

MINUTES

YOLO COUNTY PLANNING COMMISSION

September 2, 1998

1. CALL TO ORDER

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

MEMBERS PRESENT: Walker, Woo, Stephens, Heringer, Lang, and Rodegerdts
MEMBERS ABSENT: None
STAFF PRESENT: John Bencomo, Assistant Director
David Flores, Senior Planner
Mark Hamblin, Associate Planner
Steven Basha, County Counsel



2. ADOPTION OF THE MINUTES FOR THE PREVIOUS MEETINGS

Commission Action

The Minutes of the August 12, 1998 meeting for Item 6.3 (Economic Development Grant Application) were read into the record and adopted. The balance of the Minutes of the August 12, 1998 meeting were continued for consideration at the next regular scheduled meeting.

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



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.



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.

- 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 o n t i n u e t h i s i t e m f o r a n
u p d a t e w i t h t h e C o m m i s s i o n a t t h e n e x t m e e t i n g .

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



6. REGULAR AGENDA

- 6.1 **98-031** - A request for a Lot Line Adjustment and the merging of a 4.185 acre parcel with a 88.76 acre parcel of land. In addition, a Zone Change request from A-1 to A-P and a revision to the existing Williamson Act Contract. Subject parcel is located at 25925 County Road 34 at the end of County Road 87, northwest of Winters in the Agricultural Preserve/Agricultural General (A-P/A-1) zone. A Negative Declaration has been prepared for this item. APN: 030-320-09 and 11. Owner/Applicant: Dudley Sparks/Michael and Kim Olivas (D. Flores)

Commission Action

Recommend that the Board of Supervisors:

- (1) **CERTIFY** the attached Categorical Exemption as the appropriate environmental document for this project in accordance with the California Environmental Quality Act

(CEQA) and Guidelines (**Exhibit 3**);

- (2) **ADOPT** the FINDINGS for approval of the lot line adjustment/merger as presented in the staff report;
- (3) **APPROVE** a Zone Change of the 4.185 acre parcel from an Agricultural General (A-1) Zoning to an Agricultural Preserve (A-P) Zoning designation;
- (4) **APPROVE** a revision of the Williamson Act Agreement to include the 4.185 acres into the Williamson Act (Agreement No. 78-67/AP # 42);.

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

CONDITIONS OF APPROVAL

- 1. Within sixty (60) days of the approval of the recommended action by the Board of Supervisors, the applicant shall submit, for review and approval to the Planning and Public Works Department, the agricultural preserve legal description to be incorporated into the Land Use Contract for the subject property.
- 2. The Adjusted Williamson Act Contract established for the subject property shall be incorporated as part of Agricultural Preserve No. 42.

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

- 3(a) 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.

(b) 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.

FINDINGS

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:

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.

In accordance with Section 8-2.3005, Article 30, Chapter 2 of Title 8 the Yolo County Regulations, and Chapter 4 of Title 7 of the Government Code of the State, the Yolo County Board of Supervisors finds that:

1. That the public health, safety, and general welfare warrant the change of zone;

The proposed addition of a 4.185 acre parcel to an existing Land Conservation (Williamson Act) Contract will satisfy the purpose of the zone by preserving agricultural lands, by preventing the unnecessary conversion from agricultural uses and in maintaining the County's agricultural economy.

2. The zone or regulation is in conformity with the Master Plan (General Plan);

As addressed in the General Plan Discussion Section of this report, the proposed project is determined to be in compliance with the intent of the General Plan policies and applicable Zoning Regulations.

3. That the soils found on the subject property are predominately prime soils according to the Soil Survey of Yolo County; and

As indicated in the Background Section of this report, the proposed property includes Corning gravelly loam

and Positas gravelly loam, which are identified as Class IV and Class VI soils. Although these parcels are not considered prime soils, the applicant has successfully established productive orchards on the property.

4. That the zone change and the inclusion of the property into the Williamson Act Land Use Contract meets the exception to minimum acreage size as outlined in Section 8-2.408(e)(2)(I).

The proposed property/site abuts property that is already classified in the Agricultural Preserve zone, and will be incorporated as part of the larger existing Agricultural Preserve No.42 . The 92 acre parcel meets the minimum acreage requirements as established under the Blue Ribbon Ordinance.

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6.2 **98-016** - 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)

Commission Action: Continued item to next meeting in October.

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

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6.3 **95-079** - A consideration of a Modification to Condition of Approval #25.4 to the Syar Industries Long-Term Off-Channel Mining Permit in order to allow sand extraction to occur in Mining Area C, instead of Mining Area A as was approved in the Plan, and Financial Assurances to ensure reclamation of the mined area. The property is located

between County Roads 87 and 89, between State Highway 16 and Cache Creek, north of Madison and Esparto in the Agricultural Preserve/Sand and Gravel (A-P/SG). An Addendum Environmental Impact Report has been prepared for this item. APN: 049-120-06. Owner/Applicant: Syar Industries, Inc./John Perry (M. Hamblin)

Commission Action

- (1) **CERTIFIED** that the Addendum Environmental Impact Report (Exhibit 3) 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 (Exhibit 2);
- (3) **APPROVED** the modification to the Syar Long-Term Off-Channel Mining Permit (Zone File 95-079) Condition of Approval No. 25.4, subject to the revised condition of approval as presented in the staff report;
- (4) **APPROVED** financial assurances in the amount of \$71,589.00 to ensure the reclamation of approximately 16 acres to row crop agriculture (Exhibit 4).

REVISED CONDITION OF APPROVAL

Staff recommends that Condition of Approval No. 25.4 be revised as follows:

The phasing of mining and reclamation shall proceed in a westward manner from the existing plant site in the following sequence of mining: Phase C, A, D, E, F, and B.

Any additional changes to the sequence of mining and reclamation shall require appropriate approval from the County.

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

FINDINGS

In accordance with Section 8-10.401 of the County Development Agreement Ordinance,

the Board of Supervisors adopts the following findings with regard to the proposed modification of Condition No. 25.4 of Board of Supervisors Minute Order No. 96-446, which is Item 2 of Exhibit B of Development Agreement No. 96-288:

- (a) The proposed project is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.**

The proposed project involves a modification to a Condition of Approval in the applicant's long-term off-channel mining permit approved by the Board of Supervisors in November, 1995.

Syar Industries, Inc. is seeking a modification to Condition No. 25.4 of their Long-Term Off-Channel Mining Permit so that excavation can start in Mining Area C instead of within Mining Area A as required. The modification of the condition will allow sand and gravel extraction in Mining Area C to occur earlier than currently approved in the plan.

The modification to the condition is consistent with the Off-Channel Mining Plan, the Cache Creek Resources Management Plan and the County General Plan.

- (b) The proposed project is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is or will be located.**

The proposed modification is limited to revising the mining sequence originally approved in the applicant's long-term off-channel mining permit so that extraction of sand in Mining Area C can occur earlier. The modification does not include any new

uses other than those specifically allowed in the applicant's approved Long-term Off-Channel Mining Permit and Reclamation Plan.

- (c) The proposed project is in conformity with and will promote public convenience, general welfare and good land use practice.**

The proposed condition would result in the excavation of sand and gravel starting at a location farther away from a residential community (Town of Madison) than what was originally approved in the applicant's Long-Term Off-Channel Mining Permit. All currently adopted conditions and mitigations measures to protect public health and safety, an to minimize impacts on lands will remain in effect.

- (d) The proposed project will not be detrimental to the health, safety and general welfare.**

The proposed modification will not create any new adverse environmental impacts beyond those identified in the applicant's approved Long-Term Off-Channel Mining Permit, Reclamation Plan or certified FEIR.

- (e) The proposed project will not adversely affect the orderly development of property or the preservation of property values.**

The proposed modification to Condition 25.4 will facilitate the implementation of long-

term mining operations. Off-site agricultural operations and property values in the immediate area will not be adversely affected except as described in the certified Project EIR area. This modification only changes the timing of sand extraction in Mining Area C by allowing that area to be mined prior to conducting extraction in Mining Area A as originally approved.

- (f) The proposed project will meet the intent of Section 8-10.202(a) of the County Development Agreement Ordinance, which states that: “In consideration for entering into a development agreement, the County shall gain public benefits beyond those already forthcoming through conditions and mitigations on project approval.”**

As documented in Development Agreement No. 96-288, the Syar Long-Term, Off-Channel Mining Permit includes the following “net gains” to the County:

- Dedication of a 228 acres of permanent lakes.*
 - Dedication of 32 acres of reclaimed native riparian habitat.*
 - Dedication of the reclaimed habitat and lake at the Phase F mining site.*
 - Dedication of the restored habitat located north of the reclaimed lake and reclaimed in-channel land extending to the centerline of Cache Creek.*
 - Dedication of a 40 foot access easement from Cache Creek and County Road 20X to the dedicated lake and habitat.*
 - Restoration of 7 acres near the Madison plant site to riparian habitat.*
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- Construction of a facility to reduce flooding along Willow Slough, and dedication of an easement for storm water detention.*
 - Dedication of public access to the centerline of Cache Creek from County Roads 87 and 89, if not already held by the County.*

The proposed modification will not change the net gains as approved under Development Agreement No. 96-288.

In accordance with Section 10-4.509 of the County Surface Mining Ordinance, the Board of Supervisors adopts the following findings with regard to the proposed modification of Condition No. 25.4 of Zone File No. 95-079 (Syar Long-Term, Off-Channel Mining Permit), as approved by the Board of Supervisors under Minute Order No. 96-446.

- (a) The proposed project complies with SMARA and the County Surface Mining Ordinance.**

Syar’s currently approved mining plan has the phasing of mining and reclamation proceeding in a westward manner from the existing plant site in the following sequence of mining: Phase A, C, D, E, F, and B. The applicant is proposing to switch phases A and C so that mining of C will occur first. The requested change in the mining sequence is consistent with the requirements of SMARA or the County Surface Mining Ordinance.

- (b) The proposed project shall be conducted pursuant to a reclamation plan approved in accordance with SMARA, State Mines and Geology Board Regulations, and the County Surface Mining Reclamation Ordinance.**

The Reclamation Plan for Syar's Long-Term Off-Channel Mining Permit was approved by the Yolo County Board of Supervisors on November 25, 1996, in accordance with all applicable state and local requirements. The proposed modification will not require any change to the approved Reclamation Plan.

- (c) The proposed project will not be detrimental to the public health and safety.**

The proposed project involves a change in the sequence of phasing in mining. Conducting sand extraction in Mining Area C prior to mining area A does not present any new public health and safety concern which has not already been addressed in the applicant's approved Long-Term Off-Channel Mining Permit, Reclamation Plan or FEIR.

- (d) The proposed project is consistent with the General Plan, any applicable specific plans, and the zoning of the site.**

The proposed modification only revises the timing of extraction in Mining Area A and C and would not result in any new incompatible uses with the existing zoning. The revised

phasing sequence complies with the requirements of the Off-Channel Mining Plan and the General Plan.

- (e) The proposed project is compatible with the existing uses of surrounding lands.**

Land to the east (the existing Madison Plant site) and to west are also shown as mining areas in the long-term plan. Cache Creek is north of Mining Area C and to the south is agricultural land that is zoned A-P (agricultural preserve). Excavation of Mining Area C has already been approved in the applicant's long-term mining permit and was determined at that time to be consistent with the surrounding land uses.

- (f) The site is physically suitable for the proposed project, giving consideration, but not limited to such factors as local groundwater conditions, flood protection, drainage, habitat, and aesthetics.**

Mining and Reclamation plans for mining activities to be conducted in Mining Area C have been approved in the applicant's long-term off-channel mining permit. The proposed amendment would not result in any additional environmental impact beyond those identified in the Project EIR.

- (g) The proposed project includes provisions for a "net gain" to the County.**

As documented in Development Agreement No. 96-288, the Syar Long-Term, Off-Channel Mining Permit includes the following "net gains" to the County:

- Dedication of a 228 acres of permanent lakes.
- Dedication of 32 acres of reclaimed native riparian habitat.
- Dedication of the reclaimed habitat and lake at the Phase F site.
- Dedication of the restored habitat located north of the reclaimed lake and reclaimed in-channel land extending to the centerline of Cache Creek.
- Dedication of a 40 foot access easement from Cache Creek and County Road 20X to the dedicated lake and habitat.
- Restoration of 7 acres near the Madison plant site to riparian habitat.
- Construction of a facility to reduce flooding along Willow Slough, and dedication of an easement for storm water detention.
- Dedication of public access to the centerline of Cache Creek from County Roads 87 and 89, if not already held by the County.

The proposed modification will not change the net gains as approved under Development Agreement No. 96-288.

- (h) The environmental document for the proposed project was prepared in accordance with the provisions of CEQA and the State CEQA Guidelines.**

An Addendum EIR has been prepared in accordance with CEQA.

- (i) A written response to the State Department of Conservation has been prepared and considered for the proposed project, describing the disposition of major issues raised by the Department.**

Staff sent a letter on August 4, 1998 to the Office of Mine Reclamation requesting their review and comments of the revised phasing of this project. No comments from the Department of Conservation have been received as of the date of the staff report.

In accordance with Section 51238.1 and 51238.2 of the Government Code of the State of California (Williamson Act Contracted Lands), the Yolo County Board of Supervisors finds:

Uses approved on contracted lands shall be consistent with all of the following principles of compatibility:

- (1) The use will not significantly compromise the long-term productive agricultural capability of the subject contracted parcel or parcels or on other contracted lands in agricultural preserves.*

The County's adopted Off-Channel Mining Plan requires "All offchannel prime

agricultural land and/or off-channel lands zoned AP shall either be reclaimed to an agriculturally productive state equal to or greater than which existed before mining commenced, or shall be reclaimed to those uses which are declared by the County to be compatible within agricultural preserves.

Condition of Approval No. 25.4 of Syar's Long-term Off-Channel Mining Permit which was approved in 1996 permitted phasing of mining and reclamation to proceed in a westward manner from the existing plant site in the following sequence of mining: Phase A, C, D, E, F, and B.

The applicant's reclamation of agricultural land in Phase C is consistent with the applicant's original approval of their mining and reclamation permit in 1996. Lands within Phase C are currently under Williamson Act. As the extraction process is completed in Phase C, they are to be filled to original grade and the land reclaimed for agricultural use.

(2) The use will not significantly displace or impair current or reasonably foreseeable agricultural operations on the subject contracted parcel or parcels or on other contracted lands in agricultural preserves. Uses that significantly displace agricultural operations on the subject contracted parcel or parcels may be deemed compatible if they relate directly to the production of commercial agricultural products on the subject contracted parcel or parcels or neighboring lands, including activities such as harvesting, processing, or shipping.

The proposed change in phasing to start mining in Phase C which involves lands under Williamson Act contract will at times reasonably displace and impair portions of agricultural operations on the approximate 130 acre area during the conduct of extraction. For this reason, the project does not meet all of the principles of compatibility.

However, Section 51238.2 of the Government Code states: Mineral extraction that is unable to meet the principles of Section 51238.1 may nevertheless be approved as compatible use if the board or council is able to document that (a) the underlying contractual commitment to preserve prime land as defined in subdivision (c) of Section 51201 (which defines "prime land"); or (b) the underlying contractual commitment to preserve non-prime land for open-space use as defined in subdivision (c) of Section 51201 (which defines "non-prime" land), will not be significantly impaired.

Conditions imposed on mineral extraction as a compatible use of contracted land shall include compliance with the reclamation standards adopted by the Mining and Geology Board pursuant to Section 2773 of the Public Resources Code, including the applicable performance standards for prime agricultural and other agricultural land, and no exception to these standards may be permitted

The project will continue to meet the "underlying contractual commitment to preserve prime land" since the reclamation of prime farmland will be to prime farmland in the manner required by the applicable SMARA performance standards. As the extraction process is

completed in Phase C, they are to be filled to original grade and the land reclaimed for agricultural use.

(3) The use will not result in the significant removal of adjacent contracted land from agricultural or open-space use.

The proposed modification is limited to revising the mining sequence originally approved in the applicant's long-term off-channel mining permit. The applicant's request is to start mining in Phase C prior to Phase A. The proposed modification will not remove adjacent contracted land from agricultural or open-space use that has not previously been considered in the long-term off-channel mining permit.



6.4 **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)

Commission Action: Continued to October meeting to allow for further discussion and notice to Dunnigan Community.

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



6.5 A continuation of a request to discuss Draft Amendments to the Agricultural Sections of the Yolo County Zoning Ordinance (M. Drack/J. Bencomo)

Commission Action

Directed Staff to return with final ordinance amendments for Planning Commission action.

MOTION: Heringer SECOND: Walker
AYES: Walker, Woo, Stephens, Heringer, Lang, and Rodegerdts

NOES: None
ABSTAIN: None
ABSENT: None

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6.6 A workshop to discuss the policy issues relative to the County's holding of Conservation and/or Habitat Easements.

Commission Action

Directed Staff to return with draft policies for Planning Commission action.

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

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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) Howald Appeal to be heard September 22 at 11:30 a.m.
- (2) Carvalho Appeal to be heard October 20 at 11:00 a.m.

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8. COMMISSION REPORTS

Reports by Commission members on information they have received and meetings they have attended which would be of interest to the Commission or the public. No discussion by other Commission members will occur except for clarifying questions. The Commission or an individual Commissioner can request that an item be placed on a future agenda for discussion.

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9. ADJOURNMENT

The Regular Meeting of the Yolo County Planning Commission was adjourned at 2:15 p.m. The next Regular Meeting of the Yolo County Planning Commission will be held on Wednesday, October 7, 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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