shall commence within one (1) year from the date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

County Counsel

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.

~~California Department of Fish & Game~~

~~8. Prior to the issuance of the building permit the applicant shall submit a copy of the building/site plan to the Planning Division for approval showing the lighting requested by the California Department of Fish & Game. The site shall be illuminated at night and during foggy weather to help birds avoid collision with the structure.~~

Mitigation

(The following mitigation condition was presented in the Mitigated Negative Declaration prepared for the project under Item No. 18. Aesthetics.)

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

9. The monopole and any accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Community Development Agency.

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

- . the revoking of the Use Permit;
- . non-issuance of a future building permit.

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 (acting as the Board of Zoning Adjustment) finds:

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

The proposed wireless communication facility is allowed within the A-P Zone with the approval of a Conditional Use Permit,

pursuant to Section 8-2.2405 of Article 24 of the Yolo County Zoning Regulations.

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

The cellular telephone communications is widely used as an efficient communication device for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.

- 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;

As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of area surrounding the site and will not be detrimental to the public health safety or general welfare.

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

The proposed project is determined to be in conformance with the applicable provisions of the General Plan.

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

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

The applicants will be providing all necessary infrastructure and utilities for the proposed project.



6.6 96-005 - Consideration of a Conditional Use Permit to allow the installation of a 65' monopole. Property is located on the north side of County Road 14 (Zamora Road), west side of I-505, 3 1/4 miles northwest of Zamora in an A-E Zone. SA-137-12/APN:54-150-05. Owner/Applicant: Pacific Bell/Daniel Hrdy (M. Hamblin)

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 Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report as modified.

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24, 1996

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

CONDITIONS OF APPROVAL

Community Development Agency

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "B"** - Site Plan and **Exhibit "C"** - Elevation Plan, or by minor modification or expansion which is in keeping with the purpose and intent of this Conditional Use Permit and administer through a site plan review approved by the Community Development Agency. The development shall operate in a manner consistent with the project's approval. Upon the termination of the use approved by this Conditional Use Permit the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.

2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet the demands of other communication service providers, provided that any additional proposed

uses on this site will not serve as a detriment to the safe and effective operation of the Pacific Bell Mobile Service delivery system and that the property owner is in agreement.

3. The applicant shall obtain building permits for any construction on the site from the Yolo County Community Development Agency, Building Division.
4. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.
5. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
6. The monopole and any accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Community Development Agency.
7. This Conditional Use Permit (Z.F. No. 96-005) shall commence within one (1) year from the date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.

County Counsel

8. 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.

~~California Department of Fish & Game~~

~~9. Prior to the issuance of the building permit the applicant shall submit a copy of the~~

~~building/site plan to the Planning Division for approval showing the lighting requested by the California Department of Fish & Game. The site shall be illuminated at night and during foggy weather to help birds avoid collision with the structure.~~

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

- . the revoking of the Use Permit;
- . non-issuance of a future building permit.

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 (acting as the Board of Zoning Adjustment) finds:

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

The proposed wireless communication facility is allowed within the AE Zone with the approval of a Conditional Use Permit, pursuant to Section 8-2.2405 of Article 24 of the Yolo County Zoning Regulations.

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996

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

The cellular telephone communications is widely used as an efficient communication device for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.

- 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;

As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of area surrounding the site and will not be detrimental to the public health safety or general welfare.

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

The proposed project is determined to be in conformance with the applicable provisions of the General Plan.

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

The applicants will be providing all necessary infrastructure and utilities for the proposed project.



6.7 95-090 - Consideration of a Conditional Use Permit to allow the installation of a 100' monopole. Property is located on the west side of County Road 98, north of County Road 24, 1/4 mile west of Woodland in the A-1 Zone. APN: 25-048-45. Owner/Applicant: AT & T/Fred Heidrick (M. Hamblin)

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 Conditional Use Permit subject to the conditions listed under "Conditions Of Approval" presented in the staff report as modified.

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

CONDITIONS OF APPROVAL

Community Development Agency

1. The development of the site, including the construction and/or placement of structures, shall be as shown on the approved site plan - **Exhibit "B"** - Site Plan and **Exhibit "C"** - Elevation Plan, or by minor modification or expansion which is in keeping with the purpose and intent of this Conditional Use Permit and administer through a site plan review approved by the Community Development Agency. The development shall operate in a manner consistent with the project's approval. Upon the termination of the use approved by this Conditional Use Permit the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.

2. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet

the demands of other communication service providers, provided that any additional proposed uses on this site will not serve as a detriment to the safe and effective operation of the AT&T Wireless Service delivery system and that the property owner is in agreement.

3. The applicant shall obtain building permits for any construction on the site from the Yolo County Community Development Agency, Building Division.
4. The applicant shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained and free from graffiti.
5. The monopole and accessory structures/buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Director of the Yolo County Community Development Agency.
6. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining properties.
7. This Conditional Use Permit (Z.F. No. 95-090) shall commence within one (1) year from the date of the Planning Commission's approval of the

Conditional Use Permit or said permit shall be deemed null and void without further action.

County Counsel

8. 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.

~~California Department of Fish & Game~~

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996

~~9. Prior to the issuance of the building permit the applicant shall submit a copy of the building/site plan to the Planning Division for approval showing the lighting requested by the California Department of Fish & Game. The site shall be illuminated at night and during foggy weather to help birds avoid collision with the structure and its support wires.~~

Yolo County Environmental Health Services

10. ~~Prior to the issuance of a building permit installation of the fuel storage tank, the applicant shall submit plan(s) for the fuel storage tank to the Yolo County Environmental Health Services for approval.~~

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

- . the revoking of the Use Permit;
- . non-issuance of a future building permit.

FINDINGS

[Supporting evidence has been indented and italicized]

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations the Planning Commission (acting as the Board of Zoning Adjustment) finds:

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

The proposed wireless communication facility is allowed within the A-1 Zone with the approval of a Conditional Use Permit, pursuant to Section 8-2.2405 of Article 24 of the Yolo County Zoning Regulations.

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

The cellular telephone communications is widely used as an efficient communication device for business and personal use and is recognized by the California Public Utilities Commission as a necessary public service that provides an additional notification service for emergency communications.

- 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;

As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of area surrounding the site and will not be detrimental to the public health safety or general welfare.

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

The proposed project is determined to be in conformance with the applicable provisions of the General Plan.

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

The applicants will be providing all necessary infrastructure and utilities for the proposed project. A private road currently services the grain silo operation and parking lot area where the communication site is being proposed.



The Commission recessed at 11:30 and reconvened with the following item at 1:00 p.m.

- 6.8 96-021 - Consideration of the following actions:
Certification of the Final Program EIR for the

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

Cache Creek Resources Management Plan and the Final Project-level EIR for the Cache Creek Improvement Program (SCH #96013004); an Amendment to the General Plan to include the Cache Creek Resources Management Plan; an Amendment to the County Code to modify Chapter 3, Title 8, entitled the Flood Damage Prevention Ordinance; and a Rezoning of the area within the Cache Creek Resources Management Plan boundary to the OS (Open Space) Zone. The planning area extends approximately 14.5 miles from the Capay Dam to the Town of Yolo, covering 2,324 acres. The plan area generally consists of A-1 (Agricultural General); A-P (Agriculture Preserve); A-1/SG (Sand and Gravel); and A-P/SG Zones. An EIR has been prepared for this item. Applicant: Yolo County (Heidi Tschudin and David Morrison)

THE FOLLOWING MINUTES WERE TAKEN BY DAVID MORRISON, RESOURCE MANAGEMENT COORDINATOR.

The item was introduced by Chair Jim Gray.

The staff gave an overview of their recommendations, as contained in the staff report, and the reasoning behind their conclusions. The audience was informed that summary minutes would be prepared. Those wanting their comments verbatim in the record were informed to provide written copies.

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24, 1996

Commissioner Rodegerdts explained that he would not participate in the discussion of this item, due to a conflict of interest.

The hearing was opened to comments from the audience. **Bob Spiers, Western Yolo Grange:** How do the CCRMP and CCIP relate to the Surface Mining and Reclamation Act (SMARA)? According to Comment 7-16 in the Response to Comments document, existing mining permits will remain vested until new mining and reclamation plans are approved by the State. How does staff respond?

Heidi Tschudin, County Contract Planner: Staff is proceeding under the assumption that the CCRMP and CCIP are exempt from SMARA. If it is determined that they are not exempt, then appropriate revisions will be made.

Bob Spiers: But the subcommittee of the State Mining and Geology Board (SMGB) rejected the argument that the CCRMP and CCIP are exempt. It is a mistake for staff to continue assuming that they are.

Heidi Tschudin: Staff held an informal discussion and workshop with only three members of the SMGB. When appropriate, staff will ask for a formal determination on this issue before the entire SMGB.

There was general discussion about the SMARA exemption. Mr. Spiers was asked to direct his comments to the Chair. The staff indicated that the

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

issue is one of procedure and is not considered problematic.

Lois Linford, League of Women Voters: Can written comments be turned in to the Board? (The staff responded "yes".) I have few oral comments. My first question is who will choose the Technical Advisory Committee (TAC)?

Heidi Tschudin: The Resource Management Coordinator (RMC) will make recommendations to the Board of Supervisors, who will make the appointments.

Lois Linford: On page 10 of the staff report, it says that each operator would be limited to two crossings of the creek, for a total of ten. Is that correct?

Heidi Tschudin: Yes, although the existing number of crossings permitted by the County is unlimited.

Lois Linford: Does the creek have 100-year flood capacity now?

David Morrison, County Resource Management Coordinator: Much of the upper reaches within the plan area have 100-year capacity, but the lower reaches below County Road 94B do not.

Lois Linford: Who would be included in the Cache Creek stakeholders group?

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24, 1996

Heidi Tschudin: Pages 7-8 of the Cache Creek Improvement Program show a list of 22 groups, including the League of Women Voters.

Lois Linford: Is the TAC financially reimbursed for their work?

Heidi Tschudin: Yes.

Lois Linford: We have recently been losing Planning Commission members due to conflicts of interest. Commissioner Gray, have you ever contracted for gravel purchases?

Commissioner Gray: I don't hide the fact. It is common for developers to reshape earth or build sidewalks, or otherwise use aggregate. But I do not have any conflicts with the subject at hand.

Walter Storz, Cache Creek property owner: What is the gravel industry doing to replenish the upper aquifer? The gravel industry dug down 30 feet into the stream bed and took the water away. The shallow aquifer is part of Cache Creek. Good water management would seek to fill it again. The EIR is ignoring the impacts to the shallow aquifer.

Commissioner Gray: The CCRMP does seek better management of the creek, including the TAC, water quality standards, etc.

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

Walter Storz: We could put a dam in the creek and fill up the shallow aquifer again, like they do in Europe and other parts of the United States.

Commissioner Harry Walker: The Yolo County Flood Control and Water Conservation District (YCFC&WCD) has the responsibility of surface and groundwater supply management, including dams, canals, and spreading basins. This is addressed in the EIR, although not precisely, but it is a consideration and we'll hopefully achieve it.

Ben Adamo, Cache Creek Aggregates: Most of the industry share these concerns. Standard 6.5-14 on page 87 of the revised CCRMP requires operators to participate in channel improvement projects along the frontage of their properties. Can any of this be credited against the 10 cents per ton fees we have to pay for implementation of the CCRMP and CCIP?

Heidi Tschudin: In-channel work within the properties that are a part of the project site would not be credited. But channel improvements completed outside of the project site area would count as in-kind work.

Ben Adamo: It is unclear whether each operator is limited to two fixed crossings, or two crossings at any one time. Please clarify.

Heidi Tschudin: Staff supports the interpretation of "two crossings at a time".

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

Bob Spiers: How will the six million tons of gravel be extracted for reshaping? Will this work be put out to bid? Where would the money come from for reclamation? How would this work?

Heidi Tschudin: Work would be accomplished by each property owner. An owner would come to the County with a plan for work. It would be reviewed by the TAC, to make sure that it is consistent with the CCRMP and CCIP. The County flood development permit would be the only permit needed to perform the work. The owner could do the work, or arrange to have it done by someone who has the appropriate equipment. The gravel could be used or sold as the owner saw fit, in accordance with the regulations.

Bob Spiers: Each property owner along the creek is going to think of their own individual benefit. How can we make them think of working to benefit everyone? An engineer needs to determine where gravel would be removed, after developing a single plan for the whole area. Such a plan would be more meaningful and better than what we have now.

Commissioner Gray: We can't impose this work on property owners, but we can regulate them when they are ready to do the work.

Bob Spiers: An engineered plan, thoroughly worked out within the CCRMP, would be better for all concerned. The removal of six million tons of gravel

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

will generate lots of money. It should be used for the benefit of all. The proposed plan is helter skelter, with no engineering.

Heidi Tschudin: The CCRMP is regulatory and proactive. Problem areas will be determined through HEC models, vegetation surveys, and digital terrain models. The TAC can approach owners to secure funding or to suggest changes.

Commissioner Gray: You want something that's five steps ahead of where we are now. Where will the parks be located, how will the creek function, how will recreation be managed? The CCRMP is an early step in this process. These are guiding principles backed up with methodology.

Bob Spiers: We need a vision for the next 50 years.

Commissioner Gray: This plan does have a vision.

Bob Spiers: I am disappointed it didn't go further. An engineer should have told us what is going to happen along the entire creek. Cost estimates should have been obtained from contractors to carry out the engineered work. Sales of the gravel excavated from the creek could be used to fund the work, while giving the property owners a part of the profit. It would have achieved the overall objectives. Instead it's a missed opportunity. Now's the time to do it right.

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

Ben Adamo: The industry shared those concerns. We originally wanted a detailed plan to work with in constructing channel improvements. County staff and hydrology consultants said that the creek is an ever-changing feature that requires continuing responses. The fall rains could change constructed improvements and alter the creek for the following year. Improvements should guide the creek, to respond to the channel as it evolves. Modeling will help determine what changes are needed.

Bob Spiers: The Army Corps of Engineers has a model. Use it to plan out for the next 30 years to create a vision. Don't leave the work for individual owners, put the onus on the County.

Commissioner Gray: We tried to come up with a plan that would allow differing parties to agree. As for leaving it to individual owners, a carpenter can build a house.

Bob Spiers: Yes, but a carpenter needs an architect.

Commissioner Walker: These are fluid questions. It's clear that a conscientious effort has been made to remediate the creek. Bob is right, there are a lot of unknowns. We'll do our best. It is up to the County to implement and follow through.

Commissioner Gray closed the public hearing.

Commissioner Barbara Webster: There is a sentence fragment in the next to last line of page 4 of the

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

staff report. At the bottom of page 9 in the staff report, it talks about requesting the dedication of restored habitat and/or recreational areas. Why aren't they required to dedicate these lands?

Heidi Tschudin: We can't require the dedications, but at the Board of Supervisors hearing on the OCMP, all of the gravel operators verbally agreed to cooperate with the County in acquiring restored areas.

Commissioner Webster: Who will seek out the additional funding to pay for the CCRMP?

Heidi Tschudin: The County would seek out the supplemental funds.

Commissioner Bob Heringer: Paragraph 1 on page 11 of the staff report states that this is a voluntary program. But the CCIP and CCRMP and TAC will be controlling what happens within the creek. The program sets the priorities.

Heidi Tschudin: The plan provides guiding principles that would have to be followed if any owner wished to perform work within the creek. It is not the County's intention to tell property owners that they have to carry out work on their land. We're not recommending mandatory implementation.

Commissioner Heringer: I don't want to leave the success of the plan to the owners.

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

Commissioner Walker: It sounds fine, but who would pay for a mandatory program? The owners have to agree. The plan should be implemented voluntarily, with the work agreed to by the property owners.

Commissioner Gray: We're all grappling with these issues. In order for property owners along Cache Creek to do the work they want, they're going to have to play by the County rules.

Commissioner Heringer: This plan will benefit the whole County. Why is the gravel industry providing all of the money for implementation?

Commissioner Gray: The industry won't pay 100 percent of the implementation costs. Up to 25 percent of the costs will come from other sources.

Commissioner Heringer: I'm not in favor of federal grants, they still represent taxpayer money.

Commissioner Gray: We ought to feel free to apply for our share of federal tax funds.

Commissioner Heringer: If the County is implementing this plan, then we ought to pay for it. Instead we're digging deep into the pockets of the aggregate industry to pay for a program that's going to benefit everyone.

Commissioner Walker: On page 4.2-12 of the CCRMP EIR, it states that no new sources of pollution will

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

be introduced through the implementation of the CCRMP. We can't lose sight of that goal. Page 4.4-20 of the CCRMP EIR includes Section 3706(b) which states that the quality of water will not be diminished, except as allowed in the approved reclamation plan. What diminishment of water quality is allowed in the reclamation plan?

Heidi Tschudin: The section referred to is a state regulation, not a part of the CCRMP or CCIP. Nevertheless, water quality is not allowed to be diminished under the CCRMP. In addition, no reclamation plan is proposed for this project.

Commissioner Walker: Section 51238.2 is quoted on page 4.5-8 of the CCRMP EIR, which states that no exemptions to the state agricultural standards may be permitted.

Heidi Tschudin: Yes, but that would apply to the off-channel mining areas.

Commissioner Walker: But isn't the CCRMP a part of the Off-Channel Mining Plan?

Heidi Tschudin: No, they are two separate plans. One deals with off-channel mining, the other with managing the creek.

Commissioner Walker: Management of the CCIP, monitoring, flood permit reviews, these are all

**MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996**

coordinated through the RMC? There isn't any room for the Planning Commission.

Heidi Tschudin: As long as the work is carried out according to the CCRMP and CCIP, this is true. However, the TAC will make annual reports to the Planning Commission.

Commissioner Gray: The plan gets the miners out of the channel, to help the creek recover. It will result in better stabilization. It may not provide specific details, but there are policy trade-offs. It is an important step and I encourage my colleagues to certify the EIR and adopt the plan.

Commissioner Webster: These two documents are steps in the right direction. There are omissions, loopholes, and inconsistencies, and the documents are vague, but in general they are remarkably good steps to rehabilitating the creek. The plan will provide for water recharge, the elimination of mining, improved flows, removal of impediments to a live creek, all of which will make the creek more appealing and beautiful over time. Even though it's flawed, it's a good starting plan that's long overdue. I move to certify the EIRs for the CCRMP and CCIP, amend the general plan to adopt the CCRMP, amend the County Code as proposed, and approve the rezoning to Open Space.

Commissioner Lang: I second the motion.

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24, 1996

Commissioner Heringer: What's the difference between the A-1 Zone and the OS Zone?

Heidi Tschudin: The focus of the A-1 Zone is agriculture. The OS Zone allows agriculture, but provides for a broader range of uses. It will clearly show that the creek is open space, and is not intended for future mining.

Commissioner Webster: Are other uses compatible with the OS Zone?

Heidi Tschudin: Yes.

Commissioner Walker: The CCRMP doesn't say anything about in- or off-channel mining. We'll keep track of what happens.

Commissioner Heringer: This is only a policy framework.

Commission Action:

The Planning Commission recommended the following actions to the Board of Supervisors:

- **Certify the Final Program EIR for the Cache Creek Resources Management Plan and Project-Level EIR for the Cache Creek Improvement Program (SCH #96013004) 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.

- Amend the General Plan to adopt the Cache Creek Resources Management Plan which provides the policy framework to address stabilization and restoration of Cache Creek (see Attachment A).

- Amend the County Code to modify Chapter 3, Title 8, entitled Flood Damage Prevention Ordinance, to specify the procedures for consideration of Floodplain Development Permit applications within the CCRMP area (see Attachment B).

- Rezone 2,342 acres from Agricultural General (A-1), Agricultural Preserve (A-P), and Sand and Gravel Overlay (SG) to remove the SG overlay where it occurs, and to add Open Space (O-S) as an integrated zone on all parcels within the recommended in-channel boundary.

MOTION: Webster SECOND: Lang

AYES: Walker, Webster, Lang, Gray, Heringer

NOES: None

ABSTAIN: Rodegerdts

ABSENT: Lea

◆ ◆ ◆

MINUTES YOLO COUNTY PLANNING COMMISSION JULY 24,
1996

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 said "I'd like to indicate, not because this is my last day, but honestly and heartfelt, that I really enjoyed working with you as a commission. I think you have worked together very well. I think you have a diversity of viewpoint that reflects the issues that we as an unincorporated area have had to deal with. We have some amount of urban issues in our small towns, but a lot of rural issues. I think that you have represented those points of views and come to your decisions, in my view, in a very professional and fair manner. I just wanted to let you know, that I have appreciated that. And I sure the Staff does also."

He also updated the Commissioners on the direction the County is taking, the "One Stop Shop" concerning the permitting process, and the budget for the Community Development Agency.

Commissioner Gray presented Director Jenkins with a Resolution and thanked him for all his hard work he has done for the citizens of Yolo County.

◆ ◆ ◆

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.

The Commissioner Gray nominated Commissioner Robert Heringer as the new vice-chair to replace Commissioner Nancy Lea.

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

◆ ◆ ◆

9 .

ADJOURNMENT

The meeting was adjourned at 2:40 p.m. The next meeting of the Yolo County Planning Commission is scheduled for a Joint Meeting with the Board of Supervisors on August 6, 1996 at 10:30 a.m. at the Board of Supervisors' Chambers at 625 Court Street in Woodland, 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