

MINUTES

YOLO COUNTY PLANNING COMMISSION

October 7, 1998

1. CALL TO ORDER

Chairman Heringer called the meeting to order at 8:30 a.m.

MEMBERS PRESENT: Walker, Woo, Stephens, Heringer, and Rodegerdts
MEMBERS ABSENT: Lang
STAFF PRESENT: John Bencomo, Assistant Director
Mark Hamblin, Associate Planner
Steven Basha, County Counsel
Carole Kjar, Secretary to the Director



2. ADOPTION OF THE MINUTES FOR THE PREVIOUS MEETINGS

Commission Action

The Minutes of the August 12, 1998 (Revised) meeting were approved with the following corrections:

ADD quotes in the first sentence of the third paragraph, on Page 11, to read as follows:

“We are located in probably the most.....off the bandwagon”.

CHANGE the spelling of the word “balkinization” to read: “balkanization”, on Page 11, fourth paragraph, last sentence.

CHANGE the spelling of the word “balkinization” to read: “balkanization”, on Page 12, first paragraph, second sentence.

DELETE the word “not” on Page 57, fourth paragraph, last sentence, as follows:

Clarksburg needs, and they’re probably ~~not~~ going to be very nice people,
.....to the community.

MOTION: Walker SECOND: Rodegerdts
AYES: Walker, Woo, Stephens, Heringer, and Rodegerdts
NOES: None
ABSTAIN: None
ABSENT: Lang

The Minutes of the September 2, 1998 meeting were approved, with the inclusion of the following suggested wording by Commissioner Rodegerdts, as to how to locate minutes after they've been put on file.

“Following presentation of the application and the recommended action, a public hearing was held at which (number of people) appeared, followed by the deliberations of the Planning Commission which lasted approximately (length of time).”

MOTION: Rodegerdts SECOND: Woo
AYES: Walker, Woo, Stephens, Heringer, and Rodegerdts
NOES: None
ABSTAIN: None
ABSENT: Lang

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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.

Mr. Narducci, a property owner, expressed concern over historic flooding issues surrounding his property.

Mr. Defty, a local contractor, spoke about the flooding issues in the West Plainfield area.

Mr. Lantz, a property owner, talked about a berm constructed on adjoining property.

Mr. Cetera, a farmer, addressed an issue concerning a second dwelling for a farm worker placed immediately to the south of his property in Ramsey.

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4. CORRESPONDENCE

Chairman Heringer acknowledged receipt of all correspondence sent with the packet and distributed at the beginning of the meeting.



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.

Item 5.2 was removed and placed on the Regular Agenda following Item 6.0.

- 5.1 **98-020** - A follow up report on the Planning Commission’s direction regarding a survey of the Madison Market, which is on the County’s Historic Resources Inventory, prior to its demolition (M. Hamblin)

Commission Action

D i r e c t e d s t a f f t o c l o s e t h e f i l e u n t i l t h e y h e a r
f r o m t h e p a r t i c i p a n t s .

MOTION: Rodegerdts SECOND: Walker
AYES: Walker, Woo, Stephens, Heringer, and Rodegerdts
NOES: None
ABSTAIN: None
ABSENT: Lang



6. REGULAR AGENDA

The following item was taken off the Consent Agenda.

- 5.2 **98-016** - A continuation of a request for a Conditional Use Permit to excavate 1,265,000 cubic yards of borrow within a ten year period. Property is located at the end of County Road 21 within the Cache Creek Settling Basin, east of Woodland in the Agricultural General (A-1) zone. A Negative Declaration has been prepared for this item. APN: 027-350-14 and 21. Applicant/Owner: 3MK Investors (M. Hamblin)

Chairman Heringer removed this item from the Consent Agenda because the people who are taking the dirt out of the borrow pit are going to participate in the fixing of the road, and he’s not sure this is proper etiquette. He also has additional concerns regarding the bridge.

Mark Hamblin gave the staff report. He indicated that this was a continued item, because the applicant did not wish to support Condition 10, and had requested in writing to staff to have the item not considered; therefore, staff was requested by the Commission to talk with the applicant

to further clarify. A follow up letter was received

from the applicant stating he would like their application to be considered, with Condition 10 withdrawn. Mark Hamblin would like it to go on record that if the applicant elects to go through the City of Woodland after the bridge is rebuilt, a maintenance fee should be acquired.

Commissioner Heringer expressed comments as shown above.

Commissioner Stephens asked for clarification as to why this was put on the Consent Agenda. Mark Hamblin explained that it had already been publicly noticed as a Consent Item, with the expectation that the file would be closed, and that it is now on the Regular Agenda, to be considered by the Commission.

Commissioner Walker said that whatever action is taken, it should be understood that a precedent is being set, and whatever we do is going to have impact on future decisions, what we do for one we do for the others.

Commissioner Woo asked for more clarification on why Condition 10 is being withdrawn. Mark explained that, his understanding of their letter is that they don't have control over where the trucks go and therefore they don't want to be held accountable if they go over the Tule Canal Bridge.

The public hearing was opened.

No one from the Public addressed the Commission.

The public hearing was closed.

Commissioner Rodegerdts asked Mark Hamblin if it is his understanding that if we don't modify Condition 10, they're not interested in pursuing this project. Mark Hamblin said this is his understanding. Commissioner Rodegerdts stated that he doesn't see any reason why Condition 10 should be modified.

Steven Basha, County Counsel, stated that the first sentence of Condition 10 says a restricted load limit of 10 tons, and that Mr. Hamblin referenced 3 tons. Mark Hamblin said he thinks he saw 3 tons as he was driving through the area, but the Public Works identified 10 tons, so he will concur with Counsel. Steven Basha said his only concern is that the Condition be accurate.

Commission Action

- (1) **APPROVED** the application with modification to Condition 10.
- (2) **APPROVED** the attached Negative Declaration as the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA) (Exhibit 3);
- (3) **ADOPTED** the proposed FINDINGS for this project as presented in the staff report;

(4) **APPROVED** the conditional use permit request as presented in the staff report.

MOTION: Rodegerdts SECOND: Walker
AYES: Walker, Woo, Stephens, and Rodegerdts
NOES: Heringer
ABSTAIN: None
ABSENT: Lang

Commissioner Heringer stated that he doesn't think we should tie people down to fixing roads. He believes Item 10 should be removed as requested by the applicant and that the restriction is an imposition.

Commissioner Rodegerdts stated reasons as to why he doesn't believe it's unreasonable.

Following presentation of the application and the recommended action, a public hearing was held at which no one from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately fifteen minutes.

CONDITIONS OF APPROVAL

Planning Division

1. Prior to the start of the initial excavation, the applicant shall submit a grading plan for approval by the Planning and Public Works Department.
2. All grading, excavation activities and transportation of material associated with this conditional use permit shall be conducted during the hours of 6:00 a.m. to 6:00 p.m.
3. This Conditional Use Permit (Z.F. No. 98016) shall commence within one (1) year from the effective date of the Planning Commission's approval of the Conditional Use Permit or said permit shall be deemed null and void without further action.
4. The Conditional Use Permit (Z.F. No. 98-016) shall expire within ten years starting from the date of the initial excavation. Any extension of time to life of this permit is subject to approval by the Planning Commission and the appropriate environmental assessment document for the project.
5. Total production shall be limited to 1,265,000 cubic yards of material sold from the

project site during the life of this permit. An increase above 1,265,000 cubic yards of material shall require approval by the Planning Commission for the project (i.e. modification to the existing use permit, new use permit) and the appropriate environmental assessment document for it.

6. During the conducting of operations, the applicant shall keep the site free of debris and maintained in a neat and orderly manner so as not to create any hazardous conditions. All overburden shall be stockpiled and all stumps, brush, or other debris shall be properly disposed.
7. During the conducting of operations, materials subject to being windblown at any time that exceed the “normal operation” or “standard of care” for an operation of this type are to be covered, anchored, watered, protected, etc. so as to prevent the spreading of the material off-site and along transportation routes used by the applicant from the site.
8. Excavation shall not occur within 25 feet of any existing mature cottonwood on-site.
9. The operator shall obtain all permits and approvals required by other agencies having jurisdiction over the excavation operation.

Public Works Division

10. Currently the bridge over the Tule Canal on County Road 22 has a restricted load limit. ~~of 10 tons.~~ This bridge is scheduled for replacement in the future. Upon completion of the replacement bridge the applicant will have the opportunity to travel east on County Road 22 to the U.S. Interstate 5 highway on-ramp. At such time the applicant chooses to travel east on County Road 22, the applicant shall assume joint pavement maintenance responsibility with the County of Yolo for County Road 22, from the Cache Creek Settling Basin driveway approach on County Road 22 to the Caltrans on-ramp to U.S. I-5. The maintenance responsibility of the County of Yolo shall include project design, permitting and contract work. The maintenance responsibility of the applicant is to provide the necessary and agree upon improvements. The applicant’s maintenance responsibility for the road specified above shall continue throughout the life of the permit.

Specific initial improvements shall be determined by the Director of the Planning and Public Works Department and shall be constructed by the applicant, or by the applicant or its successor in interest, within one year from the date of the completion of the replacement bridge over the Tule Canal. The County and the applicant (and where appropriate, the applicant or their successor in interest) shall work together on an annual evaluation, to be conducted in early Spring each year, of the structural integrity of the road to determine necessary road improvements. These road improvements shall be to the satisfaction of the Yolo County Planning and Public Works Department. The applicant shall implement pavement improvements to maintain safe and efficient traffic operations on the road for each coming year.

County Counsel

11. In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is

brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

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

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

FINDINGS

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

California Environmental Quality Act & Guidelines (CEQA)

In accordance with CEQA the Yolo County Planning Commission finds:

A Negative Declaration (ND) has been prepared as the environmental determination for this project in accordance with Sections 15070-15075 of the California Environmental Quality Act of 1970

(CEQA) and Guidelines.

Yolo County Zoning Regulations

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations the Yolo County 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 subject property is zoned A-1 (Agricultural General). Section 8-2.2402(d) Additional Permitted Uses, states that "the excavation of soil, sand, gravel and/or fill material including borrow pits, for sale or use on a different parcel of land in agricultural (A) and industrial (M) zones may be permitted upon the approval of use permits..."

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

The Cache Creek Settling Basin's fundamental purpose is to preserve the floodway capacity of the Yolo Bypass by entrapping the heavy sediment load carried by Cache Creek. The operation and maintenance responsibility for

the 3,600 acre settling basin requires the periodic removal of sediment from it in order to maintain sediment storage capacity.

- 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 site is surrounded by the Cache Creek Settling Basin which was constructed by the U.S. Army Corps of Engineers in 1937 as part of the Sacramento River Flood Control Project. There are no residences within the immediate vicinity. The recommended conditions of approval will ensure the protection of the public health and safety.

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

The subject project is designated AG (agricultural) on the General Plan Map (Master Plan) of the County of Yolo and zoned for Agricultural General (A-1) uses. The excavation of sediment from the property is a use consistent within the AG designation and the A-1 Zone.

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

The applicant will provide all necessary infrastructure for the proposed project.

- 6.1 **98-029** - A continuation of a request for a Conditional Use Permit to legalize and expand an existing non-conforming petroleum bulk plant and services in order to install a cardlock station. Subject property is located on the south side of County Road 6, east of County Road 99W, west of the Southern Pacific Railroad tracks in Dunnigan in the Agricultural General (A-1) zone. SBE#572-57-21-2. Applicant/Owner: Ramos Oil Company (M. Hamblin)

Mark Hamblin gave the staff report, stating that at the previous meeting on September 2, the Commission had continued the item to allow Mr. Keith Williams from the Dunnigan area to follow up with the Citizens Advisory Group, as well as to provide Mr. Williams and other members of the Citizens Committee, and other Dunnigan residents, the opportunity to review the alternative action report.

The public hearing was opened.

Mr. Ramos offered to respond to any questions.

Steven Basha, County Counsel, asked Mr. Ramos if he had reviewed the Conditions of Approval in the Staff Report. Mr. Ramos responded that they are acceptable to him.

Mr. Williams, a citizen and resident of Dunnigan addressed planning issues which he feels are fallacies in Mr. Ramos' application.

Commissioner Heringer asked Mr. Williams if he is aware that the Dunnigan General Plan was developer driven, not County driven. He said that this Commission did not adopt the Plan.

Mr. Williams said that he understands the above.

John Bencomo acknowledged that it appears that the County has been inconsistent with respect to the General Plan Document that was issued; however, he states that last year he asked the Commission to deny the General Plan, which they ultimately did. This Item 98-029 is a foundation to initiate the review process with the Dunnigan General Plan Committee. Staff has not imparted any of their perspective on this item at this time. He agrees that the previous General Plan Draft was primarily developer driven.

Commissioner Rodegerdts asked Mr. Ramos the following:

1. Please address the suggestion that you will still be making after December deliveries to farm headquarter bulk tanks.
2. Address the suggestion that everyone has a CFN card.
3. Is the real reason why you want to have a cardlock facility in Dunnigan to attract non-agricultural highway carriers?

Mr. Ramos addressed the above three questions as follows:

“All of our bulk plant sites have cardlock facilities, our industry is changing and we will still be making deliveries to tanks that have been upgraded and meet the new regulations after December 22, and those regulations apply to gasoline and diesel. Most of the farmers are going to get rid of their gasoline tanks because they will not want to spend the money to upgrade them, so the industry is changing from a bulk delivery that started out in the 20s because of the cost to comply with environmental regulations, to these cardlock facilities. The traditional bulk delivery system is just not economically viable anymore, it costs too much to take products to farmers. We can sell them much cheaper fuel if they come in and pick it up, and we consolidate all the environmental work that has to be done under one facility, rather than each farmer spend tens of thousands of dollars to put in a fuel facility that meets the current environmental standards.

“As far as the supposed real reason for us doing this to bring truck traffic in off I-5, our site cannot be compared to the Bosse site, other than the fact they’re both CFN facilities. The customer base is totally different. Mr. Bosse leased that CFN site to a CFN operator from Oregon who wanted a spot for his customers to fuel when they were in this area. Mr. Bosse had no local customer base in Dunnigan. Most of those customers were coming off the freeway. Ramos Oil has about 200 farm customers in the Dunnigan area. The majority of those customers already have CFN cards. It’s true that anyone can have a CFN card, but our customer base and the majority of our volume is agricultural, which is OK with our staff that most of the customers are agricultural.”

Commissioner Rodegerdts asked Mr. Ramos if the CFN card is generic, and whether anyone can drive in and fuel up at his bulk facility.

Mr. Ramos answered that if you have a CFN card, you can use it at any facility on the network. It’s similar to an ATM card that’s on the network, and can be used at any CFN facility. The card is issued separately for tax reasons. The regular CFN card is fully loaded with all the applicable road taxes, and red diesel, not having any taxes loaded into it, is strictly for off-road use, and to prevent someone from using off-road fuel mistakenly by the card being encoded improperly, a separate card is issued to prevent that from happening. However, it is still a CFN card and can be used at any facility that has red diesel. Only facilities in agricultural areas will bother to spend the money to put in off-road fuel. Any vehicle that travels over the highway has to buy the clear conventional diesel.

Mr. Ramos said that staff has scrutinized this project and found it to be OK, and that he urges approval of this project.

Commissioner Rodegerdts asked Mr. Ramos if the customer list he submitted to staff is a complete and current list.

Mr. Ramos said that is correct, and that he has over 8,000 customers, 200 which are in the Dunnigan area.

Commissioner Rodegerdts asked if Mr. Ramos is aware of any of the 200 customers that are

going to upgrade their on-farm facilities so that deliveries can be made to them after December 22.

Mr. Ramos said he is not aware of any. He referred this question to Mr. Panciano.

Mr. Panciano, Dunnigan Plant Manager for Ramos Oil Company, said that as far as complying with the regulations of the underground storage tanks, they have found over the past couple of years, that people in lieu of trying to spend the money to upgrade, are deciding to close their tanks. He has seen no plans to upgrade. He said the only stipulation on the December 22 guideline are for the underground tanks, and that there's nothing prohibiting them from delivering to aboveground tanks at this time.

Commissioner Rodegerdts asked what percentage of those 200 customers have only aboveground tanks at their farm headquarters?

Mr. Panciano said that a lot of the tanks that are aboveground will be made into mobile fuel wagons. It's more affordable for them to have their tanks on wheels to fuel at the Ramos site, than to have Ramos search for those wagons to fill them up.

Commissioner Woo asked Mr. Ramos if, when they put their fuel tanks on wheels, they bring it into their site, or actually go out to them and fuel up their tank on wheels?

Mr. Ramos said that they do both the above. He said that the amount of people that would rather bring their wagons in and fill them is coming up drastically over the last couple of years, and the trucks moving out to the fields, is coming down.

Commissioner Woo asked Mr. Ramos if his facility has a visible frontage on the freeway and back off a ways without the type of signage that would attract freeway traffic?

Mr. Ramos said that is correct, they're not right at the interchange, and they will not be installing freeway signage to try to attract trucks coming off the freeway.

Mr. Williams stated that it is true that there will be no signage on the freeway to attract people to the CFN card; but there is, however, a map and a card that is sent out to all CFN customers every three to four months so that anyone that is a CFN customer has a map and they know where to fuel up. He said that CFN does not service with the red diesel. The whole CFN base is not aimed at the agricultural red diesel usage, it's aimed at the truck traffic and the carriers coming off the freeway.

Commissioner Stephens commented that she had hoped that folks from Dunnigan would come forward with how they view this project and how it fit into the General Plan. She asked Mr. Ramos if he heard from any people in Dunnigan about how they felt about this project.

Mr. Ramos said he knows there are some concerned people, but it must be realized that the intention of this is not an agricultural service, the intention is to pull carriers off the freeway, and it's being put under the guides of agricultural usage.

The public hearing was closed.

Chairman Heringer asked Commissioner Rodegerdts for some insights.

Commissioner Rodegerdts said he is inclined to approve the application, and that it's relatively clear to him that how farmers are taking delivery of their fuel is evolving in a different direction, and the industry is having to adapt to that evolution, and that it's going to continue to move away from delivery of fuel to the farm headquarters. He thinks this will impact Dunnigan, but it's time to move forward, and it's in the best interests of Dunnigan, the agricultural community, and therefore Yolo County, that the application be approved.

Commissioner Walker feels that the Ramos facility is isolated and will not lure people from the freeway or other parts of Dunnigan for refueling. He doesn't think there is any hidden intent in the application, and that he is supportive of the request which he believes is reasonable.

Commissioner Stephens shares Commissioner Walker's sentiments. She is concerned with the issues Mr. Williams raised concerning zoning consistency, however she believes that the purpose of this will benefit agriculture. She knows the EPA requirements will be onerous for farmers. She supports the application.

Commissioner Woo thinks that even if the new General Plan didn't include the cardlock facility where it is, that she doesn't believe it's reasonable that adopting the General Plan would require the removal of existing businesses in order to conform to the General Plan. She believes that Mr. Ramos' business is very needed by the farmers and that it's a fact

that EPA rules will affect the way farmers fuel up, but that can't be changed. She is in support of the application.

Commission Action

- (1) **APPROVED** the attached Negative Declaration as the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA);
- (2) **ADOPTED** the "FINDINGS" for the project as presented in the alternative action staff report shown an Exhibit 9;
- (3) **APPROVED** the Conditional Use Permit request as presented subject to the CONDITIONS OF APPROVAL in the alternative action staff report (Exhibit 9).

MOTION: Rodegerdts SECOND: Stephens
AYES: Walker, Woo, Stephens, Heringer, and Rodegerdts
NOES: None
ABSTAIN: None

ABSENT: Lang

Following presentation of the application and the recommended action, a public hearing was held at which three people from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately forty minutes.

CONDITIONS OF APPROVAL

Y o l o C o u n t y P l a n n i n g a n d P u b l i c W o r k s
D e p a r t m e n t

Building Division

1. Prior to the issuance of a building permit on the site the applicant shall prepare a drainage plan for the entire property and submit it for approval to the Building and Public Works Divisions. Said drainage plan shall be prepared by a registered Civil Engineer in the State of California.

Public Works Division

2. Prior to the issuance of a final inspection for the cardlock facility the applicant shall pave the driveway connections to County Road 6 and County Road 99W. All drive way connections to the County public right-of-way (County Road 99W, County Road 6) 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 the Public Works Division.
3. Prior to the issuance of a building permit The applicant shall obtain an encroachment permit from the Public Works Division for any work (i.e. driveway apron, installation of culverts, curb and gutter, etc.) conducted in the County public right-of-way (County Road 99W, County Road 6).
4. The applicant shall provide an on-site and off-site drainage plan for the property. Said drainage plan shall show the drainage flow and proposed pipe sizes along County Road 99W, County Road 6 and along the Southern Pacific railroad tracks (SPRR), the proposed runoff direction from the facility's ingress and egress points (driveway) and on-site drainage containment.
5. The turning radius from northbound County Road 99W to eastbound County Road 6 is not specified on the submitted site plan, the minimum required turning radius for semi-trucks is 50 feet in accordance with State standards. Prior to the issuance of a building permit the applicant shall provide a revised site plan showing the full intersection (all dimensions and radii) of County Road 99W and County Road 6 according to the above mentioned standards. Said site plan shall show improvements to the intersection of County Road 99W and County Road 6 to accommodate semi-truck traffic. Prior to the

final inspection for the cardlock the applicant shall improve County Road 6 and County Road 99W to accommodate "semi-trucks". The applicant shall relocate any existing public utilities at their own expense. Said road improvements shall be subject to the approval of the Public Works Division.

6. Prior to the issuance of a building permit the applicant shall dedicate additional right-of-way to the County to provide for "semi-truck" turning radius along County Road 6 and 99W intersection subject to the approval of the Public Works Division.
7. Prior to the final inspection for the cardlock facility the applicant shall provide a 3-inch overlay to maintain County Road 6 and County Road 99W from the ingress point on County Road 6 to the egress point on County Road 99W. Said overlay shall be approved by the Public Works Division.
8. Prior to the final inspection for the cardlock facility the applicant shall install a minimum of two (2) "DO NOT ENTER USE COUNTY ROAD 6" street signs 10 feet from the edge of pavement along County Road 99W, and a painted statement "DO NOT ENTER" on the pavement at the facility's exit on to County Road 99W. The site location and sign for said street signs shall be approved by the Public Works Division.
9. Prior to the issuance of a building permit for the cardlock facility, the Planning and Public Works Department shall conduct traffic counts on County Road 99W and County Road 6 to establish a current level of service (LOS) and traffic safety issues. A significant change to vehicle and truck traffic generated by the facility impacting traffic and/or safety on County Road 99W and County Road 6 may require further review by the Department and the applicant to provide additional improvement(s) to address road conditions or future expansion of the facility.

Y o l o C o u n t y E n v i r o n m e n t a l H e a l t h S e r v i c e s

10. As required by Yolo County Environmental Health Services the applicant shall continue the investigation and clean-up of the existing petroleum contamination on the site. The construction of the new facility shall not interfere with the investigation, clean-up and groundwater monitoring of this property. Any monitoring well impacted (damaged or destroyed) shall be replaced.

Y o l o C o u n t y O f f i c e o f E m e r g e n c y S e r v i c e s (O E S)

11. Prior to the start of operation for the cardlock facility, the applicant shall modify their existing Hazardous Materials Quantities Report to include the material amounts involved with the cardlock facility.

Y o l o C o u n t y C o u n s e l

12. In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

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

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

FINDINGS

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

California Environmental Quality Act & Guidelines (CEQA)

In accordance with CEQA the Yolo County Planning Commission finds:

A Negative Declaration (ND) has been prepared as the environmental determination for this project in accordance with Sections 15070 - 15075 of the California Environmental Quality Act of 1970 (CEQA) and Guidelines.

Yolo County Zoning Regulations

In accordance with Section 8-2.2804 of Article 27 of the Yolo County Zoning Regulations the Yolo County 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 2 acre subject property is zoned A-1 (Agricultural General). Section 8-2.604 (t) of the A-1 Zone allows "Commercial and industrial uses of primary and essential service to the agricultural use of the area . . ." subject to conditional use permit approval. The proposal involves the installation of a C.F.N. cardlock fuel facility. The proposed cardlock facility provides fueling services predominately to agricultural customers. As a result of federal and state environmental laws and requirements (federal Clean Air Act, state Air Resources Board requirements, etc.) and the high cost of cleaning-up toxic substances, agricultural operators have had to remove or will soon be removing fuel

storage facilities (bulk fuel storage facilities) on their farms.
The cardlock facility will operate as a central fueling facility for agricultural operators. Agricultural operators will drive to the cardlock facility to fuel their farm equipment and their own fuel trucks that will transport the fuel directly to their field operations (i.e. the tractor in the field).

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

The cardlock facility will predominately serve agricultural operators and customers who live or work in the Dunnigan area. Some customers traveling along U.S. I-5 will use the facility as members of the C.F.N. system (the Central Fueling Network). Many agricultural operators will be removing their fuel storage facilities on their farms due to environmental laws and requirements and the financial cost of compliance. A cardlock alternative provides an option that will limit the need for farmers to store fuel on their site.

- 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 site contains an existing *petroleum* bulk plant which provides fuel to farming operations. The site is located within a rail road right-of-way. Rail road rights of way are designated for general agricultural

uses. The site is bordered by low density residential development to the north east, and low density commercial uses (Old Town area of Dunnigan) to the north west. Agriculture borders the property to the east and west.

The Yolo County Department of Public Works & Transportation has determined that the existing roadway infrastructure to service this project does not provide the required turning radius for semi-trucks to use the site (State standards require a 50 foot turning radius). Therefore, the proposed project has the potential to cause a traffic hazard on County Road 99W.

There will be slow turning trucks, swinging wide into the opposite traveling lane in order to get in and out of the cardlock facility. The applicant will be required to improve the public right-of-way to address automobile and semi-truck traffic.

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

The subject property is located within a rail road right-of-way. The right-of-way has been designated AG (agricultural) as per Inset B of the Dunnigan Vicinity General Plan Map of the County of Yolo. The proposed cardlock facility provides fueling services predominately to agricultural customers. As a result of federal and state environmental laws and requirements (federal Clean Air Act,

state Air Resources Board requirements, etc.) and the high cost of cleaning-up toxic substances, agricultural operators have had to remove or will soon be removing fuel storage facilities (bulk fuel storage facilities) on their farms. Therefore requiring them to obtain fuel supplies elsewhere. The cardlock facility will operate as a central fueling facility for agricultural operators. Agricultural operators will drive to the cardlock facility to fuel their farming equipment and fuel trucks that will transport the fuel directly to their field operations.

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

The applicant will be providing all necessary infrastructure for the proposed project including road improvements. The applicant is required to relocate any infrastructure at their expense in conformance with the proposed conditions of approval and mitigations.

Land Use Policy 18 of the Yolo County General Plan

In accordance with Land Use Policy 18 of the Yolo County General Plan, the 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 reason of hazard or nuisance to concentrations of people, the

Planning Commission finds:

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

The 2 acre subject property is zoned A-1 (Agricultural General). Section 8-2.604 (t) of the A-1 Zone states: "Commercial and industrial uses of primary and essential service to the agricultural use of the area . . ." The proposal is a C.F.N. cardlock fuel facility. The proposed cardlock facility provides fueling services predominately to agricultural customers. As a result of federal and state environmental laws and requirements (federal Clean Air Act, state Air Resources Board requirements, etc.) and the high cost of cleaning-up toxic substances, agricultural operators have had to remove or will soon be removing fuel storage facilities (bulk fuel storage facilities) on their farms.

The cardlock facility will operate as a central fueling facility for agricultural operators. Agricultural operators will drive to the cardlock facility to fuel their farming equipment including fuel trucks that will transport the fuel directly to their field operations (i.e. the tractor in the field).

- Will not diminish nor prevent agricultural use on site or on adjoining agricultural lands, and

The 2 acre property is designated and zoned for agricultural use. A petroleum bulk plant exists on

a portion of the site. The development of the site for the cardlock facility will use approximately 3/4ths of an acre of land of the site that is currently not developed.

The site is currently bordered to the east and west by agriculture.

- The use does not have some hazard or nuisance aspect which precluded it from being placed in an urban area, and

The cardlock facility will involve the sale of gasoline and diesel fuel for automobiles and semi-trucks. These fuels do not present a unique hazard or nuisance aspect that precludes it from being placed within an urban area. The cardlock facility is being located in a customer service area (Dunnigan area) which predominantly involves agricultural operators.

Currently, within the Woodland area Ramos Oil has a similar cardlock operation near U.S. I-5.

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

The proposed project will involve the removal of 3/4 of an acre from an existing the 2 acre site which contains a bulk plant. The 3/4 acre site is not commercially farmed.



A ten minute recess was called at 10:20 a.m.

6.2 A workshop on the Dunnigan General Plan to receive comments and Commission direction (M. Hamblin)

Mark Hamblin gave the staff report. He said that at this time staff is requesting comments from the Commission, as well as anyone from the public, so that information can be compiled to further update the document.

Chairman Heringer asked if there are any questions regarding the content of the document.

Commissioner Rodegerdts said that he is not sure that it is appropriate that any particular preference should be stated as to where the town center should be. He feels it should evolve at its own direction.

Mark Hamblin stated that comments back from the public are needed to get a better direction as to where to proceed.

Commissioner Rodegerdts said he found it disturbing, that on page 58, it states that factory outlet centers shall be limited to the highway commercial area north of County Road 6. He thinks that the factory outlet concept is inappropriate up there and shouldn't be suggested in the General Plan.

Chairman Heringer asked if there are any more questions before the public hearing is opened.

The public hearing was opened.

Chairman Heringer said we're just exchanging ideas and comments as to how we should proceed.

Mr. Ramos, of Ramos Oil Company, said he submitted extensive comments on the plan, and he will try to attempt to answer any questions regarding the comments. He stated that one of his biggest concerns with the proposed plan is the restrictions of trucks at Road 6. He feels it's not realistic to restrict trucks because businesses are located there that are catering to truck traffic.

Commissioner Heringer said he appreciated Mr. Ramos' letter, and that some of the recommendations can be used.

The public hearing was closed.

Commissioner Stephens did not have comments at this point.

Commissioner Woo said that Mark Hamblin did a great job on the report. She thinks Kent's recommendations should be reviewed because he made some good points. She would like the town center to be by the old community center because she feels there's a point of gravity there already.

Commissioner Walker congratulated staff on their efforts. He said that Mr. Ramos' background information was very well developed and reasonable. He thinks it's extremely important to recognize and respect the wishes of the residents of Dunnigan.

Commissioner Rodegerdts congratulated Mark for doing a good job. He would like Mr. Ramos' comments to be on the Advisory Committee agenda for review. He said he hopes that Mr. Ramos will attend one or more of the meetings.

Commissioner Woo thinks a better noticing procedure should be perfected.

Mark Hamblin said, after the comments are compiled, the document will be presented to a formalized Dunnigan Citizens Advisory Committee.

Commission Action

- (1) **RECEIVED** public comments regarding the revised Strikeout/Insert version of the draft Dunnigan General Plan dated August 31, 1998;
- (2) **DIRECTED** staff to initiate the process to re-establish the Dunnigan Citizens General Plan Advisory Committee as a Board of Supervisors appointed advisory review committee that serves to represent the citizenry of the unincorporated Town of Dunnigan for formal committee review and comment;
- (3) **DIRECTED** staff to begin the formal review process of the revised Draft Dunnigan General Plan dated August 31, 1998 with the reconstituted and appointed Dunnigan Citizens General Plan Advisory Committee, in preparation of further Planning Commission action and subsequent adoption by the Board of Supervisors.

MOTION: Rodegerdts SECOND: Stephens
AYES: Walker, Woo, Stephens, Heringer, and Rodegerdts
NOES: None
ABSTAIN: None
ABSENT: Lang

Commissioner Heringer said that when the Ramos Oil Company comes into a community, they do nothing but benefit the community. He told Kent Ramos that he is pleased that his request was granted this morning.

Mr. Ramos thanked staff. He said they, especially Mark Hamblin, were really cooperative and responsive to their efforts.

Following presentation of the application and the recommended action, a public hearing was held at which one person from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately twenty minutes.



6.3 A continuation of a workshop to discuss the policy issues relative to the County's holding of Conservation and/or Habitat Easements (D. Morrison)

David Morrison gave the staff report and stated that this a continuation of previous discussions held by the Planning Commission regarding the assignment of conservation easements. He offered to answer any questions from the Commission.

There were no questions by the Commission at this time.

The public hearing was opened.

Mr. Deering, Vice President of the Yolo Land Trust, thanked staff for bringing back nicely articulated options listed in a straightforward and clear fashion. He explained the options and stated that zoning should be used if you want to change it in the future, and easements should be used if you want it to be a permanent thing. Mr. Deering introduced Kathryn Kelly, the new Executive Director of the Yolo Land Trust.

Ms. Kelly, the new Executive Director of the Yolo Land Trust, added comments to Mr. Deering's analysis of the staff report. She asked the Commission to recommend that they allow the Land Trust to hold these easements, either in conjunction with County staff or independently.

Commissioner Walker expressed the concern that as leadership changes in organizations, such as the Yolo Land Trust, philosophies and attitudes may change, so he sees the same set of vulnerabilities in existence over time.

Commissioner Woo asked Ms. Kelly for a scenerio of what she would consider appropriate easement that the Yolo Land Trust should hold, rather than have the County hold it. She said the easiest scenerio would be one that was purely agricultural land that was in agriculture and would continue to be in agriculture, where there's a long track record of being able to effectively work with those types of easements. She stated that one of their sole purposes is agricultural easements.

Commissioner Stephens asked Ms. Kelly how she would feel about the Land Trust holding an

easement jointly with the County. Ms. Kelly said they have experience in doing it and have smooth operating procedures for implementing this, and it's second nature to them.

Ms. Noble, of Teichert Aggregates, stated that they strongly agree with the staff report outlining Alternative Number 1. She expressed that the very important word in that alternative is -- it is conservation easements held by the mining industry in fulfilling permit conditions. She thinks Alternative 1 reflects the four-year history leading up to this presentation.

Commissioner Rodegerdts asked Ms. Noble what her objection would be to Alternative 2? She said it would open up a new Pandora's box as to what the fees and titles are. She said in regards to the mining, she feels they're further down the road to turn the wagon around and recreate the wheel. She stated that their position remains Alternative No.1 at this point in time.

Mr. Perry, representing Syar Industries, said he agrees with the staff report and the fine job that has been put together in this report. He feels that entering into a conservation easement with the County is the appropriate place for it to take place. He said the fees have been established already under the fee ordinance, and it seems like in a period of time the County has the ability to review all Conditions of Approval of the permits and their different elements. He stated that it is their recommendation also that they go with Alternative 1 and continue the way the permits and planning have been going on for a while.

Commissioner Woo asked Mr. Perry what his objection is to Alternative 2. He said it's the unknown right now and that if we go with Alternative 2, there's still, after the mining permits are gone, the concern of dealing with the unknown, and fees could be levied that are completely unreasonable at the time. He feels that with the County we have the ability on a public hearing basis to express concerns and comments by other people.

The public hearing was closed.

Commissioner Woo believes that the Yolo Land Trust should hold easements when it seems reasonable that they should. She asked David Morrison if they're open to another non-profit besides Yolo Land Trust. He said certainly, the language can be written that way. She stated that it would be great to have non-profits holding easements, but only when it's most appropriate for that to happen, as described above by Ms. Kelly of the Yolo Land Trust; however she does not want to see the gravel easements taken over by the non profits since the County has to watch over them. She stated that if the objections to Alternative 2 can be dealt with, she would be inclined to say Alternative 2 is reasonable, but she's not certain at this point.

Commissioner Stephens said she does not think it's unreasonable for the Land Trust to have some involvement in the holding of these easements. She doesn't think it makes it impossible for the gravel operations to operate under these easements, or participate at a level that they expect to. She said Alternative 3 was her original choice, that they be held jointly, and if that proves unworkable, and that can be demonstrated to them by a neutral party, then Alternative 2. She stated that she does not see that it absolutely needs to be only by the County.

Commissioner Walker said he can live with either Alternative 2 or 3, with the County holding the primary responsibility. He also suggested that moving some wording from Alternative 4 to Alternative 3 would be beneficial.

Commissioner Rodegerdts thinks that the easement that was before them earlier, was an agricultural conservation easement, which attracted the Yolo Land Trust's interest. He feels it is unreasonable to expect the Board of Supervisors, or unreasonable to propose, that those easements be held solely by the Yolo Land Trust, or any non profit, to the exclusion of the County. He stated that he prefers Alternative 3.

David Morrison suggested to the Commission that whatever policy gets adopted, it refers solely to agricultural conservation easements because habitat conservation easements will be held by Fish and Game through their 2081 permit process.

Steven Basha, County Counsel, asked for a point of clarification. He asked Commissioner Walker if he said something about taking a sentence or so out the proposed policy 4 and moving it up to 3. Commissioner Walker said, correct. Steven Basha clarified by asking if the last sentence in 4 would become part of 3. Commissioner Walker said yes. Also, Mr. Basha clarified that there was also discussion saying Yolo Land Trust or similar non-profit organization dedicated to preserving agricultural and habitat lands, should also go in 3. Commissioner Walker said yes, that would be more comprehensive and advantageous. He said that if 3 is adopted in its present form without adding the second sentence in 4, it seems to him that it's incomplete. Commissioner Walker said that 3 should be adopted in its form and include the second sentence which is presently under 4.

Steven Basha stated that, if Commissioner Walker was making this proposal, everything will be taken after the word "trust" in the third line of 4 and moved up and added to 3. Commissioner Walker agreed.

Commissioner Woo also suggested that the wording be moved up to 2 also. Steven Basha clarified her suggestion, that the last sentence of 4 should be added to Alternative 2. She agreed.

Commissioner Heringer stated that he is in favor of Alternative 1, and if it changes it will put in new controls that are not changing it for the better.

Steven Basha pointed out that this policy, as its been presented, will only apply to the mining permits and the conservation easements, and we would only be talking about the agricultural easements. He said there is a narrow focus here and that should be made clear. He stated that it could be expanded but that's not what is on the agenda as part of the staff report. Mr. Basha clarified the language for Commissioner Walker as follows: The first sentence of 3 would read: "Agricultural conservation easements proposed to fill Conditions of Approval associated with approved mining permits within the Cache Creek Area Plan shall be jointly held by the County and the Yolo Land Trust or a similar non-profit organization dedicated to preserving agricultural

lands. The document executing the agricultural conservation easement shall include language that requires this easement to revert to the County of Yolo should the non-profit organization no longer exist or should the County determine that the organization is not satisfactorily fulfilling its required duties.”

Ms. Noble stated that she had indicated a very strong position for Alternative 1; however they could live with Alternative 2 because, again, they know what they’re being measured against. She said that if they are put in a position where they are negotiating in checks and balances, they could drown and never know it. She said she strongly recommends Alternative 1, but Alternative 2 is certainly agreeable.

David Morrison followed up by saying that the origin of this debate began with Solano Concrete and their offer of dedication. He said that this will become a more common occurrence that conservation easements will be happening outside of mining in the Cache Creek Area Plan. He suggested that the Commission may want to consider deleting that language and making it a blanket policy for any Conditions of Approval associated with any project, instead of focusing on mining only.

Commissioner Walker asked Commissioner Rodegerdts to speak regarding the issue.

Commissioner Rodegerdts thinks that David Morrison’s suggestion that the mining be stricken is good. He feels that if action is taken other than Alternative 1, then the shared responsibility is reasonable and he is inclined to think that Alternative 3, with revisions, is probably the best choice.

Commissioner Heringer stated that he prefers Alternative 2 or 3 on the agricultural easements that are to come. He doesn’t think the contracts that have already been established should be bothered.

Commission Action

- (1) **RECOMMENDED** that Alternative 3 be adopted with the revisions as read by Steven Basha as follows:

Agricultural conservation easements proposed to fulfill conditions of approval associated with approved mining permits within the Cache Creek Area Plan shall be jointly held by the County and the Yolo Land Trust or a similar non-profit organization dedicated to preserving agricultural lands. The document executing the agricultural conservation easement shall include language that requires this easement to revert to the County of Yolo should the non-profit organization no longer exist or should the County determine that the organization is not

satisfactorily fulfilling its required duties.

MOTION: Walker SECOND: Stephens
AYES: Walker and Stephens
NOES: Heringer and Woo
ABSTAIN: Rodegerdts
ABSENT: Lang

The motion did not carry a majority. This alternative motion was made.

Commission Action

- (1) **RECOMMENDED** that Alternative 2 be adopted with the revisions as read by Steven Basha as follows:

Agricultural conservation easements proposed to fulfill conditions of approval associated with approved mining permits within the Cache Creek Area Plan area shall be held by the County until such time as the permit expires. Immediately following expiration of the permit, possession of the agricultural conservation easement shall be transferred from the County to the Yolo Land Trust or a similar non-profit organization dedicated to preserving agricultural lands. The document executing the agricultural conservation easement shall include language that requires this easement to revert to the County of Yolo should the non-profit organization no longer exist or should the County determine that the organization is not satisfactorily fulfilling its required duties.

MOTION: Woo SECOND: Walker
AYES: Walker, Woo, Stephens, and Heringer
NOES: None
ABSTAIN: Rodegerdts
ABSENT: Lang

Following presentation of the application and the recommended action, a public hearing was held at which four people from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately thirty five minutes.



A ten minute recess was called at 12:45 p.m.

- 6.4 A request for the initiation of revocation hearings for Conditional Use Permit 96-033 granted to Kris La Point that allowed for the development of two Aquaculture Ponds (J. Bencomo)

John Bencomo gave the staff report, stating that staff wants to make sure to be clear on what

the permit does and doesn't require, because a skiing recreational operation was never part of that original operation or approval.

The public hearing was opened.

Mr. La Point described the project and answered questions from the Commission. He stated that he had not realized a building permit was required, which was his error. He said that it's true that some of the owners in their company and their friends have water skied on their ponds. He said it's not a commercial operation and that they are not soliciting commercial operation, and it's not for personal recreation.

Commissioner Stephens asked if Mr. La Point is willing to cooperate with staff in resolving this issue. Mr. La Point said yes.

Commissioner Rodegerdts asked if the Enterprise article is correct that he planted 40,000 catfish finger lings in the fish pond. Mr. La Point said yes. Commissioner Rodegerdts also asked if there are any finger lings in the other pond. Mr. La Point said no and explained why. He also explained the process of feeding fish in answer to questions by Commissioner Rodegerdts.

Commissioner Woo asked Mr. La Point why it was not shown in the original application that they would be skiing the ponds, and it was something they added later. Mr. La Point said that it was a last minute addition on their part, and that they should have been brought that up before they did it.

Commissioner Walker asked Mr. La Point questions about his aquaculture pond operation, including what types of fish they have. Mr. La Point answered all questions. He also stated that they have channel catfish.

Commissioner Walker asked how the specific areas of concern of this item are being addressed.

John Bencomo stated that these include the unsecured building permits and the waterskiing aspect and at what point it becomes a commercial recreational facility and not just an individual using his property.

Commissioner Walker asked Mr. La Point if he is in the process of applying for building permits. Mr. La Point stated that he is in the process of dealing with the issue of waterproofing all the wood for a boat dock, since permits cannot be obtained until this process is complete.

John Bencomo said the waterproofing issue can be worked on with the Building Official, however the waterskiing issue is more of a gray area.

Commissioner Rodegerdts expressed his concerns about where the waterskiing issue is going, especially if there are more owners and more waterskiing.

Commissioner Stephens asked if Mr. La Point had asked to excavate 233 acres of farmland, or if these were existing pits. John Bencomo answered that they were excavated, not existing farmland. Commissioner Stephens stated that the real issue is if aquaculture isn't the primary purpose of the ponds, then Mr. La Point is not in compliance with the conditions of his permit.

Mr. La Point stated that it is most certainly related to farming because it is a farming operation, not a waterskiing operation.

Mr. Defty, Contractor, expressed reasons for his concern that Mr. La Point is using the agricultural veil and aquaculture to have water ski ponds and recreational/commercial use. He feels it sets a bad precedence.

Commissioner Heringer asked Mr. Defty why he was here. He answered that he is here because he highly disagrees with this sort of practice and because of his involvement with the other landowner in the project, and to give information that will help to make a better educated decision.

Commissioner Heringer asked Mr. La Point why some of the dirt was hauled to Sacramento instead of to the Yolo County Landfill. Mr. La Point said that 1,500 yards was moved to Sacramento City and the rest was hauled to the Yolo County Landfill.

Commissioner Heringer said he has a problem with using the pond for commercial waterskiing.

Mr. Harlan, as a representative of his family, clarified his interest in this issue. He stated that aquaculture operations are fine but a controversial use is not.

Commissioner Woo asked Mr. Harlan, that as a neighbor, if he's seen large numbers of people out there skiing. He said, yes, they have observed skiing, which occurs on a regular basis.

The public hearing was closed.

Commissioner Walker stated that he is sympathetic to aquaculture, and that there are some basic incompatibilities between skiing and serious aquacultural pursuits.

Commissioner Rodegerdts said that if Mr. La Point is a serious aquaculturist, he should come up with an effective resolution of the identified infractions, as an act of good faith, and demonstrate his genuine seriousness about his agricultural pursuits on the property, by being prepared to cease any waterskiing activity on the ponds.

Commissioner Rodegerdts suggested that unless the resolution that comes back is reported to the Commission as the eventual outcome of the discussions Mr. La Point has with the staff, that waterskiing in some form will continue on these ponds. He is not satisfied that with kind of resolution. Commissioner Rodegerdts stated he will support the motion today.

Commissioner Walker bases his recommendation on the fact that fairness for the possibility of misunderstanding always needs to be recognized, and if that's the case, misunderstandings will be resolved.

Commissioner Woo stated she doesn't think the fish ponds are designed as fish ponds. She

Commissioner Heringer asked Mr. Flory if he's aware of very much interest in extending this from anywhere in the County.

Mr. Flory said a couple of people have asked questions, but there have been no serious inquiries.

Commissioner Heringer asked if it would be fair to assume that the interest to date, based on limited knowledge, is minor.

Mr. Flory said the Planning Department would get more inquiries than he would.

David Morrison said he talked to at least a half dozen people who have expressed interest. He doesn't think, however, that it's very known at this time by the general population since the law is relatively new.

Commissioner Stephens asked Mr. Flory what the typical ratio is now?

Mr. Flory said that, countywide, it's about 50% reduction. It would take it 35% more than the 50%. He stated that there is no provision in the bill for increasing the subventions.

David Morrison commented that this is a policy call. It is a balance between appropriate rates of taxation and preservation of farmland.

Commissioner Rodegerdts expressed his concerns about the preservation of this County's agricultural land.

Commissioner Walker said that from a realistic standpoint, 65% of the growth has occurred in Davis, 35% in Woodland and almost 0% in the County generally, and given the influence of developers, he doesn't think much is going to happen.

Commissioner Stephens feels that probably the biggest threat to agriculture in Yolo County is poor economic returns that are perceived from agriculture. She said she cannot support something that causes to lose up to a million dollars more a year which makes us more at risk for loss of agricultural land.

Commissioner Woo likes David Morrison's suggestion about using the Super Williamson Act just for places where we really do want to limit the incursion of non-agricultural uses, or if there's some really special place that we really want to preserve for some outstanding reason, otherwise she cannot see losing the money. She says the Williamson Act can be used.

John Bencomo said that this was brought to the Commission to make them more familiar with the recent amendment to the Williamson Act, and secondly, that this is going to be a decision that the policy body will have to grapple with at the Board level. He stated that this discussion is somewhat of a prelude to that discussion and he suggested that staff will be happy to carry forward any recommendations the Commission might have, to introduce into that discussion at the Board, with regard to this issue.

Commissioner Walker suggested that options be discussed to achieve protecting agricultural soils in areas.

The public hearing was opened.

Mr. Harlan, current president of the Yolo County Farm Bureau, stated that the California Farm Bureau is not happy with the lack of subvention going back to the counties, and they are working on trying to address that situation. He would like to see more funds kicked back to the County, and that the issue be further pursued and studied by the Commission of the twenty-year Williamson Contracts. The additional benefits of the Williamson Act, besides the dollar tax decrease, are those benefits seen to others in efforts of farmland preservation, first and foremost, which have been expressed by this County as an important goal.

Commissioner Rodegerdts commented that one advantage is that the Williamson Act creates a farm security zone, and a common interest is insured.

Commissioner Stephens stated that she perceives that there is the need for the agricultural economy to evolve into a higher output type of thing, so that agriculture itself can generate more economic returns for the County.

Mr. Deering, Vice President of the Yolo Land Trust, believes that the Super Williamson Act, especially the zones that have been discussed, could be a tool for the planners to use to help plan for growth and for agriculture in Yolo County. He'd like to see the Farm Bureau work on the subvention question, and maybe some money can be brought in to help pay for it.

The public hearing was closed.

David Morrison stated that this being a policy discussion, staff would like a recommendation from the Planning Commission on how this issue should be presented to the Board of Supervisors.

Commissioner Rodegerdts said he would like to see staff take a look at this zoning concept and give the Planning Commission some alternatives so they can form a collective viewpoint to present to the Board.

John Bencomo explained that this discussion will be expanded much more at the Board level, where staff will provide a host of alternatives.

Commissioner Walker moved that instead of accepting the recommendations as stated in Item 6.5, that the Commission continue this discussion at the next Planning Commission meeting, and clarify the points of concern to us and to staff.

Commission Action

- (1) **RECOMMENDED** that, instead of accepting the recommendations in Item 6.5, the Planning Commission continue this discussion at their next meeting, and clarify the points of concern.

MOTION: Walker SECOND: Rodegerdts
AYES: Walker, Woo, Stephens, Heringer, Lang, and Rodegerdts
NOES: None

ABSTAIN: None
ABSENT: None

Following presentation of the application and the recommended action, a public hearing was held at which two people from the public appeared, followed by the deliberations of the Planning Commission which lasted approximately twenty minutes.



7. ASSISTANT DIRECTOR'S REPORT

A report by the Assistant Director on the recent Board of Supervisor's meetings on items relevant to the Planning Commission. An update of the Planning and Public Works Department 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.

Assistant Director Bencomo brought the Commission up to date on the following:

- (1) The Zoning Amendment will be presented at the November meeting.
- (2) A workshop on the Draft of the Knights Landing General Plan Revision will probably be presented at the next meeting.
- (3) The Minutes issue should be remedied in the very near future.
- (4) The Planning Commission Meetings may be relocated to the Board Chambers, so there can be cable television coverage.
- (5) The first new planner will probably be on board after the first of the year.
- (6) Recruitment is still taking place for the two engineering positions.



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.

1. Commissioner Rodegerdts thanked fellow commissioners who were at the joint session yesterday. He said he also attended the well organized celebratory event at Indian Valley of the retirement of the bonds nineteen years ahead of schedule. He announced that on September 24, the Iowa Supreme Court declared their Statewide Right to Farm Ordinance unconstitutional in a 7-0 decision.
2. Commissioner Woo stated that she attended the Indian Valley event also, and that it was very well done.



9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 2:50 p.m. The next Regular Meeting of the Yolo County Planning Commission will be held on Wednesday, November 4, 1998, at 8:30 a.m., in the Planning Commission Chamber.

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** from the date of the action. A written notice of appeal specifying the grounds and an appeal fee **immediately** payable to the Clerk of the Board must be submitted **at the time of filing**. The Board of Supervisors may sustain, modify or overrule this decision.

Respectfully submitted by,

John Bencomo, Assistant Director
Yolo County Planning and Public Works Department

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